

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2013**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2013 to:
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development,
One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of **BETHEL** 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	0.892			0.892	0.000
Class 2	11.940			11.940	0.000
Class 3	56.19		0.065	56.125	0.000
State Highway	14.286			14.286	0.000
Total	83.308		0.065	83.243	0.000
					83.238
* Class 1 Lane	0.000			0.000	0.000
* Class 4	36.08	0.065	0.730	35.415	35.42
* Legal Trail	0.00			0.000	
* Unidentified Corridor	0.00			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. *Adjustments by S. Moulton 3/6/2013*

- NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening".
- DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).
- RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).
Bridge #49 on Town Highway #79 has been reclassified to Class 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.

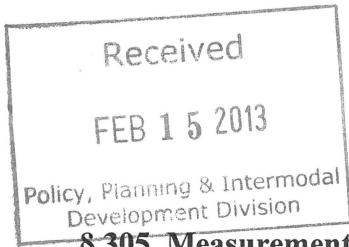
Selectmen/ Aldermen/ Trustees Signatures: Neal Fox
Joe De Freitas
Bill Hall

T/C/V Clerk Signature: Jean Burnham Date Filed: 2/14/2013

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED: Johnathan Croft DATE: 3/18/2013
Representative, Agency of Transportation



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.

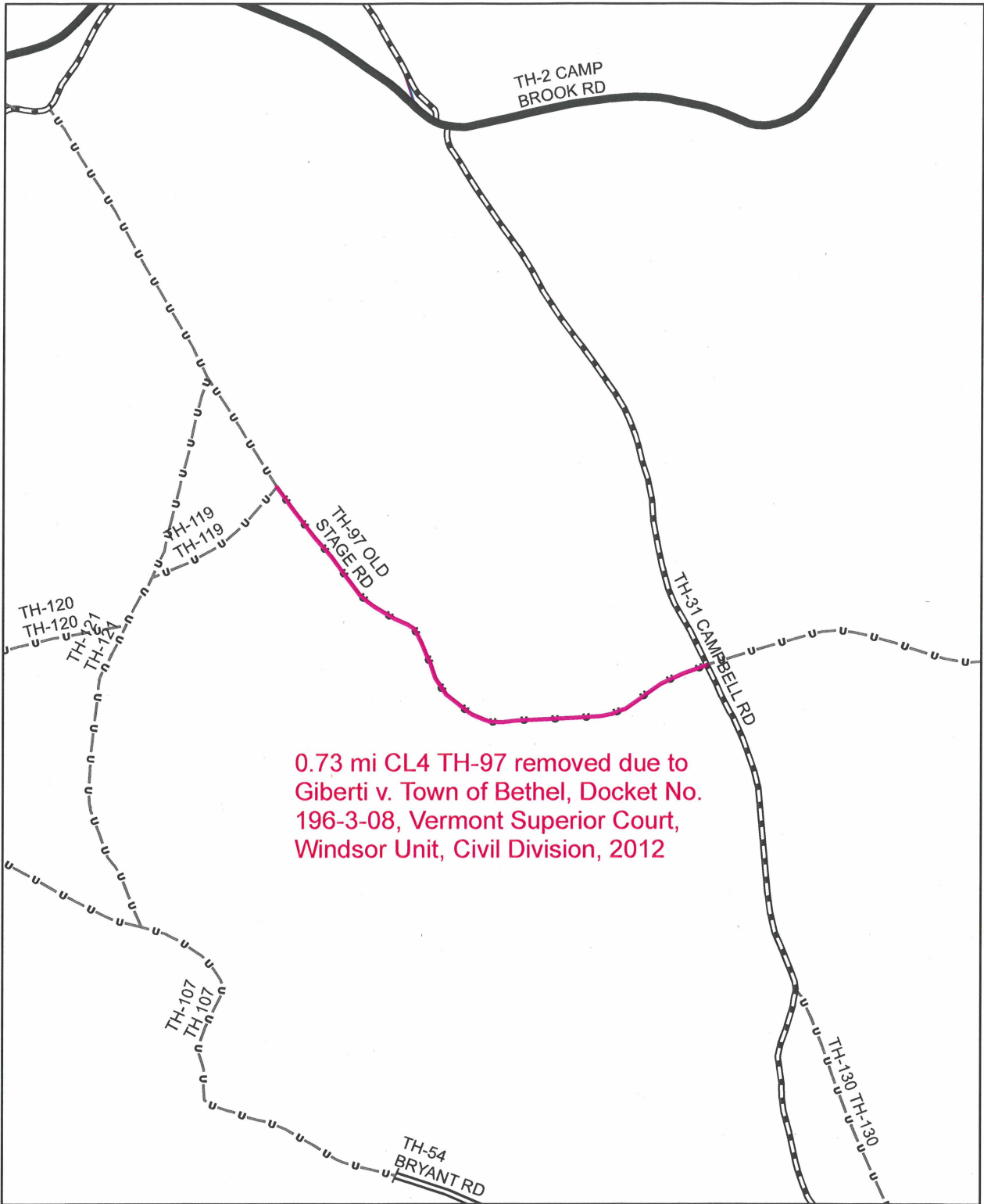
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of 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>

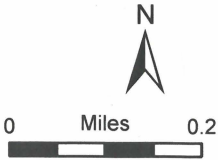
12/27/2012

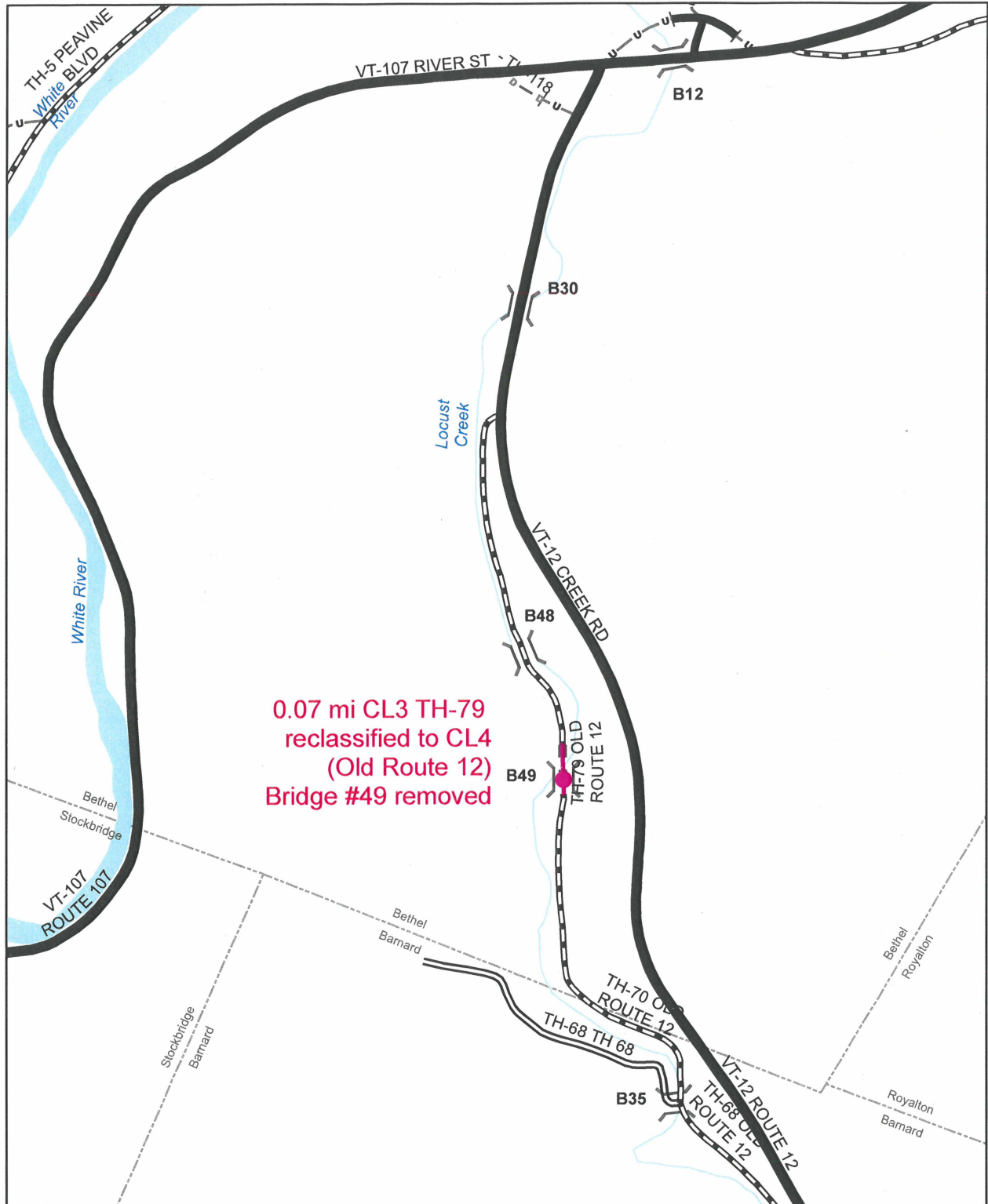


0.73 mi CL4 TH-97 removed due to Giberti v. Town of Bethel, Docket No. 196-3-08, Vermont Superior Court, Windsor Unit, Civil Division, 2012

Mileage Certificate Change 2013
BETHEL

Mapping Unit
Division of Policy and Planning
Vermont Agency of Transportation -- March 2013

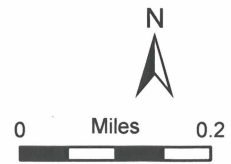




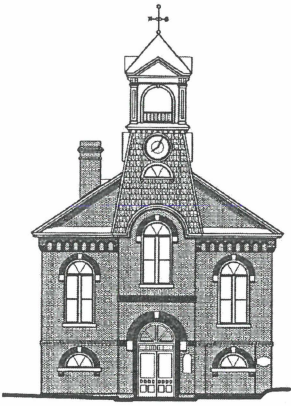
0.07 mi CL3 TH-79
reclassified to CL4
(Old Route 12)
Bridge #49 removed

**Mileage Certificate Change 2013
BETHEL**

Mapping Unit
Division of Policy and Planning
Vermont Agency of Transportation -- March 2013



Town of Bethel, Vermont



Incorporated
1779

OFFICE OF THE TOWN MANAGER
134 South Main Street
Bethel, Vermont 05032
Phone: 802-234-9340
Fax: 802-234-6840
E-mail: betheltownmgr@comcast.net



February 14, 2013

Sara Moulton
Mapping & GIS Specialist
Policy & Planning Division – Mapping Unit
One National Life Drive, Drawer 33
Montpelier, VT 05633-5001

RE: 2013 Certificate of Highway Mileage

Dear Ms. Moulton:

The following is enclosed with regard to Bethel's filing of the Certificate of Highway Mileage:

- Certificate of Highway Mileage signed by the Board of Selectmen and the Town Clerk.
- Copies of meeting minutes of the Board of Selectmen approving the reclassification of a portion of Old Route 12, Town Highway #79. Minutes are for the following meetings: July 9, 2012; August 13, 2012; and October 9, 2012.
- Copies of portions of our current highway map with revisions to Town highways sketched in red ink.

It was discovered over the past year that a portion of class 4 Town Highway #97 was mapped in error. This is supported by the copy of the stipulation that is enclosed with this packet.

Please call me at (802) 234-9340 if you have any questions regarding the enclosed information.

Truly yours,

A handwritten signature in blue ink that reads "Delbert Cloud". The signature is written in a cursive, flowing style.

Delbert Cloud
Town Manager

Enclosures

STATE OF VERMONT

SUPERIOR COURT
WINDSOR UNIT

CIVIL DIVISION
DOCKET NO. 196-3-08

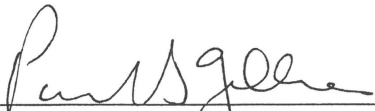
JAMES GIBERTI AND KRISTEN SMITH, and)
SALLY T. HINES, TRUSTEE,)
Plaintiffs,)
v.)
TOWN OF BETHEL,)
Defendant.)

STIPULATION FOR PARTIAL DECLARATORY JUDGMENT

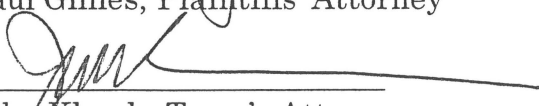
The parties who have appeared in this civil action jointly move the Honorable Court to enter partial declaratory judgment as set forth on Exhibit A hereto, subject to the following:

1. There exist no known or unknown town highways on the lands of Plaintiffs in the Town of Bethel westerly of Campbell Road (TH # 31).
2. The Town of Bethel ("Town") shall take necessary actions to have the Vermont Agency of Transportation remove from the Town Highway Map for Bethel all depicted town highways on the lands of Plaintiffs westerly of Campbell Road.
3. Nothing in this stipulation or declaratory judgment by the Court shall affect the public right of way Campbell Road (TH # 31).
4. Each side shall bear its own attorneys fees and costs.
5. This Stipulation is subject to ratification by the Town Selectboard.

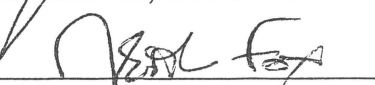
Dated this 13th day of September, 2012



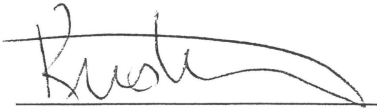
 Paul Gillies, Plaintiffs' Attorney



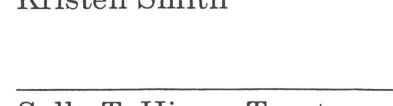
 John Klesch, Town's Attorney



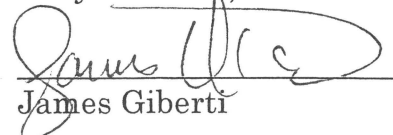
 Town of Bethel, Duly Authorized Agent



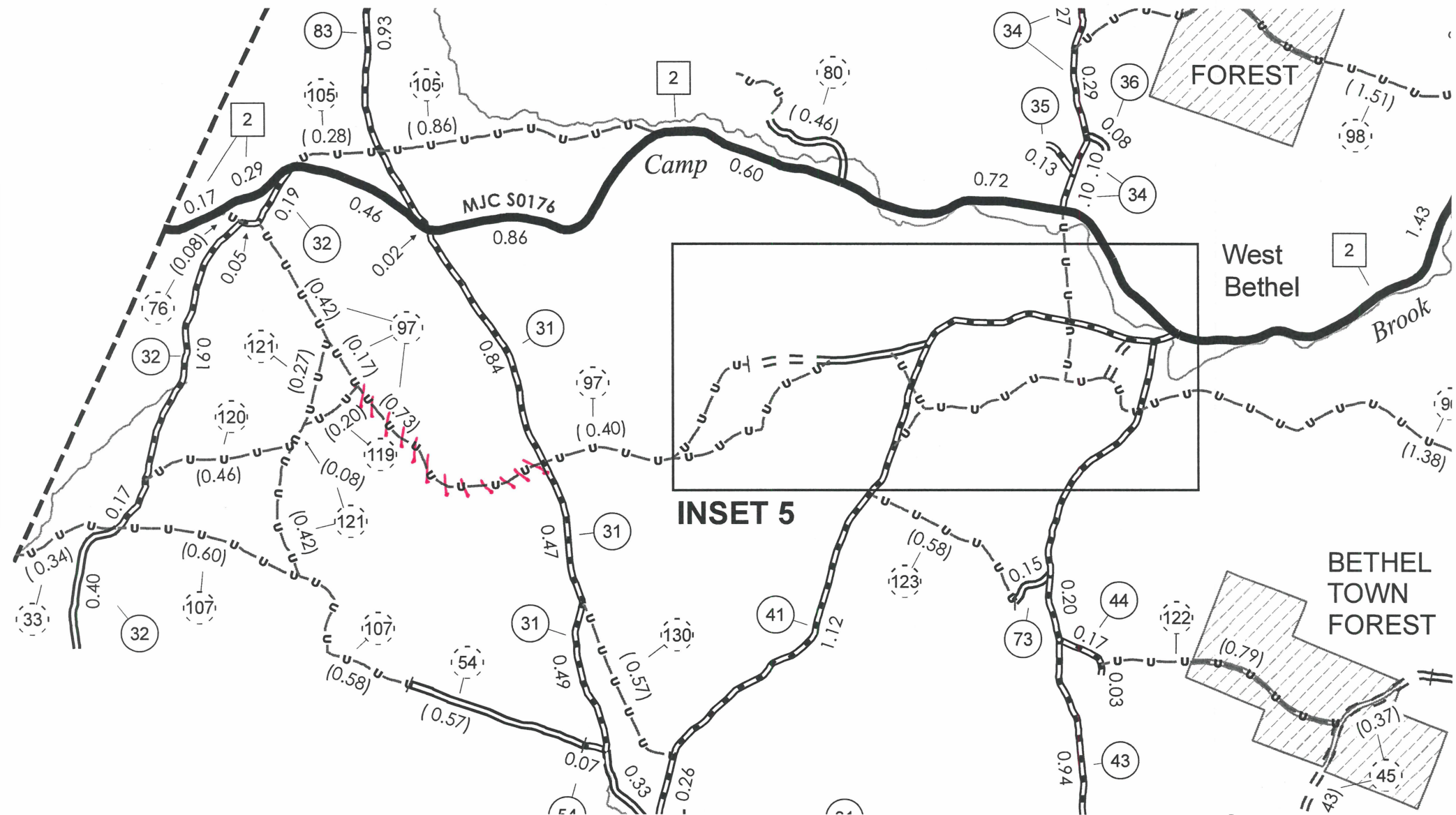
 Kristen Smith

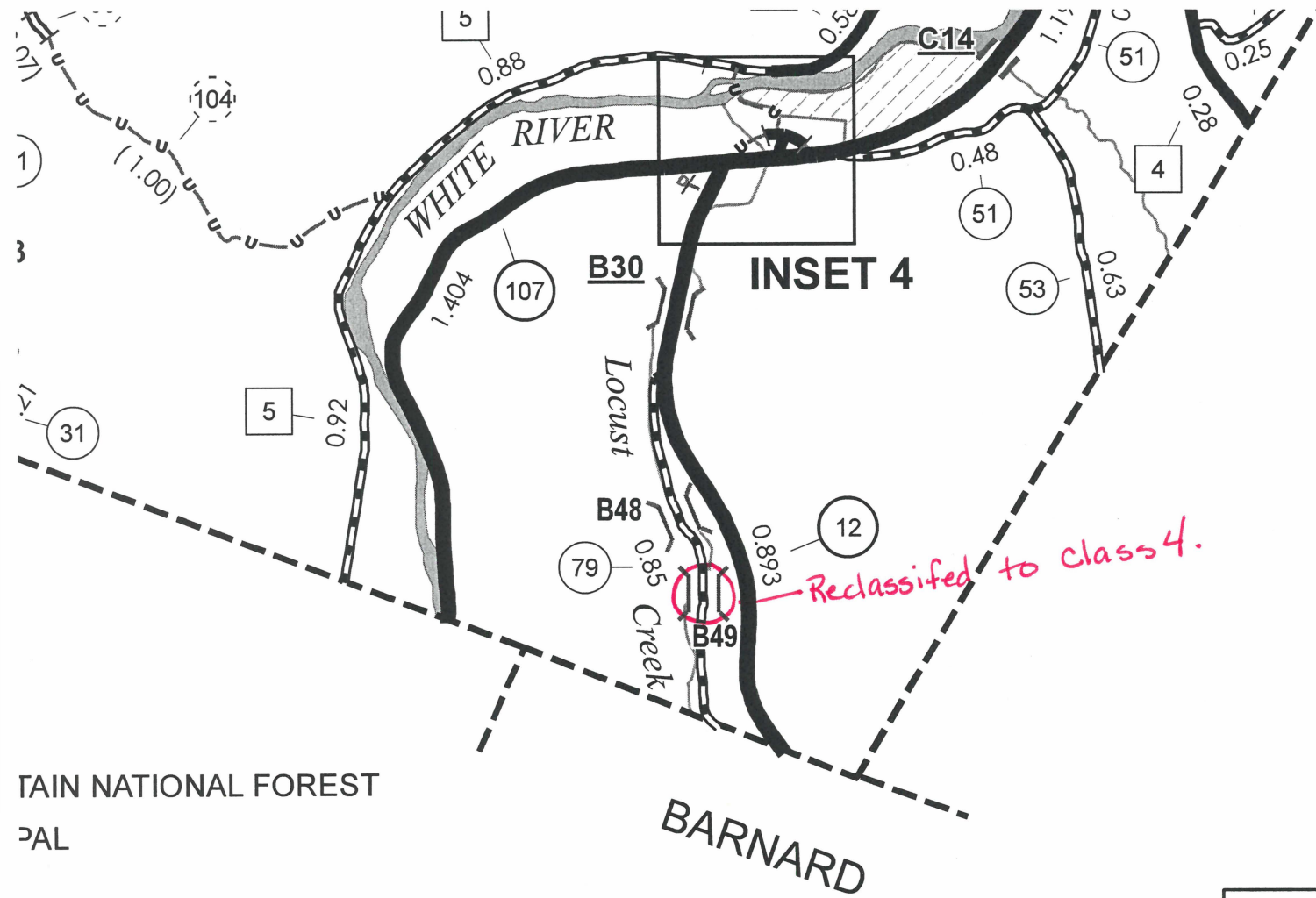


 Sally T. Hines, Trustee



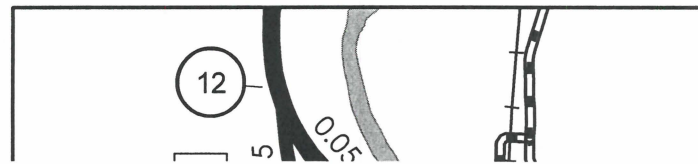
 James Giberti





Reclassified to class 4.

TAIN NATIONAL FOREST
PAL



Minutes of the October 9, 2012 Meeting of the Board of Selectmen.

This meeting was held in lieu of the regular meeting for October 8, 2012 due to the Town's recognition of Columbus Day as a holiday.

Present: Neal Fox, Joe De Freitas, Bill Hall, Delbert Cloud, George Burnham, Lisa Campbell, Nick Nikolaidis, Ellen Nobile, and Heidi Nikolaidis.

The meeting was called to order at 6:00 PM by Chairman Neal Fox. Since no one was present at this point other than George Burnham, who had interest in the Town Hall sign, the Board determined that the meeting should be adjourned to the site of the Town Hall at 318 Main Street, this being intended under Item 2 of the agenda; motion accordingly was made by Neal Fox, seconded by Bill Hall and unanimously carried. The following people joined the meeting as it reconvened at the Town Hall site: Lisa Campbell, Nick Nikolaidis, Ellen Nobile, and Heidi Nikolaidis. Several locations at the streetside of the building were evaluated for placement of the envisioned signage, but only one spot by the northwest corner of the lot appeared workable, and this spot was agreed upon for setting the signage. Configuration of the sign was then considered, given the specific location decided upon. The Selectboard returned to the Town Office at 6:25 PM.

Chairman Fox called the meeting to order again at 6:33 PM, the first order of business being to ask for public comment or inquiry from those now present. Lisa Campbell, Chair of the Parks and Public Spaces Committee, reported that she has received financial assistance from the Rotary to purchase 500 daffodil bulbs for planting on the banks at Peavine Park. She anticipates the planting will be done on October 20th, such that the results will be apparent next spring. The Board expressed appreciation for the project and thanked Ms. Campbell and the committee for their efforts.

Per the scheduled appointment, Heidi Nikolaidis and Ellen Nobile asked the Selectboard if they could continue the "flower basket project" in the downtown next year since the Parks and Public Spaces Committee did not intend to provide for it. They advised that they had worked on the subject project each year for eight years and would like to see it continued. Due to the costs for preparation of the baskets, and tending them throughout the summer, they hoped the Selectboard would again provide financial assistance through the Town budget. Given the positive feedback which has been received over time, motion was made by Joe De Freitas, seconded by Neal Fox and unanimously carried, to approve the request and to include \$1,500.00 in the Town budget in support for the project. The Board further agreed that donations from others could be held in trust for the project through a fund such as the "Richard Edmunds Memorial Fund." It was also noted that Bob Hyde will be asked to check with the Rhoades family to see if there are any spare rods available as were procured by Bill Richards for securing things to the light poles in the downtown.

The Board then returned to the subject of the Town Hall sign. It was agreed that Mr. Burnham should develop a proposal for provision of a sign with two faces set at an angle to each other, such that traffic from either direction on Main Street would have good visibility of any message to be conveyed.

The minutes of the Selectboard meetings of September 24, 2012 and September 26, 2012 were then reviewed. Bill Hall asked for the minutes of September 24th to be amended to reflect that the inquiry by Richard McCormack was by him as a citizen, not as Senator; with this amendment, Bill Hall moved for approval of both sets of minutes, this motion being seconded by Joe De Freitas and unanimously carried. Bill Hall also reported that he has asked the Vermont League of Cities and Towns to assist in drafting potential bylaws for the solid waste program since the attorney the Towns had consulted with earlier was not available within the timeframe needed.

The Board then examined loan documents from People's United Bank which provided for renewal of \$30,000.00 of principal for construction of the existing solid waste facilities. Finding the documents acceptable, motion was made by Bill Hall, seconded by Joe De Freitas and unanimously carried, to adopt the following Resolution:

WHEREAS, at a regular meeting of the Board of Selectmen of the Town of Bethel, at which at least a majority of the Board of Selectmen was present and voting, which meeting was duly called and held on N/A, it was unanimously found and determined that the public interest and necessity required certain public improvements hereinafter described, and it was further found and determined that the cost of completing said improvements would be too great to be paid out of ordinary annual income and revenue of the Town, and that a proposal to provide such improvements and incur debt of the Town to pay for the same should be submitted to the legal voters at the annual meeting to be called and held for that purpose, and it was so ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, pursuant to the foregoing action, the Board of Selectmen caused to be issued a Warning for a meeting of the Town to be held June 16, 1994 to consider certain proposals described in the Warning dated N/A, which Warning is duly recorded in the records of the Town of Bethel, and

WHEREAS, said Warning was duly recorded, published and posted; and

WHEREAS, said meeting was duly held on the date, at the place and at the time appointed, and a certain proposal to make improvements and incur debt therefore was voted in the affirmative; and

WHEREAS, the Board of Selectmen has been and is now carrying forward the authorized improvements to completion and funds are needed to meet accruing costs of the same; and

WHEREAS, the Board of Selectmen has negotiated a temporary loan with PEOPLE'S UNITED BANK for \$30,000.00 at 2.60% to be evidenced by a single promissory note as hereinafter set forth. The note is being issued in anticipation of the money to be derived from the sale of bonds for solid waste management improvements. The note is issued to refund a previously issued note.

THEREFORE, BE IT RESOLVED, that the Board of Selectmen and the Treasurer proceed forthwith to complete said transaction and issue said evidence of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that said evidence of debt when issued and delivered pursuant to this Resolution shall be a valid and binding general obligation of the Town of Bethel payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said Town, as established by law; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the Town of Bethel and its Board of Selectmen, in, about, or concerning the improvements or the contracting of loans in connection therewith are hereby ratified and confirmed; and

WE, the undersigned Board of Selectmen and Treasurer, hereby certify that we as such officers have signed the \$30,000.00 face amount bond anticipation note, numbered 1, dated October 19, 2012, of the following denomination and maturity in the form hereto and made a part hereof:

<u>Number</u>	<u>Denomination</u>	<u>Maturity</u>
1	\$30,000.00	October 18, 2013

WE, the undersigned Board of Selectmen and Treasurer of the Town of Bethel, hereby certify that the above-described note is issued under and pursuant to vote of the Town of Bethel, June 16, 1994 and this Resolution, adopted at a duly noticed and warned meeting of the Board of Selectmen of the Town of Bethel held October 9, 2012.

WE, the said Board of Selectmen and Treasurer of the Town of Bethel, hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the note is issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state or federal court of competent jurisdiction seeking to enjoin either the issuance of the above-described note or the expenditures being financed by the proceeds of the same.

WE further certify that no litigation is pending or threatened affecting the validity of the note or the apportionment and assessment of taxes, if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the Town of Bethel, nor the title of any of us to our respective offices, is being questioned or contested.

WE further certify to and covenant with PEOPLE'S UNITED BANK, its successors and assigns, including the transferees, assignees, holders and owners of the above described note, that:

- (1) No proceeds of the note (including investment proceeds thereof) will be used (directly or indirectly) in any trade or business carried on by any person other than the Town of Bethel, nor used to make or finance loans to any person.
- (2) The Town of Bethel will file when and as required with the Treasury Department or the Internal Revenue Service information returns relating to the issuance of the note and all other obligations of the Town.
- (3) The Town will comply with, perform, maintain and keep each and every covenant, representation, certification and undertaking in the accompanying Non-Arbitrage Certificate, execution and delivery of which is hereby authorized.
- (4) During the current calendar year, the Town will not issue debt of any sort aggregating \$5,000,000.00 or more.
- (5) The interest charged to and payable by the Town under the note shall be increased and recalculated to the date of issue by 3.25% and paid to the holder thereof in any one of the following events:
 - (a) It shall be determined that the interest paid under said note, or any part thereof, is included in the gross income of the holder thereof for federal income tax purposes.
 - (b) There shall be any breach by the Town of any covenant set forth in paragraphs (1)-(4) hereof.

The applicable renewal documents were then endorsed by the Board members.

The Board reviewed the bid results for flood-related damage repairs on Peavine Bridge, and noted the award of work to the low bidder, Neil H. Daniels, Inc., of Ascutney, Vermont for the sum of \$48,500.00. Delbert Cloud advised that the bridge will need to be closed to traffic for the completion of the repair work, and asked the Board to make provision for that. By motion of Neal Fox, seconded by Bill Hall and unanimously carried, it was agreed that the subject bridge and immediately adjacent highway could be closed to all traffic at such time as necessary for the contractor to complete the scheduled repairs, subject to customary signage and notification measures.

The Board briefly reviewed the revisions recently made to the federal "Manual of Uniform Traffic Control Devices" relating to signage. No action was required or taken.

“Budget Status Reports” for the Town General Fund and the enterprise funds were reviewed and discussed, these being representative of the first quarter for FY 2013. No action was required or taken, as these reports are informational only at this time.

Delbert Cloud then explained the recent round of testing required of the Town’s water system, this having been for levels of lead and copper within designated domestic water systems. Test results showed the levels of both metals to be well below the levels of concern.

The Board next discussed the draft of a “Report and Order” for reclassification of a portion of Town Highway #79 in the proximity of Bridge #49, this having recently been the subject of public hearings. The following “Report and Order” was ultimately approved by motion of Joe De Freitas, seconded by Neal Fox and thus carried:

“WHEREAS the Bethel Board of Selectmen determined at its meeting of June 4, 2012 that the classification of class 3 Town Highway #79 should be evaluated in accordance with the provisions of Vermont Statutes Annotated Title 19 Sections 708 to 711, and

WHEREAS Public Notice of the Board’s intention to consider re-classifying or discontinuing any part, or all, of the subject highway was given by certified mail on June 7, 2012 to persons owning or interested in lands through which the highway passes or abuts, and

WHEREAS all other requirements for notice in satisfaction of Vermont Statutes Annotated Title 19 Sections 709 and 771(c) were accomplished on said same date of June 7, 2012, and

WHEREAS a site visit was duly warned and held on July 9, 2012 at which site visit the following “Findings of Fact” were made:

- (1) There are two substantial bridges on the subject highway.
- (2) Bridge #49 was severely damaged by tropical storm Irene and the accompanying floodwaters.
- (3) Bridge #49 has been closed to all vehicular traffic since shortly after the flood event, and remains closed.
- (4) The existing placement of Bridge #49 has a very poor alignment with the direction of the stream flow (Locust Creek), which did contribute to erosion and failure of the abutments.
- (5) All properties presently have access by a maintained Town Highway even though Bridge #49 is closed.
- (6) Of the seven properties within the Township of Bethel that have been improved with dwelling structures, two are seasonal.
- (7) Town Highway #79 is a typical gravel-surfaced highway, formerly having been the course of Vermont State Route 12, but now under the jurisdiction of the Towns of Bethel and Barnard for the portions lying within the respective Townships.
- (8) The present intersection with Vermont State Route 12 in Barnard does not have ideal geometry for turning movements toward the Town of Bethel, and it should be evaluated by qualified professionals to see if improvements can be made.

And,

WHEREAS the Bethel Board of Selectmen held two Public Hearings to receive public comment, said Hearings having been held on July 9, 2012 and August 13, 2012, and

WHEREAS in a deliberative session held on September 24, 2012 the Bethel Board of Selectmen judged that the public good, necessity, and convenience of the inhabitants of the municipality requires that a portion of the subject Town Highway #79 be re-classified from a class 3 Town Highway to a class 4 Town Highway,

IT IS HEREBY ORDERED that the following segment of Bethel Town Highway #79 (Old Route 12) be reclassified as a class 4 Town Highway: commencing at a point in the centerline of said highway right-of-way located 1,530 feet northerly of the boundary in common between the Town of Bethel and the Town of Barnard, thence northerly along the existing highway centerline and crossing Locust Creek to a point 345 feet northerly of the point of beginning, meaning to reclassify to class 4 status the entirety of the highway right-of-way lying between the two above described points.

IT IS FURTHER ORDERED that Bridge #49 shall be removed in its entirety and the stream channel allowed to revert to its normal flow and alignment, and that turn-arounds for highway equipment and other vehicles be constructed at each side of the existing bridge at the termination points of the class 3 highway on each side of the bridge location.”

Bill Hall voted in opposition to the motion.

The following communications were then reviewed and placed on file: (1) an October 4, 2012 memo from the Town’s counsel re. mediation issues on litigation in which the Town is a party, (2) an October 9, 2012 memo from the Vermont Transportation Board’s Executive Secretary re. the Town of Barnard’s appeal of the Bethel Selectboard’s decision to not repair Bridge #49, (3) an October 1, 2012 letter from Arthur and Anne Lichtenberger, also on the subject of Bridge #49, (4) notice that a Red Cross shelter walk-through could be done at Whitcomb Jr./Sr. High School on October 17, 2012, (5) a copy of an October 17, 2011 report from the Civil Engineering Technician for the NRCS Emergency Watershed Protection Program re. the retaining wall at Janice Punger’s property, (6) a “Notification” from the USDA Rural Development Agency re. improvements being made to the hydro-electric generation station owned by Bethel Mills Electric, LLC., and (7) a request from Paul Vallee re. water/sewer charges for his property on Pleasant Street.

Bill Hall conveyed a proposal from Keith Bush whereby Mr. Bush requested use of the Town Hall for provision of music lessons to school-aged children. The Board has earlier concurred that the Hall could be used for such purpose, subject to resolving scheduling. Delbert Cloud will follow up with Mr. Bush on his request.

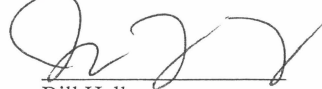
With no further business to attend, the motion to adjourn was made at 8:15 PM by Bill Hall, seconded by Joe De Freitas and unanimously carried.



Neal Fox



Joe De Freitas



Bill Hall

Minutes of the August 13, 2012 Meeting of the Board of Selectmen.

Present: Neal Fox, Joe De Freitas, Bill Hall, Delbert Cloud, Abbie Sherman, Mary Floyd, Kelsey Hill, Geneva Gaiko, Laura Rubenis, Vanessa Brown, Eleanor Griffin, Mary Jeanne Taylor, Lisa Campbell, Sandra Ford, Fay Ford, Valdis Rubenis, Tim Hart, David Aldrighetti, Carl Russell, Mark Nicholson, Christie Nicholson, Mel Washburn, Tom Morse of the Barnard Selectboard, Tom Harty as leader of the Community Emergency Response Team (CERT), Jennifer Marx for the "Herald of Randolph," and Maggie Cassidy for the "Valley News."

The meeting was called to order at 6:00 PM by Chairman Neal Fox, the Board first reviewing and approving the weekly Payroll and payables. The first order of business was provision for public inquiry or comment.

Kelsey Hill provided the Board with information about an event she has helped plan in consort with the community festival being scheduled in September; specifically she seeks to hold a street dance utilizing the Municipal Parking Lot on Main Street on the evening of September 21, 2012. The event is planned to run from 7:00 PM to 10:30 PM. The Board confirmed that electricity would be provided from the outlets at the parking lot, and that the Town Constable could be utilized at Town expense. It was further concluded that the event organizers would inform nearby property owners of the event ahead of time, and that no alcoholic beverages would be allowed on the premises. The event ultimately was approved, to include use of the subject Town property, by motion of Bill Hall, seconded by Joe De Freitas and unanimously carried.

Mary Floyd provided the Board members each a copy of the public notice/advertisement for the community festival itself, this being planned for Saturday, September 22, 2012.

Ellie Griffin asked if the Board reviews draft or final minutes for the Recreation Committee. Bill Hall replied that the minutes are identified as "draft" and if changes are made, the Board would anticipate seeing a revised "final" set of minutes.

Lisa Campbell asked if the Board would move the "Parks and Public Places" agenda item up on the agenda, to address it earlier. Chairman Fox agreed that could be done.

Since it was not quite time for the first scheduled appointment to commence when the public comment ended, Chairman Fox asked if the Board members had found the Selectboard minutes acceptable. Both the minutes of July 23, 2012 and July 25, 2012 were approved by motion of Bill Hall, seconded by Joe De Freitas and unanimously carried. Delbert Cloud asked the Board to sign a copy of the recommendation from the Board of Listers for a correction in the Grand List, this having been approved by the Board at the previous regular meeting. He also reported that he has spoken with the Planning Commission Chair, per the Board's request, regarding the membership on the Commission at this time; when the Commission has completed a review of tasks to be undertaken, it may request the Board to make additional appointments, to have more people available to carry the workload. The Board also reviewed a recent streamwater quality report (inclusive of August 8, 2012 results) submitted by the White River Partnership. As an additional item of old business, renewal documents for a line of credit opened with Mascoma Savings Bank in support of the Agency of Transportation "Enhancement Grant" were approved by the Board, this line of credit being in the amount of \$208,000.00.

As the time was then 6:30 PM, Chairman Fox called to order a Public Hearing, this being continuation of a Public Hearing originally held on July 9, 2012 "to consider reclassification or discontinuance of any part, or all, of Old Route 12 (Town Highway #79) in the vicinity of Bridge #49." The following documents were acknowledged as being received by the Board: (1) an August 3, 2012 memo from the Vermont FEMA Public Assistance Office re. the involved procedure, (2) an August 2, 2012 estimate for removal of the bridge, provided by Dubois & King, Inc., (3) a July 18, 2012 letter from the Town of Barnard Board of Selectmen, (4) a July 17, 2012 letter from the Chief of the Barnard Volunteer Fire Department, (5) a July 11, 2012 Email from Rita Seto of the Regional Planning Commission, referencing also a July 10, 2012 e-mail transmitted to

her by Sandra Ford, (6) a July 12, 2012 e-mail from Chris Bump of the District 4 Agency of Transportation Office, (7) a July 19, 2012 e-mail from the VTrans SE Regional Traffic Safety Investigator, and (8) calculations of travel times to the bridge site via the two routings available. Delbert Cloud clarified for the Board that the July 12, 2012 edition of the "Herald of Randolph" had misquoted one point of information, specifically that the Board of Selectmen have the sole authority to determine if a reclassification or discontinuance of a Town Highway is to be done – there is no requirement for action by the "state." Chairman Fox then opened the meeting for public comment.

Sandra Ford said she would repeat the same comments as made at the previous hearing. She is concerned about matters of safety, and noted that fallen trees can block roadways having only one exit.

Fay Ford voiced his concern that the subject road never seems to get proper attention.

Sandra Ford queried as to whether, or not, other bridges damaged by "Irene" are not being fixed.

Vanessa Brown inquired if FEMA funding is the primary reason why the bridge may not get fixed.

Tom Morse, Barnard Selectboard Chair, asked for the letter from his Board to be read into the minutes, this being done by Chairman Fox. Mr. Morse added that his Board had decided not to pursue an "alternate project" opportunity because it would have resulted in land-locking of property.

Sandra Ford suggested that two "dead-end" roads are an "attractive nuisance."

Vanessa Brown asked how many homes are on the roadway. (It was determined that there are 4 "homesteads" in Bethel that are occupied year-round).

Tim Hart questioned if there are any state stipulations regarding the road since it was originally a state highway, and noted that a business on the road might be disadvantaged by closing the bridge.

Regarding potential alternate projects, Mel Washburn commented that a new Town garage is needed. Fay Ford voiced concern that more money did not need to be spent on the Town Hall; (it was clarified that more money being spent on the Town Hall is not anticipated).

Tim Hart asked if the amount of state-aid has been taken into consideration in making a decision on this matter.

Tom Morse suggested that the Board should take into account all costs to be incurred if an alternate project were pursued, such as costs for turn arounds, removing the bridge itself, and fixing safety considerations at the intersection with Route 12.

Vanessa Brown said it didn't seem fair to leave people hanging.

Carl Russell asked if the bridge had been scheduled for any repairs prior to "Irene", and if there are any plans to address public concerns brought about by eliminating the bridge.

Tom Morse, reflecting on the comment about fairness, said property owners' interests at the time they may have acquired their properties need to be taken into account.

Mark Nicholson said he considers the left turn onto Route 12 in Barnard to be a very hazardous turn, especially in light of how fast traffic travels.

Fay Ford asked who would maintain the road if the bridge is discontinued. He added that fire and ambulance service from Bethel is being taken away, and wondered if road maintenance would be next.

Tim Hart suggested that turning a Town plow truck left onto Route 12 in Barnard would be a problem.

Sandra Ford asked if the concerns all stemmed from uncertainty over what FEMA would approve.

Vanessa Brown said the question should not be for FEMA to answer; it should be for the public to answer.

Tom Morse said the likelihood is that FEMA would replace the bridge if that were the Town's choice. He concurred with the suggestion that the Town of Bethel does need a new garage.

Sandra Ford said the Town garage is a Town problem, not a consequence of Irene.

With public comment ending, Chairman Fox asked the Board members if they felt prepared to take the matter up for a decision. Bill Hall then thanked everyone for their comments, and expressed his perception that the decision is a difficult one to make. He referenced the fact that he had lost all access to his property due to Irene, but had gotten it back within a few days. He agreed that the Town garage is a Town problem, and that he is not in favor of an alternate project instead of fixing the bridge. Mr. Hall then made the motion to not seek approval for an alternate project. Chairman Fox noted that no "second" was heard, so the motion thus failed. Joe De Freitas then made the motion to take the subject up under executive or deliberative session later in the current evening, after which a written report would be issued in accordance with prescription of Vermont law; this motion was seconded by Neal Fox and thus carried.

The time at this point was 7:30 PM, and Chairman Fox welcomed the second appointment of the evening, this being Tom Harty as leader of the Local Emergency Planning Committee #12 Community Emergency Response Team (CERT). Mr. Harty was present at the Board's invitation to provide information about the establishment and function of CERT. He explained how such a team enables Vermont Emergency Management to draw assistance from a trained citizenry to help in emergency response and recovery work. Various training opportunities will be available, the most immediate being at Whitcomb High School on September 15 and 16, it being hoped that many will attend to learn about the roles of people at times of disasters or emergencies. Upon conclusion of the discussion, Chairman Fox thanked Mr. Harty for his presentation, the time then being 8:20 PM.

As previously agreed, item #7 re. the Parks and Public Places Committee was then taken up. Chair of the committee, Lisa Campbell, had submitted an August 2, 2012 request for formal appointment of Laura Rubenis, Willow Griffith, Lydia Morris, and Rosalie Benson to the subject committee. Prior to the Board's consideration of the request, Delbert Cloud asked permission to make a recommendation, this being to disband the committee and to support instead the individual efforts of existing and new volunteers to keep public places well-maintained. He cited past and present examples of volunteers working in good faith for the benefit of the Town in cooperation with the Selectboard and the Manager's office, and expressed concern that some of the volunteer energy would be lost by making too formal a structure to govern their activities. Vanessa Brown suggested that the organizational level of volunteers needs to be improved upon. Laura Rubenis added that independent groups can't accomplish the necessary work, and a committee needs information from others performing work even though they might not formally be part of the committee. Lisa Campbell said she is willing to do whatever is necessary to improve upon matters found to be unsatisfactory. Joe De Freitas suggested that there should be room for a compromise, and wondered if people are volunteering why they can't continue as "satellite activities," respected for what they are doing, and left alone. He suggested that the committee should be able to take a diligent look at what is happening and who is involved. Lisa Campbell referenced support for the committee's efforts, as evidenced by 4 donations she had recently received from local businesses. Chairman Fox determined to table the matter of appointing members to the committee until the next meeting. Vanessa Brown asked for clarification, which was provided. Lisa

Campbell asked, and was granted, permission to continue with projects now under the committee's direction.

Chairman Fox then asked Abbie Sherman to provide a report on the work of the Recreation Committee, in conjunction with the minutes of that committee's meeting of August 6, 2012, which Ms. Sherman provided. Eleanor Griffin expressed concern over the poor condition of the tennis courts, and the need to deal with the intrusive trees around the courts' perimeter. As was agreed by the Selectboard at an earlier time, the Board members again concurred that a master plan for improvement of the recreation facility should be completed before significant additional expenses are incurred. Ms. Griffin also encouraged everyone to complete the survey being conducted presently by the committee which seeks public input on recreation issues.

Delbert Cloud then asked the Board to drop back to the matter of the CERT team, such that amendment could be made of the Town's "Emergency Operations Plan," specifically to include contact information for the East Central CERT Leader, Tom Harty. This amendment was approved by motion of Bill Hall, seconded by Joe De Freitas and unanimously carried. The Board then returned to the order of the agenda, the Transportation Advisory Committee minutes of May 10, 2012 being reviewed and placed on file.

Delbert Cloud explained the status of the plans for rehabilitation of Peavine Bridge, and suggested it would be prudent to make every effort to have the repairs necessitated by Irene done before winter. Since the Board has reviewed a draft of the overall needs of the structure, and since the initial scope of work being developed by the engineers will address only FEMA approvable repairs, he requested permission to accelerate the process to bid and construction with the proviso that he would continually keep the Board updated on the process. This was found acceptable by the Board.

Recommendations from the engineers re. replacement of bridges 35 and 37 in Gilead were next discussed, the Board members agreeing that the recommendation for use of a precast rigid frame concrete structure in both locations made greater sense than other options evaluated. Motion to approve that option was made by Joe De Freitas, seconded by Bill Hall and unanimously carried.

Budget Status Reports as of July 31, 2012 were then reviewed for the Town General Fund and the three "enterprise" funds. No action was required or taken on these.

The "Annual Financial Plan – Town Highways" and the "Certification of Compliance for Town Road and Bridge Standards" were next examined, these being prepared from the basis of the FY'13 budget. Motion to approve these documents for return to the Agency of Transportation was made by Bill Hall, seconded by Joe De Freitas and unanimously carried.

The Board reviewed and placed on file a letter of appreciation from Tim Crowley of Rochester, recognizing the care being given to Camp Brook Road. A newsletter from the Vermont Drinking Water Program was also reviewed and placed on file at this time.

A July 31, 2012 letter from Janice Punger was discussed, this being a request for reimbursement for costs incurred by Ms. Punger to replace a portion of fence damaged by "Irene." It was agreed that if the subject fence is on private property, the Town will not pay for its replacement; motion accordingly was made by Bill Hall, seconded by Joe De Freitas and unanimously carried.

Two communications were then discussed, the first being a letter from the Governor's office thanking the Board for expressing its support for the senior living community proposed by Gifford Medical Center in Randolph Center. The second was an e-mail from the Governor's office advising of plans for an Irene Anniversary Tour, including a stop in Bethel on August 26th at 5:15 PM. The Board is asked to provide input on the location for the visit; it was agreed that the School Athletic Fields would be appropriate, both because of the extent of damage incurred there and the fact that adequate parking is

available. It was further agreed that in the event of rain, the Bandshell at the Common on Church Street could be used.

Given the lateness of the hour, it was agreed that several items of business would be taken up at 4:00 PM on Wednesday, August 22, 2012 at the Town Office, prior to meeting in Royalton at 7:00 PM with the Royalton Selectboard on solid waste program matters. The deferred business will include employee compensation/benefits, water and wastewater rates in support of FY'13 budgets, and preparation of an offer to water customers on Pleasant Street north of the fire station and on Watershed Road.

At 9:35 PM, motion was made by Joe De Freitas to enter executive session to discuss litigation in which the Town is a party, and to hold a deliberative session regarding the treatment of Bridge #49 on Old Route 12; this motion was seconded by Bill Hall and unanimously carried. Delbert Cloud was the only person remaining with the Board for this portion of the meeting. No minutes were kept. Upon return to open meeting at 10:10 PM, the only motion was to advise State of Vermont and FEMA officials that the Town will seek approval of an "alternate project" in lieu of replacing the subject bridge, and that a written report and order will be released in accordance with Vermont law; this motion was made by Joe De Freitas, seconded by Neal Fox and thus carried; Bill Hall voted in opposition to the motion.

The motion to adjourn to August 22, 2012 at 4:00 PM at the Town Office was made at 10:15 PM by Bill Hall, seconded by Joe De Freitas and unanimously carried.



Neal Fox



Joe De Freitas



Bill Hall

Minutes of the July 9, 2012 Meeting of the Board of Selectmen.

Present: Neal Fox, Joe De Freitas, Bill Hall, Delbert Cloud, Abbie Sherman, Donald Hollingworth, Brian Hollingworth, Fay Ford, Sandra Ford, Mark Nicholson, Christie Nicholson, James Glass, Greg Boulbol, David Lenart, Ola O'Dell, Rosalie Benson, Rita Seto for the Two Rivers-Ottawaquechee Regional Planning Commission, Tim Johnson and Tom Morse for the Barnard Selectboard, and Amy Danley-White for the "Herald of Randolph."

The meeting was called to order at 6:00 PM by Chairman Neal Fox, the Board first reviewing and approving the weekly payroll and payables. Chairman Fox advised the public and others present that the first order of business would be to conduct a site visit to the vicinity of Bridge #49 on Town Highway #79 as a requisite per Vermont Statutes Annotated Title 19 Sections 708-711 to enable the Board to consider reclassification or discontinuance of any part, or all, of the said highway. The Board promptly adjourned to the subject highway and the specific bridge, to develop a set of "Findings of Fact." Several members of the public accompanied, but no business was otherwise conducted by the Board. The following observations were made, which will be formalized at a later time as part of the relevant "Findings of Fact:" (1) There are two substantial bridges on the subject highway. (2) Bridge #49 was severely damaged by Tropical Storm Irene and the accompanying floodwaters. (3) Bridge #49 has been closed to all vehicular traffic since shortly after the flood event, and remains closed. (4) The existing placement of Bridge #49 has a very poor alignment with the direction of the stream flow (Locust Creek), which did contribute to erosion and failure of the abutments. (5) All properties presently have access by a maintained Town Highway even though Bridge #49 is closed. (6) Of the seven properties within the Township of Bethel that have been improved with dwelling structures, two are seasonal. (7) Town Highway #79 is a typical gravel-surfaced highway, formerly having been the course of Vermont State Route 12, but now under the jurisdiction of the Towns of Bethel and Barnard for the portions lying within the respective Townships. (8) The present intersection with Vermont State Route 12 in Barnard does not have ideal geometry for turning movements toward the Town of Bethel, and it should be evaluated by qualified professionals to see if any improvements can be made. The Board then returned to the Town Office.

At 6:45 PM, Chairman Fox reconvened the meeting and declared a Public Hearing to be open for receipt of comment on the subject of whether all, or any part, of Town Highway #79 should be reclassified or discontinued per the process set forth under Vermont Statutes Annotated Title 19 Sections 708-711. It was noted for the record that the Board is in receipt of three letters pertaining to the subject at hand: (1) a May 18, 2012 letter from Sandra B. Ford and others, (2) a June 30, 2012 letter from Barbara and Edward Lucas, and (3) a July 6, 2012 letter from Leonard Meek and Thomas Laue.

Chairman Fox initially asked Delbert Cloud to explain the process by which the Board is now considering whether it is more in the public's interest to replace the failed bridge, or to utilize the substantial amount of money otherwise available to complete "Alternate Project(s)," which the Town is being asked to consider by FEMA officials. Although not committed to any particular decision, the Board members concurred that alternate projects which might be completed were: a new or upgraded Town Garage, new Town Offices with better provision for parking and adequate space for public records; potentially new equipment for highway maintenance. Concerns were raised by the members of the public present about the time it might take for emergency response units to reach their properties if they are located on the "Barnard side" of the bridge in question, and about the safety of the intersection in Barnard with Vermont State Route 12. The representatives of the Barnard Selectboard advised that they wish to go on record as being in opposition to abandoning the bridge; Chairman Fox requested that the Barnard Selectboard submit a letter to formally set forth its position. A suggestion was made that if a vehicular bridge were not kept, a pedestrian/biking bridge might be a desirable amenity to retain. Concern was also voiced about the highway becoming an attractive "party spot" if it were a dead-end. Discussion included the question of impacts to property values for properties fronting the highway, there being two perspectives as to whether a dead-end Town-maintained highway adds or detracts from property value. When asked as to when a decision would be made by the Board, the Board members

concluded that answers need to be attained for certain of the questions now apparent, and a sincere assessment must be made as to which option better serves the interest of the public. The motion was then made by Bill Hall to continue this Public Hearing to Monday, August 13, 2012 at 6:30 PM at the Bethel Town Office, this motion being seconded by Joe De Freitas and unanimously carried. This motion was made at 7:45 PM, and a brief recess occurred while many members of the audience departed.

The Board members concurred that provision had already been made for item #1 on the Agenda. Chairman Fox asked if anyone had public comment or inquiry on any other matters of interest. Rosalie Benson asked what the Board might be doing with the matter of the Town's former gravel pit on Peavine Boulevard being used as a shooting range. Chairman Fox advised that the subject is to be an agenda item at the meeting of July 23, 2012. Ola O'Dell asked if the Town would perform grounds keeping work at certain locations along Main Street which are highly visible. The Board members concurred that the Town would assume responsibility to have this done.

With no further public comment forthcoming, the Board proceeded with the order of the agenda. The minutes of the June 25, 2012 meeting of the Board of Selectmen were approved by motion of Joe De Freitas, seconded by Bill Hall and unanimously carried. It was noted at this time that letters of resignation from the Parks and Public Spaces Committee have been received from both Heidi Nikolaidis and Ellen Nobile. Motion was made by Bill Hall, seconded by Joe De Freitas and unanimously carried, to accept both resignations with regret, and to have a letter of appreciation sent on behalf of the Board in acknowledgement of the many years of public service given by both people.

The Board next reviewed and placed on file (1) the Local Emergency Planning Committee Minutes of June 21, 2012, and (2) the transmittal of education tax rates as submitted by the Vermont Department of Taxes for use in tax billing for FY2013. No action was required or taken by the Board on these matters.

Delbert Cloud provided the Board with copies of the delinquent tax, water, and sewer reports which collectively showed a large unpaid obligation to the Town. It was agreed by the Board members that collection action is necessary due to the magnitude of the obligation and the effect it poses (1) to other property owners who are carrying their obligations, and (2) the ability of government to provide necessary services. To provide for financial needs, the Board approved a Line of Credit in the principal amount of \$300,000.00 for a one year term maturing June 30, 2013 and bearing interest at the rate of 2.25% per annum.


Budget Status Reports for end of fiscal year 2012 for the Town General Fund and the enterprise funds (Water, Wastewater, and Solid Waste) were next reviewed. It was noted that actual expenditures came very close to line item budget amounts in all departments were it not for the consequences shown by the Tropical Storm Irene anomaly. Delbert Cloud also provided the Board with a preliminary evaluation of the status of the "Highway Equipment Fund" over several years given potential trades/acquisitions being contemplated at this time.

The following communications were then reviewed and placed on file: (1) a June 28, 2012 letter from Kevin Barry to the Vermont Public Service Board re. the "net metering" proposal of Bethel Mills referenced at a previous meeting of the Board, (2) a June 28, 2012 letter from Morris L. Silver, Esq. to the Public Service Board on the same matter, and (3) streamwater quality test results for June 27, 2012 prepared by the White River Partnership.

Chairman Fox noted that Timothy Brennan was present at this time, and asked if Mr. Brennan had business to discuss with the Board. A memo from Mr. Brennan dated July 6, 2012 was circulated to the Board members, this pertaining to the matter of an eroded section of private property off North Main Street, which the property owners are trying to resolve how to repair. The Board members concurred that the resolution of this matter lies with the property owners and does not appear to be a public problem. Mr. Brennan asked if the Town Health Officer could look at the site to see if any public concern might be apparent, and it was agreed that this would be done.

Joe De Freitas informed the Board that the instructor for emergency shelter management training has said that a class could be held in Bethel if 10-12 people could be confirmed for attendance. It was agreed that effort should be made to find the necessary number of participants in order to help develop an informed and capable citizen response team. Mr. De Freitas also suggested that information about the State's "Mandatory Recycling" law should be placed on the agenda for the joint Selectboard meeting to be held on July 25, 2012.

With no further business to attend, motion to adjourn was made at 9:25 PM by Bill Hall, seconded by Joe De Freitas and unanimously carried.



Neal Fox



Joe De Freitas



Bill Hall