

CLARKE DEMAS & BAKER, PLLC

Attorneys at Law

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MOLLY BUCCI

Of Counsel: PETER L. POTTS

December 11, 2015

Christine Brock, Clerk
Superior Court Chittenden Unit
PO Box 187
Burlington, Vermont 05401

Re: *Brianne E. Chase, Trustee of the Revocable Living Trust of Barbara S. Eastman*
Docket No. **333-4-15 Cncv**

Dear Christine:

I am enclosing our Motion for Summary Judgment, Statement of Material Undisputed Facts and Certificate of Service in this matter.

Thank you for your assistance. Please give me a call if you have any questions or concerns regarding this matter.

Sincerely,



Elizabeth M. Demas, Esq.
Clarke Demas & Baker, PLLC
346 Shelburne Road, Suite 203
Burlington, Vermont 05401
(802) 652-1400
edemas@cdbesq.com

cc: Hans Huessy, Esq.
PO Box 4485
Burlington, Vermont 05406-4485
encs

STATE OF VERMONT

SUPERIOR COURT
Chittenden Unit

CIVIL DIVISION
Docket No. 333-4-15 Cncv

Brianne E. Chase, Trustee of the Revocable Living
Trust of Barbara S. Eastman
Plaintiff

v.

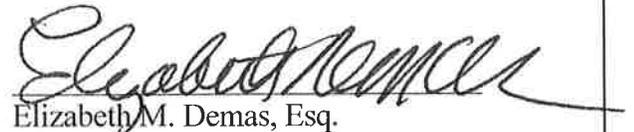
Town of Underhill
Defendant

CERTIFICATE OF SERVICE

I, Elizabeth M. Demas, attorney for Plaintiff in the above-entitled matter, hereby certify that I served a copy of Plaintiff's Motion for Summary Judgment, with Statement of Material Undisputed Facts, to Defendant, by first class mail to Hans G. Huessy, Esq. and Liam L. Murphy at P.O. Box 4485, Burlington, VT 05406-4485, as Attorneys for Defendant Town of Underhill.

Dated at Burlington, Vermont, this 11th day of December, 2015.

By:



Elizabeth M. Demas, Esq.
Clarke Demas & Baker PLLC
346 Shelburne Road, Suite 602
Burlington, Vermont 05401

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& BAKER

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STATE OF VERMONT

SUPERIOR COURT
Chittenden Unit

CIVIL DIVISION
Docket No. 333-4-15 Cncv

Brianne E. Chase, Trustee of the Revocable Living
Trust of Barbara S. Eastman,
Plaintiff

v.

Town of Underhill,
Defendant

STATEMENT OF MATERIAL UNDISPUTED FACTS

1. Plaintiff Brianne E. Chase, Trustee of the Revocable Living Trust of Barbara S. Eastman (hereinafter "Eastman Trust") is the record owner of 300 acres of land, more or less, located in Westford, Vermont, which land was conveyed to the Eastman Trust by Deed of Oliver R. Eastman and Barbara S. Eastman, recorded on February 2, 1993, of record in Volume 68 at Page 189 of the Westford land records (the "Eastman Parcel").

2. Said Eastman Parcel is adjacent to and bounded on the east by the Underhill-Westford Town Line.

3. Prior to 1972, access to the Eastman Parcel was by Goodrich Road (Westford Town Highway #24) which entered from the west and continued in a generally easterly direction through the Eastman Parcel, and by Repa Road (Underhill Town Highway #21) which provided access through Underhill, to the border of Westford-Underhill, and connected with Goodrich Road on the Eastman Parcel in Westford.

4. In 1972 the Town of Westford attempted to discontinue part of Goodrich Road, and reclassify another portion as a trail.

5. In 1972 the Town of Westford stopped maintaining the discontinued and reclassified portions of Goodrich Road.

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6. In 1996 the Town of Underhill attempted to discontinue a small portion of Repa Road to the boundary with Westford, which was also the boundary with the Eastman Parcel.
7. Neither attempt at discontinuance complied with 19 V.S.A. §790.
8. During May and June of 2000, the Selectboards of both towns met to hear testimony regarding the discontinuance or re-designation of both Goodrich Road and a small portion of Repa Road (adjacent to the Eastman Parcel) as trails.
9. On July 28, 2000, the Town of Westford reclassified Goodrich Road in its entirety as a trail.
10. On August 2, 2000, the Town of Underhill reclassified 238 feet of Repa Road, from the Westford/Underhill Town Line (also the easterly boundary of the Eastman Parcel) to the Arnold Driveway. The newly designated portion of Repa road was continued as a trail at the same width of three rods.
11. In September 2001, The A. Johnson Co., Joseph Bornstein, the Town of Underhill and the Town of Westford settled litigation which arose over the re-designation of Repa Road and Goodrich Road (Chittenden Superior Court Docket No. S1201-00).
12. The Stipulation to Dismissal with Prejudice in the above-referenced case, entered on September 26, 2001, provided that “the Parties enter into this Stipulation and Order to ensure that the Petitioners may not be deprived of access to, or any economic benefits from, their respective parcels”. The Court further found that “The A. Johnson Company and Joseph Bornstein are hereby granted, pursuant to 19 V.S.A. Section 1111, the right to use the Trails by any motor vehicles, pick-up trucks, four-wheel drive vehicles, logging trucks, logging equipment and the like in order to continue their programs of forestry management on the A. Johnson Company lands and the Bornstein parcel, respectively, and periodically, to effect the removal of timber from their respective

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lots during the term of this Stipulation.” Said Stipulation provided that it was to run with the land, and be binding on the Parties, their heirs, successors and assigns.

13. Goodrich Road is impassable (See Affidavit of Douglas Edwards).

14. Repa Road, in Underhill, has historically provided access to the Eastman Parcel, particularly to the farmstead located approximately 500 feet westerly from its terminus.

15. Said farmstead is depicted on the 1858 “Wallings Map” as “Hapgood”, and on “Beers Atlas”, published in 1869, as “L. Cushing”.

16. The remains of the farmstead, including barn remnants and a house foundation, are still evident on the site. (See Affidavit of David Crane).

17. Plaintiff has sought a license from the Town of Underhill, pursuant to 19 V.S.A. 1111, for vehicular and logging access and for service to a single residential dwelling. (See Town of Underhill Selectboard Minutes, September 30, 2014, January 6, 2015, February 3, 2015 and February 17, 2015).

18. Plaintiff’s request to the Town Selectboard for the aforesaid license has consistently included the offer that the costs of upgrading and maintaining the trail will be borne by Plaintiff, and not by the Town. (See January 6, 2015 minutes).

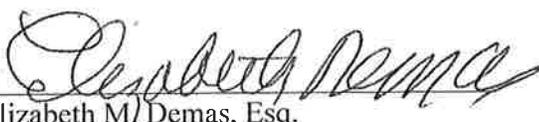
19. Plaintiff’s land abuts Repa Trail.

20. Repa Road was a public highway when re-designated to a Town Trail in August, 2000.

21. Plaintiff’s land is inaccessible without access through Repa Trail.

Dated at Burlington, Vermont this 11th day of December 2015.

By:


Elizabeth M. Demas, Esq.
Attorney for Plaintiff
Clarke Demas & Baker, PLLC
346 Shelburne Road, Suite 602

STATE OF VERMONT

SUPERIOR COURT
Chittenden Unit

CIVIL DIVISION
Docket No.333-4-15 Cncv

Brianne E. Chase, Trustee of the Revocable Living
Trust of Barbara S. Eastman,
Plaintiff

v.

Town of Underhill,
Defendant

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

NOW COMES Plaintiff Brianne E. Chase, Trustee of the Revocable Living Trust of Barbara S. Eastman ("Plaintiff"), by and through her attorneys, Clarke Demas & Baker, PLLC, and, pursuant to V.R.C.P. 56, hereby moves the Court for an order granting Plaintiff summary judgment against Defendant Town of Underhill, confirming Plaintiff's right to use 238 feet of Repa Trail for necessary access to its abutting property for all reasonable purposes.

This motion is made on the grounds that there is no genuine issue of material fact in dispute and that Plaintiff are entitled to a judgment as a matter of law.

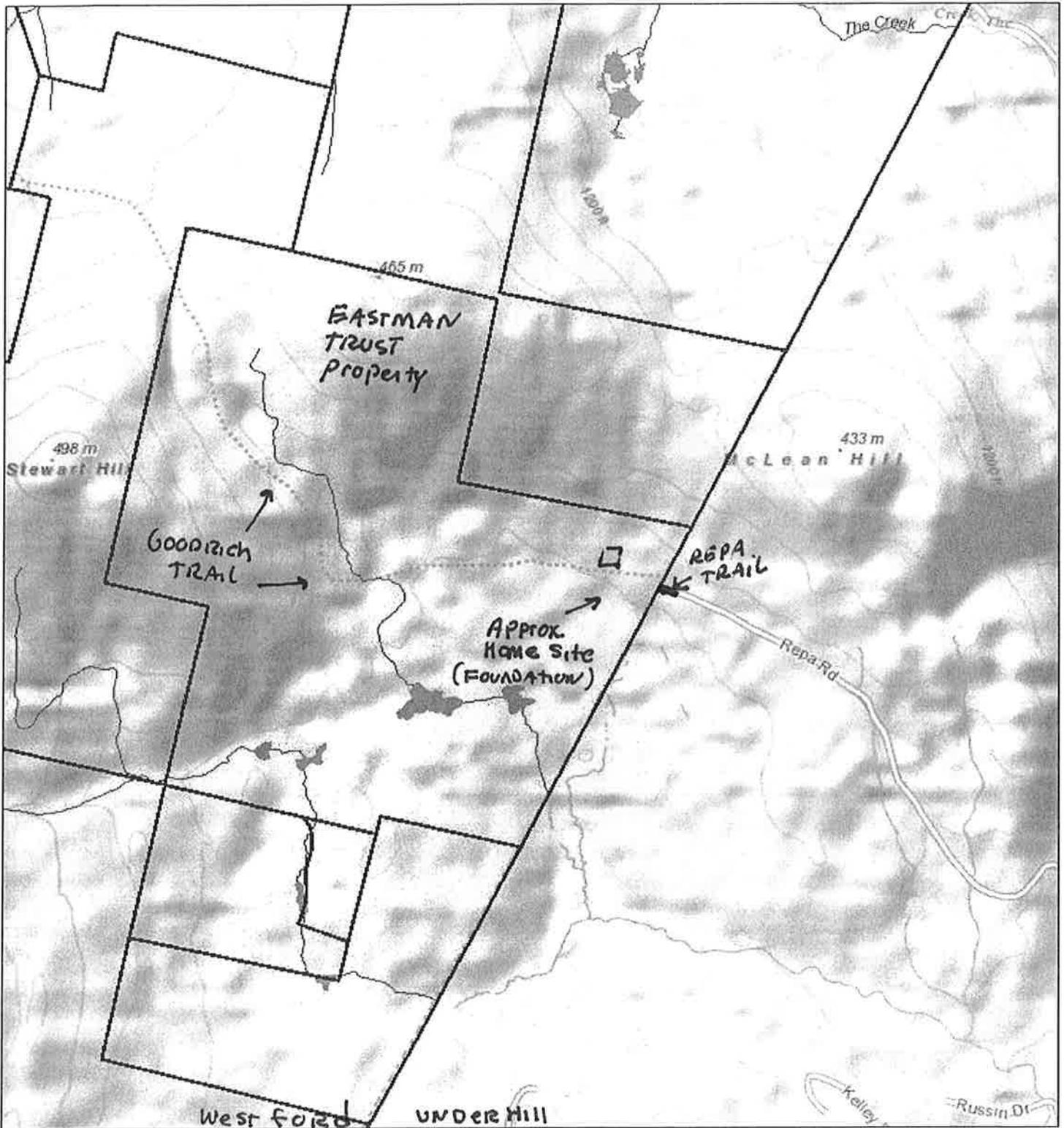
In support of this motion, Plaintiff submits herewith a Statement of Material Undisputed Facts and the Affidavits of David Crane and of Douglas Edwards.

NATURE OF CASE AND FACTUAL BACKGROUND

1. Plaintiff Brianne E. Chase, Trustee of the Revocable Living Trust of Barbara S. Eastman (hereinafter "Eastman Trust") took title to 300 acres of rural agricultural and timber land, located in Westford, in 1993. The property had been purchased by Barbara and Oliver Eastman, in 1963 and 1969.

Access to the property when the Eastmans purchased their 300 acres was provided by two

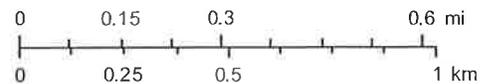
Westford, Vermont



December 10, 2015

1:18,056

- 2008 Tax Parcel Boundary
- Water Bodies
- River or Stream Centerline
- Road Centerline
- State Highway
- Class 2 or 3
- Private



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

town roads, one located in Westford (Goodrich Road) and the other located in Underhill (Repa Road). (See Westford Tax Map, Figure 1.). Historic maps from the 1800's show Goodrich Road and Repa Road were both old town roads, which connected through to other town roads in Underhill and Westford. Houses were dotted along Goodrich Road, according to Beers Atlas. (See Exhibit 1 hereto.)

2. The Eastman Trust property is located in its entirety in Westford, but its easterly boundary abuts the Westford-Underhill town line. The end of Repa Road abuts a section of the Eastman Trust Property. (See Figure 1).

3. Prior to 1972, access to the Eastman Parcel was by Goodrich Road (Westford Town Highway #24) which entered from the west and continued in a generally easterly direction through the Eastman Parcel, and by Repa Road (Underhill Town Highway #21) which provided access through Underhill, to the border of Westford-Underhill, and connected with Goodrich Road on the Eastman Parcel in Westford. No other town roads pass through or touch the Eastman Trust property. (See Figure 1).

4. In 1972 the Town of Westford attempted to discontinue part of Goodrich Road, and reclassify another portion as a trail. The Town of Westford then stopped maintaining the discontinued and reclassified portions of Goodrich Road. Goodrich Trail is not passable (See Affidavit of Douglas Edwards, Exhibit 2 hereto).

5. In 1996 the Town of Underhill attempted to discontinue a small portion of Repa Road to the boundary with Westford, which was also the boundary with the Eastman Parcel.

6. Neither attempt at discontinuance complied with the requirements of 19 V.S.A. §790.

7. During May and June of 2000, the Selectboards of both towns met to hear testimony regarding the discontinuance or re-designation of both Goodrich Road and a small portion of Repa Road (adjacent to the Eastman Parcel) as trails.

8. At the hearing a representative of the Eastman family appeared and requested that Repa Road remain at least a Class IV road, as Goodrich Road had been closed for the previous 25 years. Vehicular access to the Eastman Parcel during that time was over Repa Road in Underhill. No other means of access was or available to the Eastman Parcel.

9. On July 28, 2000 the Town of Westford reclassified Goodrich Road in its entirety as a trail.

10. On August 2, 2000 the Town of Underhill reclassified 238 feet of Repa Road, from the Westford/Underhill Town Line (also the easterly boundary of the Eastman Parcel) to the Arnold Driveway. The newly designated portion of Repa Road was continued as a trail at the same width of three rods. Said 238 x 40 foot (3 rod wide) rectangular parcel is referred to as "Repa Trail".

11. In September 2001 the A. Johnson Co., Joseph Bornstein, the Town of Underhill and the Town of Westford settled litigation which arose over the re-designation of Repa Road and Goodrich Road (Chittenden Superior Court Docket No. S1201-00, Exhibit 3 hereto).

12. The Stipulation to Dismissal with Prejudice and Order in the above-referenced case, entered on September 26, 2001, (hereinafter the "Order") provided that "the Parties enter into this Stipulation and Order to ensure that the Petitioners may not be deprived of access to, or any economic benefits from, their respective parcels". The Court further found in the Order that "The A. Johnson Company and Joseph Bornstein are hereby granted, pursuant to 19 V.S.A. Section 1111, the right to use the Trails by any motor vehicles, pick-up trucks, four-wheel drive vehicles, logging trucks, logging equipment and the like in order to continue their programs of forestry management on the A. Johnson Company lands and the Bornstein parcel, respectively, and periodically, to effect the removal of timber from their respective lots during the term of this Stipulation." Said Order provided that it was to run with the land and be binding on the Parties, their heirs, successors and assigns.

13. Repa Road, in Underhill, has historically provided access likewise to the Eastman Parcel, particularly to the farmstead located approximately 500 feet westerly from its terminus.

14. Said farmstead is depicted on the 1858 "Wallings Map" (Exhibit 4) as "Hapgood", and on "Beers Atlas", published in 1869, as "L. Cushing.

15. The remains of the farmstead, including barn remnants and a house foundation, are still evident on the site.

16. Plaintiff must travel over Repa Trail to access the Trust's land. The adjoining landowner had challenged this use, and Plaintiff sought assistance from the Town of Underhill to clarify the common law right of access, by requesting a License pursuant to 19 V.S.A. §1111. A license under this statute had been granted to the A. Johnson Company and Joseph Bornstein, in the aforesaid Order.

17. Rather than litigate Plaintiff's common law right to use a reclassified Town Road, Plaintiff sought this license specifically for vehicular and logging access and for service to a single residential dwelling. (See Town of Underhill Selectboard Minutes, September 30, 2014, January 6, 2015, February 3, 2015 and February 17, 2015, collectively Exhibit 5). Plaintiff's request to the Town Selectboard for the aforesaid license has consistently included the offer that the costs of upgrading and maintaining the trail will be borne by Plaintiff, and not by the Town. (See January 6, 2015 minutes).

18. Plaintiff has received an offer to purchase the Eastman Parcel, but this offer is contingent upon purchaser being provided satisfactory access to the land for logging and for access to a single family residence, which uses are consistent with the historical records, and with Plaintiff's common law rights.

MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Summary Judgment is proper where there is no showing of a genuine issue as to any material fact and movant has presented a valid legal position that entitles movant to judgment as a matter of law. *Gore v. Green Mountain Lakes, Inc.*, 140 Vt. 262, 264, 438 A.2d 373, 374 (1981).

V.R.C.P. 56(c) provides, in pertinent part, that “[j]udgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that any party is entitled to a judgment as a matter of law.” Accordingly, summary judgment must be entered in favor of the movant if the evidence and submissions in support of the motion are sufficient to demonstrate the absence of questions of material fact and the moving party is entitled to judgment as a matter of law. *Miller v. The Merchants Bank*, 138 Vt. 235, 415 A. 2d 196 (1980).

PLAINTIFF HAS A COMMON LAW RIGHT TO USE REPA TRAIL FOR ACCESS

When a highway is created in Vermont two rights are created: public and private. The public has a right to use a highway, while adjacent landowners have a common law private right to access their land by using the highway. *Okemo Mountain, Inc. v. Town of Ludlow*, 171 Vt. 201, 207, 762 A.2d 1219, 1224 (2000). When a highway is discontinued, the public right is extinguished, but adjacent landowners maintain a private right in the land. *Thompson v. Ryan*, No. 2006-286, 2007 WL 5313344, at *2 (Vt. May 1, 2007). There are two elements to the private right of access: (1) the person claiming the right must own land that abuts the highway; and (2) the discontinued highway must be a public highway. *Okemo Mountain, Inc.*, 171 Vt. At 207, 762 A.2d at 1225 (2000). If a landowner has access to his land other than the discontinued highway, prior use may be limited to the prior use of the discontinued highway. *Thompson v. Ryan*, No. 2006-286, 2007 WL 5313344, at

*3.

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Both of the conditions set out in *Okemo* are met: Plaintiff's land abuts the end point of Repa Trail; and Repa Road has been consistently classified as public highway, now a public trail. As the affidavit of Douglas Edwards filed herewith demonstrates, Plaintiff does not have access to its land by another route. But Repa Road, which is located in Underhill, historically has and still provides access to nearby lands located in the Town of Westford.

PLAINTIFF'S REQUESTED USE IS "REASONABLE AND CONVENIENT"

Repa Road in Underhill and Goodrich Road in Westford allowed travel to and through Plaintiff's lands in Westford since at least 1858 when the road first appeared on the "Wallings Map". The easterly portion of Plaintiff's 300 acre parcel, nearest the Underhill-Westford town line, has been historically used as a farm, as evidenced by the foundations of the farm house and outbuildings still in existence (See Affidavit of David Crane, Exhibit 6 hereto). There is visible evidence of the historic use of Repa Trail to provide access to this farm house (See Affidavit of Douglas Edwards). Goodrich Road in Westford was effectively discontinued in 1972, and is now completely impassable. (See Affidavit of Douglas Edwards.) Unlike the fact situation in *Thompson*, where the landowner had access through another public road, Plaintiff has no such alternate access. Goodrich Trail is meandering, gated and impassable. However, even if it is suggested by the Defendant that Plaintiff does have alternative access through the steep, rough, impassable, gated path which disappears into the woods, known as Goodrich Trail, Plaintiff is still entitled to common law use of Repa Road, based on its prior use. Historic maps, the existing foundation and witness testimony confirm that the homestead located on Plaintiff's land, which is located only 500 feet from the terminus of Repa Trail on the Underhill-Westford line was accessed by Repa Trail and Repa Road. Continuing to access that homestead by the only nearby public road is a "reasonable" continuation of the "prior use" of the Repa Trail right of way. Timbering and sugaring are additional reasonable continuations of prior use for this rural land. In the aforementioned Order, the parties to the litigation and the court found that

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the right to drive motor vehicles, pick-up trucks, logging trucks and the like were acknowledged as necessary in order to “ensure that the Petitioners¹ may not be deprived of access to, or any economic benefits from, their respective parcels”. (See Exhibit 3)

DEFENDANT HAS NO AUTHORITY TO PROHIBIT PLAINTIFF’S USE OF ITS LAND.

Although admittedly not reflected in the minutes, the Underhill Selectboard members expressed concern at the hearings that Underhill roads were being used to access Westford lands. The selectboard bemoaned their lack of control over development in Westford, and expressed their desire to limit that land use by denying access over a public way. Vermont has historically considered town highways as not a purely local matter: “It is plain from the provisions of the statute, and from the entire course of usage and sentiment on the subject, that, as between towns, the matter of highways is one of mutual comity, the inhabitants of each town having in all other towns the same free and full right to use and enjoy the highways as the inhabitants of such towns have. In this way the duty imposed on each town respectively, is compensated and counterbalanced in respect to other towns, by the fruits of the equal duty proffered to the inhabitants of each town by every other town in the state.” *Brock v. Town of Barnet*, 57 Vt. 172, 177 (1884). “The town or its inhabitants have no more interest in the highways within its limits, than any other citizens.” *Panton Turnpike Co. v. Bishop*, 11 Vt. 198 (1839).

At the time of Plaintiff’s request, the Town of Underhill’s Trail Ordinance only regulated Crane Brook Trail. (See Underhill Trail Ordinance, Exhibit 7). There was no trail policy in effect limiting the use by abutters of any other town trails, or justifying the Town’s refusal to grant Plaintiff a license under 19 V.S.A. Section 1111. Plaintiff’s request was specifically conditioned on its commitment to cover costs of maintenance and upkeep of Repa Trail, and to hold the Town harmless

¹ The A. Johnson Company and Joseph Bornstein

from such costs. The uses requested by Plaintiff are currently held by other Westford landowners, i.e., the A. Johnson Company and Joseph Bornstein.

V.R.C.P. 56(c) provides, in pertinent part, that “[j]udgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that any party is entitled to a judgment as a matter of law.” Accordingly, summary judgment must be entered in favor of the movant if the evidence and submissions in support of the motion are sufficient to demonstrate the absence of questions of material fact and the moving party is entitled to judgment as a matter of law. *Miller v. The Merchants Bank*, 138 Vt. 235, 415 A. 2d 196 (1980).

FINAL CONCLUSION

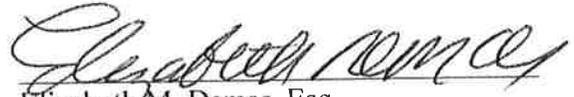
There are no genuine issues of material fact in this matter with respect to Plaintiff’s Complaint, and since Defendants cannot demonstrate that they have evidence sufficient to create such an issue of fact with respect to Plaintiff’s claims, summary judgment is appropriate and proper. *Tierney v. Tierney*, 131 Vt. 48, 51-52 (1972). Resolution of this matter does not require a full trial, and V.R.C.P. 56 provides a mechanism for the disposition of issues, claims, and defenses which do not warrant a full trial. *See Gore v. Green Mountain Lakes, Inc., supra*, at 264. As there are no genuine issues of material fact in dispute, Plaintiff is entitled to summary judgment as a matter of law.

Wherefore, Plaintiff moves the Court to grant summary judgment in favor of Plaintiff against Defendant Town of Underhill, providing that Plaintiff has a common law right to use Repa Trail for access to its land, and prohibiting the Town from allowing interference with its use. In the alternative, the Plaintiff requests that the Court issue an order requiring the Defendant to issue a license pursuant to 19 V.S.A. Section 1111 to Plaintiff, its heirs and assigns, granting it permission to use Repa Trail for agricultural purposes including logging, and to serve a single family residence;

which License shall run with the land and be recorded in the Town of Underhill Land Records.

DATED at Burlington, Vermont this 11th day of December, 2015.

By:



Elizabeth M. Demas, Esq.

Attorney for Plaintiff

Clarke Demas & Baker, PLLC

346 Shelburne Road, Suite 602

Burlington, Vermont 05401

cc:

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& BAKER

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ITEM #US4793
Westford, Westford Center
From Chittenden County 1869 published by **F. W. Beers & Co.** in 1869

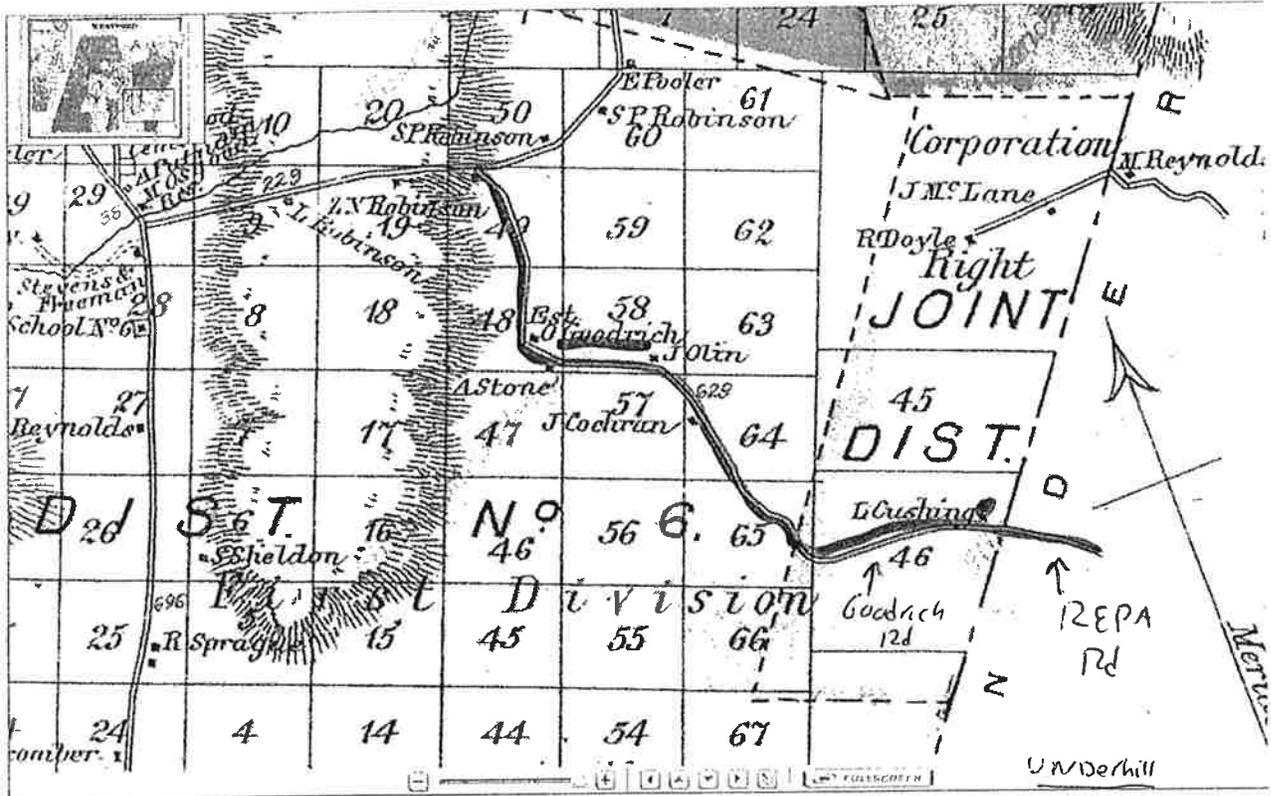
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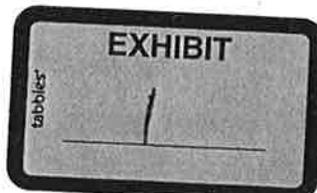
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OVERLAY THIS MAP

Map Information



STATE OF VERMONT

SUPERIOR COURT
Chittenden Unit

CIVIL DIVISION
Docket No. 333-4-15 Cnev

Brianne E. Chase, Trustee of the Revocable Living
Trust of Barbara S. Eastman
Plaintiff

v.

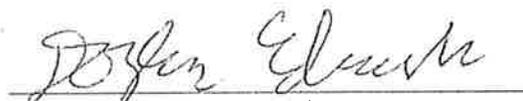
Town of Underhill
Defendant

AFFIDAVIT OF DOUGLAS EDWARDS

NOW COMES Douglas Edwards, and being duly sworn, deposes and says:

1. I have a contract to purchase the Eastman property in Westford, Vermont.
2. I plan to use the property for logging, maple sugaring, and for a single family residence.
3. I am familiar with the property, and have attempted to follow a portion of the old Goodrich Trail in Westford to access this property.
4. The trail is steep and rough and is not passable. It disappears into the woods and cannot be physically located in areas.
5. The house site on the Eastman property is located within approximately 500 feet of the Underhill town line, and was accessed by the former owner, Robert Nolan, via Repa Road.
6. There is a visible trail from the boundary of the Eastman property at the Underhill-Westford town line, located at the terminus of Repa trail, and the foundation of this old farmhouse.
7. The only reasonable access to this house site is over Repa Road and Repa Trail, which is consistent with visual evidence of its historic use.

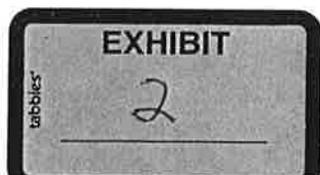
Dated at Essex, Vermont this 11 day of December, 2015.


Douglas Edwards

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Essex in said County this 11 day of December, 2015, personally appeared Douglas Edwards and made oath to the truth of the foregoing.

Before me, 
Notary Public
My commission expires: 2/10/19



determined that the public good and convenience requires that the Repa Road, Underhill Town Highway No. 21, be classified as a trail from the Westford/Underhill Town Line, a distance of 238 feet, more or less, to the Arnold Driveway and the conjunction with the Class III portion of Repa Road. Pursuant to 19 V.S.A. §775, the Selectmen and now this Court designate that said portion of Repa Road shall be continued as a trail at the same width or three rods.

3. Both Joseph Bornstein and The A. Johnson Company may need to continue to utilize the Goodrich Road and Repa Road (hereinafter referred to as the "Trails") for timber management and removal of timber and other forest products on their respective properties as well. As such, the parties enter into this Stipulation and Order to ensure that the Petitioners may not be deprived of access to, or any economic benefits from, their respective parcels.

4. Pursuant to 19 V.S.A. §304, the Boards of Selectmen of the respective Towns not only have the duty and responsibility, but the authority to make regulations governing the use of trails and to extend permission regarding the use of such trails. Likewise, the Board of Selectmen in taking the action noted above and creating Trails in both Westford and Underhill, did not intend by their respective actions to prevent access to and egress from the respective lots of the Petitioners/Appellants.

5. The A. Johnson Company and Joseph Bornstein may use the reclassified Town Highways, now designated as Trails, for access

to The A. Johnson Company and Joseph Bornstein parcels, respectively.

6. The Town of Westford and Town of Underhill shall have no obligation to construct, maintain, plow or repair said Trails within the respective Towns, and all responsibility for maintenance, construction, plowing and repair shall be the responsibility of The A. Johnson Company or Joseph Bornstein, as the case may be.

7. The A. Johnson Company shall acquire no vested rights or interest in the Trails by the construction of or improvements to said Trails for however long a period of time, nor from the use thereof for however long a period of time.

8. The A. Johnson Company and Joseph Bornstein, prior to the construction of any improvements or maintenance of the Trails, shall obtain the approval of the Board of Selectmen and/or Road Commissioner for the respective Towns wherein said Trail is located.

9. The A. Johnson Company and Joseph Bornstein are hereby granted, pursuant to 19 V.S.A. §1111, the right to use the Trails by any motor vehicles, pick-up trucks, four-wheel drive vehicles, logging trucks, logging equipment and the like in order to continue their programs of forestry management on The A. Johnson Company lands and the Bornstein parcel, respectively, and, periodically, to effect the removal of timber from their respective lots during the term of this Stipulation. The parties

agree that the designation of said Town Highways as Trails does not preclude the use of the herein described vehicles.

10. The parties to this Stipulation recognize that the existence of Goodrich Road, or Westford Town Highway No. 24 has been challenged in the matter of Timothy W. Budell and Della J. Budell, Petitioners v. Town of Westford, Respondent, Docket No. S1149-00CnC. If the resolution of the issues in the Budell case affects the existence of the Westford Town Highway No. 24 and the Court determines that said Town Highway does not exist, then this Stipulation is a nullity.

11. This Stipulation shall run with the land and be valid for and binding upon the Town of Westford, the Town of Underhill, The A. Johnson Company, Joseph Bornstein, and their respective heirs, successors, and assigns.

12. The parties understand and agree that this Stipulation will be incorporated into a Court Order in this case.

DATED at Burlington, Vermont, this 14th day of September, 2001.

TOWN OF WESTFORD

By:

Timothy M. Eustace, Esq.

DATED at Montpelier, Vermont, this 19th day of September, 2001.

TOWN OF UNDERHILL

By:

Paul S. Gillies, Esq.

ITZEL, PAGE &
LETCHE, P.C.
ATTORNEYS AT LAW
1 BATTERY STREET
P.O. BOX 1507
MONTPELIER, VERMONT
05402-1507

DATED at Middlebury, Vermont, this 17th day of September,
2001.

PETITIONERS

By:

Karl W. Neuse
Karl W. Neuse, Esq.

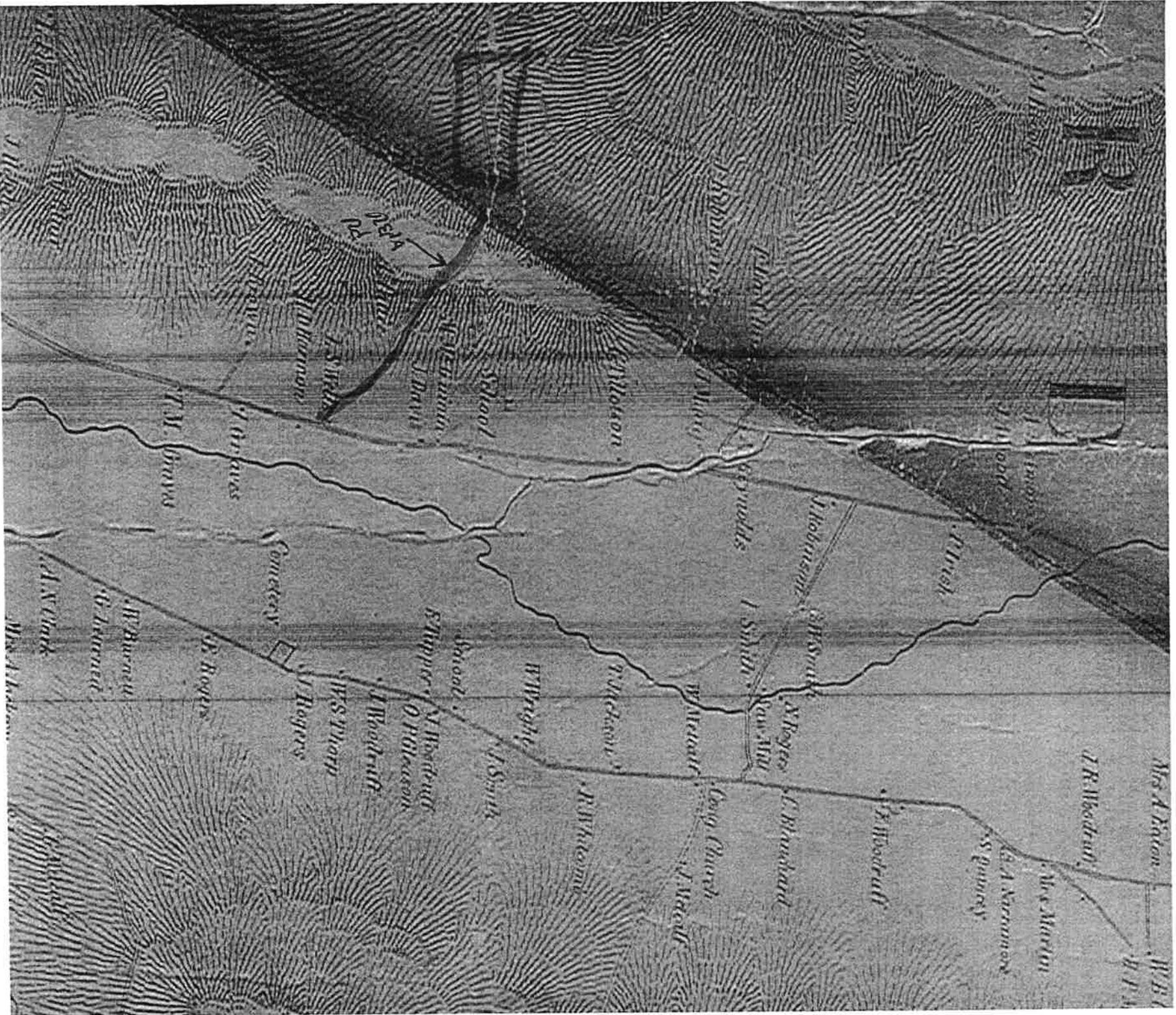
SO ORDERED this 26th day of September, 2001.

Mary Jo Leach
Presiding Superior Court Judge

wed451.11c

FITZEL, PAGE &
LETCHER, P.C.
ATTORNEYS AT LAW
71 BATTERY STREET
MIDDLEBURY, VERMONT
05402-1507

9-28-01 Certified to be a true copy
of the original as the same appears
on file in this office.
Deputy Clerk
Clerk, Chittenden Superior Court



tabbles

EXHIBIT

4

**TOWN OF UNDERHILL
SELECTBOARD MEETING MINUTES
6:00 p.m., Tuesday, September 30, 2014**

Selectboard: Seth Friedman, David Rogers and Cliff Peterson

Town Staff: Nate Sullivan, Brian Bigelow, Listers Pam Shover, Melissa Lawson and Jay Lederman,

Public: Ruth Miller (MMCTV), Ellen Goodman, Jason Guymon, Karen Guymon, Ron Seymour, Leila Bandar, Christine Toulis, Dick Wilcox, Beth Demas, Rolfe Eastman

6:00 p.m. Meeting called to order. Cliff Peterson proposed adding an Executive Session to the agenda after the Truck purchase agenda items. David Rogers seconded and the motion passed 3-0.

6:02 p.m. Public Comment –

No member of the public in attendance to speak to non-agenda items.

6:03 p.m. Town Truck Loan Documents –

Loan documents from Merchants Bank for the amount of \$160,000 at 2.5% were reviewed and signed by the Board. In the event that the final purchase price is less than \$160,000 the remainder will be used to pay down the principal.

6:10 p.m. Executive Session –

Cliff Peterson moved that the Selectboard enter into executive session to discuss, on a specific finding that premature public knowledge would put the Selectboard or a person at a substantial disadvantage, confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard. David Rogers seconded and the motion passed 3-0.

At 6:19 p.m. on a motion by David Rogers, seconded by Cliff Peterson and a 3-0 the Selectboard exited Executive Session. Executive Session summarized as resulting in no action being taken or decisions made.

6:20 p.m. Russell Clark, 2015 Truck Purchase –

Russell Clark was not in attendance for the 6:20 agenda item. Consensus of the Board was to proceed with the next item on the agenda.

6:21 p.m. Listers Pam Shover, Jay Lederman and Melissa Lawson

The Underhill Town Listers request the Selectboard authorize funding for appeals of recent decisions of the Board of Civil Authority. From the slate of BCA decisions, Cliff Peterson advised he would recuse himself from any discussion regarding the Brillhart appeal. Discussion ensued about the need for Executive Session and the consensus of



the Board was that it is not appropriate. Listers advised the Board that there were two decisions of the BCA that they disagreed with, specifically the appeals of Wilcox and Brillhart, and recommend the Selectboard appeal the two decisions to the Director of Property Valuation and Review for a decision by the State Appraiser.

David Rogers moved to appeal the Wilcox and Brillhart decisions and to fund the appeals with \$140 from the Selectboard Contingency line Item. Seth Friedman seconded and the motion passed 2-0-1, Cliff Peterson abstaining.

6:32 p.m. Adjustments to agenda.

With the agenda ahead of schedule the consensus of the Selectboard was to address Warrants, Minutes, Correspondence and Old Business at this time and break as interested parties arrived for their scheduled times.

Current warrants were reviewed by the Board after making notice of the \$8.33 overage of the Grover Engineering's 'not to exceed' amount of \$700.00. Consensus of the Board was to authorize the additional funds and the warrants were signed.

David Rogers moved to approve the minutes of September 16. Cliff Peterson seconded with an addition for the purpose of clarification on page 2 that the phrase "and that the new sidewalk follow the alignment of the existing sidewalk in that area" be inserted after "... *the area of 1 Park Street*". David Rogers accepted the amendment as friendly and the motion passed 3-0.

Draft letter prepared by Cliff Peterson to the Development Review Board was discussed. Draft letter to Road Foreman Nate Sullivan was read. Both letters are to be signed by Chair for distribution.

Discussion about the New York Life proposal was held. Selectboard expressed a concern that approval not appear as an endorsement. Cliff Peterson had reviewed VLCT website and offered to call and see if there were options available to member towns. Consensus of Board is to have item continued to October 14 meeting.

Town Administrator reviewed the following Old Business items:

- Town Hall Exterior Renovations: on schedule and on budget.
- Town Garage Ventilation Improvement Project, 4 contractors participated in walk through. Bids are to be opened on October 8.
- Landfill Recertification: Application Submitted.
- VT539 HMGP: Awaiting Subgrant Agreement.
- CUSI: Forecasting ~20% increases for FY 16 (~\$7,400) and FY17 (~\$8,900). Consensus of Board was to not sign the Letter of Agreement at this time and to invite attendance at an October meeting of the Selectboard.

7:08 p.m. English Settlement Road Signage.

Discussion about the 'Road Closed' signs at either end of the Class IV portion. Road is steep, narrow and not maintained in the winter. The sign does serve to prevent truck traffic which would find the portion impassable. However, it may deter members of the traveling public who could utilize the road but instead follow the clear message of the signs. Consensus of the Board is to have the Road Foreman and Town Administrator propose and erect more accurate signage

7:16 Jason and Karen Guymon, Access Permit Application at NU073.

The Guymons discussed the application with the Selectboard.

Discussion about the existing driveways at 71, 74 and 77 North Underhill Station Road and the substandard sight distance combined with the limited frontage of NU073.

Cliff Peterson moved to grant a waiver from the B-71 sight distance requirement under the Design section of the Underhill Road Policy due to the unique circumstances of the particular property, and not intended to be a precedent for other applications. Waiver requires maintaining the existing sight distance of 336 feet to the West as measured 15 feet in from the edge of the right-of-way at a height of 3½ feet. David Rogers seconded and the motion passed 3-0.

The consensus of the Selectboard is that at an appropriate point approaching Poker Hill Road; a cautionary, "blind driveway" sign be erected by the Town of Underhill to the benefit of area properties.

Applicants submitted additional information in the form of a letter from their surveyor Michael Gervais/Northern Land Surveying addressing the slope of the driveway (9% maximum grade). Note received from Chris Brunelle that the size of the bridge on his permit is intended as a minimum and larger could be proposed. Use of the property at this time proposed only as a single family residence. Additional review would be required for accessory dwelling.

Cliff Peterson moved to approve the access permit application of Jason & Karen Guymon in accordance with Northern Land Surveying LLC's Sheet Number DR-1 entitled 'Lands of Antoine & Pamela Catudal', dated August 20, 2014. The alignment is to follow that drawing to the proposed principal residence shown. The second driveway shown on the drawing is not permitted. David Rogers seconded and the motion passed 3-0. Chair signed the application with conditions as read into the record.

7:38 p.m. Wilcox Utility Access Permit Application (PH270)

Owners seek to excavate Poker Hill Road to provide underground power to their property. Consensus of Selectboard is that boring would be required rather than open excavation. Applicant to return with a modified proposal.

David Rogers moved Item to be carried over to the October 14, 2014 Selectboard meeting. Cliff Peterson seconded and the motion passed 3-0.

7:47 p.m. Eastman Property

Eastman Property (Town of Westford) Access. The Eastman property is at the end of the 238' portion of Repa Road designated as a Trail. Attorney Beth Demas and property owner Rolfe Eastman spoke with the Board and reviewed the status and history of the property, Repa Road in Underhill, Goodrich Road in Westford and abutting property owners' rights to use the trail for silvacultural purposes.

The Eastmans are not looking for any work to be performed on the trail but for a determination that use of the trail as a driveway would be allowed for any potential purchaser. Cliff Peterson will contact Town Attorney.

8:10 p.m. Roaring Brook

Laila Bandar, Ron Seymour and Christine Toulis met with the Selectboard. Notice has been received from Chris Brunelle that the Grover design would be eligible for a Stream Alteration Permit. The level of Town involvement going forward was discussed along with liability issues to include the implications of work on private property, assessment of this and other areas regarding potential flooding events, the new normal of storm events in frequency and severity, estimated construction cost of \$17,000, potential grants, implications of Act 16 regarding regional and local flood resiliency, repetitive emergency costs and option for including as a ballot item on Town Meeting Day. Consensus of the Board is if the process were to proceed with municipal funding it should have ballot approval.

9:15 p.m. Culvert Installation Reimbursement Policy

Policy of culvert installations performed by Town Road Crew reviewed. Residents who are purchasing culverts from the Town do need to pay the Vermont Sales Tax. Future initial installations will be performed by the Town and include billing for time and materials at the FEMA reimbursement rate. This will ensure proper installation.

9:20 p.m. Property Tax Resolution

A proposal to call for the Legislature to enact a two year cap on educational funding was considered by the Board. Proposal has been endorsed by five municipalities. The consensus of the Board is to not endorse the resolution.

9:26 p.m. Member Items, Correspondence, Announcements, Schedule.

Board reviewed the following correspondence:

- Submittals from the Town Finance Officer to include: FY 15 Year To Date Surplus(Deficit), Budget Status Report General, Budget Status Report Highway, Exterior Town Hall Costs and VLCT PACIF Renewal Application.

By consensus the board affirms their intent to renewal with VLCT PACIF.

- Abutter notification of 2 Lot Subdivision on BE108.
- MMCTV request for support for MMCTV's acquisition for equipment required to perform live broadcasts. Consensus of Board is to support their efforts.

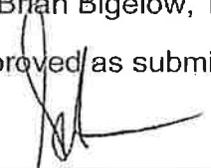
The next regularly scheduled meeting is October 14, 2014 at 6:00 p.m. A Special Meeting has been scheduled for October 8 at 8:00 a.m.

9:30 p.m. Adjournment.

David Rogers moved to adjourn. Cliff Peterson seconded and the motion passed 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended.



Seth Friedman, Chair

10-14-14

Date

**TOWN OF UNDERHILL
SELECTBOARD SPECIAL MEETING MINUTES
6:30 p.m., Tuesday, January 6, 2015**

Selectboard: Seth Friedman, David Rogers and Cliff Peterson

Town Staff: Nate Sullivan, Sherri Morin, RaMonna Sheppard and Brian Bigelow

Public: Bob Murphy, Chris Miller, Peter Bennett, Bill Young, Steve Webster, Beth Demas and Arnold Baizley

6:30 p.m. Meeting called to order. Adjustments to agenda as follows: moving discussion about the FY15-16 Budget to 7:00 p.m. and add an Executive Session to the end of the meeting to discuss pending and impending legal actions where premature exposure would be detrimental to a party and to advise the full Board about discussions with the Town Attorney.

6:31 p.m. Public Comment – No Public Comment.

6:32 p.m. Energy Committee -

Chris Miller, Steve Webster, Peter Bennett and Bob Murphy of the Energy Committee met with the Selectboard and discussed a potential 'Solarize Underhill' program modeled after similar project is in multiple municipalities and regions. The program aim of increasing solar power accessibility includes a program characterized as a 'buyers club' for the purchase and installation of solar photovoltaic equipment. Discussion ensued about the appropriateness of this as a Town recognized program as opposed to a local volunteer effort.

Cliff Peterson moved that 'Solarize Underhill' is resolved not to be a project of the Selectboard or Town and the Energy Committee is directed to not make it a project of the Energy Committee, without prejudice to what private citizens may do. David Rogers seconded and the motion passed 3-0.

The Energy Committee proposed the inclusion of \$1,000 into the FY15-16 Budget. Discussion ensued about strict adherence to town policies regarding grants and purchasing. Going forward correctly is paramount; better and more frequent communication with staff and committees required. Underhill Flats Post Office oil tank needs attention in the future and relocation of the thermostat is recommended.

7:09 p.m. FY15-16 Draft Budget –

Selectboard reviewed Energy Committee's request and by consensus determined that the \$500 Committee and Task Forces budget line would be sufficient as the \$250 request for materials for town buildings should come from the specific building's maintenance budget line and the \$250 for event expense could be covered under the Selectboard's Other Expenses budget line as needed.

Discussion ensued about unassigned fund balances. Current Contingency Reserve Report reviewed. Policy and best practices discussed. Consensus of Board was to consider expending \$65,000 of the surplus. Additional discussion ensued.

Cliff Peterson moved to have as a ballot item using \$65,000 from the General Unassigned Fund Balance line for highway infrastructure purposes. David Rogers seconded and the motion passed 3-0.

David Rogers moved approval of the Town of Underhill FY15-16 Budget in the total amount of \$2,518,806. Cliff Peterson seconded and the motion passed 3-0.

7:35 p.m. Draft Ballot Items –

Draft ballot items reviewed and discussed with the Selectboard, Staff and Bill Young.

Ballot items for a loan for the purchase of a loader, \$65,000 for highway infrastructure, \$20,000 for a generator at the Town Garage, Maple Leaf Treatment Center's tax exempt status, Chittenden Unit for Special Investigation's increase funding request and Vermont Center for Independent Living's initial inclusion as a service agency were discussed and final wording will be approved at a subsequent meeting. In addition the proposal to use \$20,000 towards maintenance of Old Schoolhouse Number 5 was removed.

7:50 p.m. Town Finance Director -

FY14-15 Audit results reviewed. Current year Expense and Revenue Reports reviewed. Current Year Traffic Control Costs Report reviewed. Grand List Taxes Billed Reconciliation reviewed.

8:10 p.m. Baizley Access Application (PV623)

Arnold Baizley in attendance to speak to the proposal. Site Visit performed by Road Foreman and Town Planner earlier in the day. Applicant and Board reviewed application and recent DRB approval.

Cliff Peterson moved that the application for the new driveway at PV623 be approved as shown on Lamoureux & Dickinson Consulting Engineers' drawing entitled Property of Arnold & Paula Baizley, Sheet S2 (Grading Plan) dated 10-3-2014 and in adherence to the driveway standards of B-71. In addition the local land use regulation for pull-offs every 500 feet on the ~1,200' shared portion may be modified for environmental concerns to avoid impacts on wetlands or floodplains. David Rogers seconded and the motion passed 3-0.

8:22 p.m. Old Business:

Repa Road/Trail - Attorney Beth Demas presented the Eastman Trust's request for permission to upgrade the trail portion of Repa Road at no expense to the Town of Underhill to allow for vehicular and logging access to their property in Westford serving a single residential dwelling. Selectboard advised that they would have a response prior to their January 20, 2014 meeting.

Town Garage – Status of work at Town Garage reviewed. Consensus to accept the quote of Cummings Electric to install the new High Bay lights. Additional expenses for lights and repairs to overhead doors will necessitate in the building maintenance line items being over budget.

Cliff Peterson moved to approve the Town Garage Building Maintenance Budget Line to be exceeded by \$5,618 for the lights and repairs to overhead doors. David Rogers seconded and the motion passed 3-0.

Deane Road Culvert – Two engineering quotes reviewed, a third having been withdrawn, two more are outstanding. Consensus of Board was to table until the January 20th meeting.

Chittenden County Regional Planning Commission Work Program – Selectboard consensus to seek no matching grants through the program this application period.

Landfill Recertification – Notice made of receipt of State approval.

8:40 p.m. New Business:

Employee Vacation Rollover – Requests of Highway personnel reviewed.

David Rogers moved to authorize the rollover of 38.5 vacation hours by Nate Sullivan and of 11.5 hours by Scott Kilpeck. Seconded by Cliff Peterson the motion passed 3-0.

8:52 p.m. Warrants and Minutes.

Current Warrants reviewed and signed.

Review of 12/23/14 Special Meeting Minutes. Cliff Peterson moved to approve the minutes of the Selectboard's 12/23/2014 Special Meeting. David Rogers seconded and the motion passed 2-0-1 (Seth Friedman abstaining).

8:54 p.m. Member Items, Correspondence, Announcements, Schedule.

Maple Leaf Treatment Center has submitted a letter for inclusion in the Town Report. Consensus of Board was that only service agencies which receive a municipal budget appropriation may submit.

Rebate letter related to the recent energy efficiency improvements at the Underhill Flats Post Office signed by Chair.

The next regularly scheduled meeting is January 20, 2015 at 6:00 p.m. By consensus of the Board a Special Meeting will be scheduled for January 19th at 8:30 a.m. for the sole purpose of finalizing the Town Meeting Australian Ballot Items.

8:55 p.m. Executive Session

Cliff Peterson moved to have the Board enter Executive Session to discuss advice of counsel received; as well as matters pertaining to both pending and imminent, threatened litigation on the grounds that to do all this outside of Executive Session would prejudice not only the Town, but certain individuals. David Rogers seconded the finding and the motion to enter Executive Session. The finding and motion passed 3-0.

On a motion by David Rogers, seconded by Cliff Peterson and passing 3-0; the Selectboard exited Executive Session.

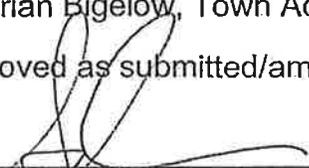
As a result of the Executive Session the Selectboard is contemplating seeking public input on the Repa Road / Repa Trail issue.

9:45 p.m. Adjournment.

David Rogers moved to adjourn. Cliff Peterson seconded and the motion passed 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended.



Seth Friedman, Chair

1.20.15

Date

**TOWN OF UNDERHILL
SELECTBOARD SPECIAL MEETING MINUTES
5:00 p.m., Tuesday, February 3, 2015**

Selectboard: Seth Friedman, David Rogers and Cliff Peterson

Town Staff: RaMona Sheppard and Brian Bigelow

Public: Dale Walker, Ariel Krolick, Kevin Tarrant and Catherine Tarrant

5:07 p.m. Meeting called to order. Agenda adjusted to consider adding legal issues to the scheduled Executive Session for personnel issues.

David Rogers moved to have the Board enter Executive Session with Mona Sheppard to discuss personnel issues and to discuss advice of counsel received on matters pertaining to both pending and imminent, threatened litigation on the grounds that to do all this outside of Executive Session would prejudice not only the Town, but certain individuals. Cliff Peterson seconded the finding and the motion to enter Executive Session. The finding and motion passed 3-0.

On a motion by David Rogers, seconded by Cliff Peterson and passing 3-0; the Selectboard exited Executive Session at 6:07 p.m.

6:09 p.m. Public Comment – Dale Walker presented a preliminary drawing for an alternative driveway site and access point at his Tupper Road property (TU053). Drainage, sight distance and grade discussed. Centerline of driveway is staked. Dale Walker will submit application for the February 17, 2015 Selectboard meeting.

6:23 p.m. Adoption of Road, Driveway and Trail Ordinance, subject to the provisions of 24 V.S. A. sections 1972, 1973.

Cliff Peterson reviewed current draft and comments received from members of the Planning Commission and Development Review Board. Additional discussion by the Selectboard ensued. Modifications to the draft discussed and three minor changes were made. Discussion about warning process followed.

David Rogers moved to adopt the Road, Driveway and Trail Ordinance as amended. Cliff Peterson seconded and the motion passed 3-0.

6:50 p.m. Old Business:

Town Highway Garage – Selectboard reviewed status of work performed at Highway Garage by Alliance Mechanical. A final invoice has been submitted. The consensus of the Board is to withhold the final payment until issues with the Breaker Box and Panel. Staff to contact Contractor.

Staff to contact Project Engineer and Weimann Lamphere Architects regarding excessive play in the hanging mechanism for the scrubber units. A review of Contractor's installation is required. Design modifications will be required if installation

is in conformance. Additional discussion on the placement for infrared devices also required.

Repa Road – Area property owners and interested parties notified of Public Forum scheduled for 6:30 p.m. at the Selectboard's February 17th meeting by letter from Town Administrator. Two responses received to date.

FEMA HGMP VT539 – Executed contracts received from FEMA. Staff to schedule Kick Off meeting with property owners.

Engineer Design Estimates for Deane Road – Consensus of Board to proceed with a formalized sealed bid process. Town Administrator to advise submitters.

7:04 p.m. New Business:

Public Hearing for Annual Meeting Australian Ballot Items – Consensus of Board was to have a special meeting on February 24, 2015 at 6:30 p.m.

Draft Changes to Personnel Policy - Consensus of Board to not schedule anything prior to Town Meeting. Staff to be encouraged to submit comments.

7:22 p.m. Warrants and Minutes.

Current Warrants reviewed and signed.

Review of January 20, 2015 Regular Meeting Minutes. Cliff Peterson moved to approve the minutes of the Selectboard's January 20, 2015 Regular Meeting. David Rogers seconded and the motion passed 3-0.

Review of January 19, 2015 Special Meeting Minutes. David Rogers moved to approve the minutes of the Selectboard's January 19, 2015 Special Meeting as amended. Cliff Peterson seconded and the motion passed 3-0.

7:38 p.m. Member Items, Correspondence, Announcements, Schedule.

Staff directed to draft a letter to Jericho Town Administrator requesting the Underhill Selectboard be copied on traffic information related to the Jericho Market Application with the Jericho Development Review Board.

Payment status of outstanding billing with Mount Mansfield Animal Hospital discussed. Town Administrator advised that the most recent conversation with Jeanine Wixson was that she had paid with a money order. Staff directed to formalize conversations.

The request of Jackie Stoner of 185 River Road related to the speed limit on River Road reviewed. Consensus of Board was to have Town Administrator request the Chittenden County Regional Planning Commission to perform an Engineering Speed study on River Road.

The next regularly scheduled meeting is February 17, 2015 at 6:00 p.m. By consensus of the Board a Special Meeting will be scheduled for February 24th at 6:30 p.m. for the public informational hearing on the Town Meeting Australian Ballot Items.

7:45 p.m. Recess

Cliff Peterson moved to recess meeting until February 10, 2015 at 8:30 a.m. at which point the Board will enter Executive Session on Personnel issues. David Rogers seconded and the motion passed 3-0.

February 10, 2015

8:30 a.m. Chair reopened the recessed February 3, 2015 Meeting.

8:32 a.m. David Rogers moved to enter Executive Session to discuss Personnel issues. Cliff Peterson seconded and the motion passed 3-0.

12:00 p.m. David Rogers moved to exit Executive Session. Cliff Peterson seconded and the motion passed 3-0.

Executive Session summarized as the Selectboard conducting Employee Performance Reviews.

12:05 p.m. David Rogers moved to adjourn. Cliff Peterson seconded and the motion passed 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended.


Seth Friedman, Chair

2.17.15

Date

**TOWN OF UNDERHILL
SELECTBOARD MEETING MINUTES
6:00 p.m., Tuesday, February 17, 2015**

Selectboard: Seth Friedman, David Rogers and Cliff Peterson

Town Staff: Pam Shover and Brian Bigelow

Public: Benjamin Bornstein, Betsy Beck, Kevin Tarrant, Brad Holden, Tom Yager, Stan Senger, Judith Couillard, Bernie Couillard, Carol Menard, Carl Menard, Jim Foley, Beth Demas, David Crane, Floyd & Nancy Scott, Carolyn Gregson, Peter Duval, Adam McPadden, Dale Walker, Ariel Krolick and Phil Jacobs

6:00 p.m. Meeting called to order. Agenda adjusted to add an Executive Session to discuss legal issues and personnel issues after Member Items.

6:03 p.m. Public Comment – Brad Holden noted that as a result of the School Merger vote the Central School property would be signed over to the Mount Mansfield Modified Union School District. He proposed consideration of a subdivision prior to that time which would separate the 18 acres into two lots. One lot would encompass all of the improvements and land required for the mission of the school. The other lot would be retained by the Town of Underhill and perhaps leased back to the District. Consensus of Board was that further research and discussion was warranted.

6:05 p.m. Discussion of Town Mapping Requirements.

Chief Lister Pam Shover and Brad Holden advised the Board that they had researched how much work would be required to bring the Town's mapping up to date reflecting the most recent parcel changes with the goal of having the map match the Grand List as established on April 1, 2015. One to two days of work in the range of \$1,000-\$1,200 was estimated. Consensus of Board was to find the money. Pam Shover asked to contact Finance Director for status of budget line.

Due to the next agenda item being warned as a public forum at 6:30 p.m. the consensus of the Board was to commence with Old Business and New Business until that time. These items would be revisited if members of the public arrive.

6:10 p.m. Old Business:

Town Highway Garage – Selectboard reviewed status of work performed at the Highway Garage by Alliance Mechanical. Box, panel and infrared modifications have been made. The hanging mechanisms for the scrubber units will be replaced on February 18. Consensus of Board was to have the Project Engineer return to approve the modification. Board discussed the maintenance program proposal. Consensus of Board was to have Staff devise a program for in house maintenance to the extent possible.

FEMA HGMP VT539 – Kick Off meeting scheduled for February 18. Process for appraisal of property to follow.

Deane Road Culvert Replacement – Town Administrator drafting RFP and Scope of Work for Board review.

Traffic Impact Study for Jericho Market – Copy of Trudell Consulting Engineers' study has been received. Consensus of Board was to post the study on the Town Web site and to utilize Front Porch Forum to advise interested people that it was available for their review.

6:24 p.m. New Business:

Marc Maheux letter re: PH038 access - Consensus of Board was to have Staff draft a letter confirming if no changes are proposed to the driveway layout from Poker Hill Road to the detached garage as shown on the plan prepared by David Tudhope L.S. (Project #759, dated 5/20/11) then an Access Permit is not required. Proposed changes to existing conditions would necessitate application and review.

6:30 p.m. Public Trail Portion of Repa Road -

Public Forum opened. Selectboard explained that the Town is represented by consul and was here to listen.

Attorney Beth Demas, representing the Eastman Trust summarized the Trust's requests. Potential purchaser Douglas Edwards confirmed that he would timber and sugar the property and would like to be able to have one residence on it.

Area residents Stan Senger, Adam McPadden, Floyd Scott, Carl Menard, Bernie and Judith Couilliard spoke to the issue. Emails were received from Craig Armstrong, Dean Mogavero and Dawn Servon.

Potential impacts on the area, increased Repa Road traffic, natural resources, and possible future requests for additional housing were commonly expressed concerns.

Two additional Westford parcels are beneficiaries of stipulations from 2001 allowing silvacultural uses of the trail. Tom Yager representing A. Johnson Company spoke to the issue. Benjamin Bornstein and Attorney Jim Foley spoke about Borenstein's requests of the Town and the Eastman Trust.

Underhill resident Brad Holden raised the question of trail or highway status of the westernmost ~238ft of Repa Road. Former Town Administrator Carolyn Gregson opined that the result of the 2000 process was reclassification to trail status.

Public Forum concluded; no specific timeline for determination set.

6:58 p.m. New Business (continued):

Town Plan Update – Notice made of receipt of memorandums received from Town Planner regarding the Town Plan adoption process. The Underhill Planning Commission will hold a Public Hearing on March 18, 2015. Subsequent Selectboard hearings are tentatively scheduled for April 28 and May 12, 2015

Reappointments for Town Boards and Commission -

Cliff Peterson moved to appoint Charles Van Winkle to a three year term on the Underhill Development Review Board effective Town Meeting Day 2015. David Rogers seconded and the motion passed 3-0.

Cliff Peterson moved to appoint Shanie Bartlett to a one year term as an Alternate Member on the Underhill Development Review Board effective Town Meeting Day 2015. David Rogers seconded and the motion passed 3-0.

Cliff Peterson moved to appoint David Edson and Irene Linde to four year terms on the Underhill Planning Commission effective Town Meeting Day 2015. David Rogers seconded and the motion passed 3-0.

7:05 p.m. Walker Access Permit (TU053)

Dale Walker and Ariel Krolick in attendance to present their proposed location. Abutter Jon Thomas in attendance and in support of the new location. Town Administrator and Road Foreman concerned over sight distance to the right when accessing Tupper Road. Consensus of Board to continue application until next meeting.

7:26 p.m. Traffic Impact Study for Jericho Market – Phil Jacobs arrived to discuss study with the Selectboard, curious why Park Street was not included in the study. Consensus of Board was that impacts would occur beyond the Dickenson Street and Raceway Road intersections with Route 15. Cliff Peterson to draft letter to Jericho Development Review Board requesting that the study area include Park Street.

7:48 p.m. Warrants and Minutes.

Current Warrants reviewed and signed.

Review of February 3, 2015 Special Meeting Minutes. David Rogers moved to approve the minutes of the Selectboard's February 3, 2015 Special Meeting. Cliff Peterson seconded and the motion passed 3-0.

7:48 p.m. Member Items, Correspondence, Announcements, Schedule.

The next regularly scheduled meeting is Town Meeting Day March 3, 2015 at 6:00 p.m. and the polls do not close until 7:00 p.m. By consensus of the Board the schedule will

be to open the meeting, sign warrants and recess the meeting until a time and date certain to allow the newly elected board member to participate fully in the organizational meeting. A Special Meeting is scheduled for February 24th at 6:30 p.m. for the public informational hearing on the Town Meeting Australian Ballot Items.

7:52 p.m. Executive Session

Cliff Peterson moved to have the Board enter Executive Session to discuss personnel issues and to discuss advice of counsel received on matters pertaining to both pending and imminent, threatened litigation on the grounds that to do this outside of Executive Session would be prejudicial to not only the Town, but certain individuals. David Rogers seconded the finding and the motion to enter Executive Session. The finding and motion passed 3-0.

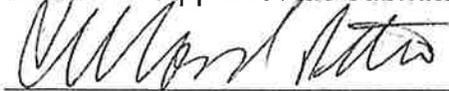
On a motion by David Rogers, seconded by Cliff Peterson and passing 3-0; the Selectboard exited Executive Session at 8:43 p.m.

No actions were taken as a result of Executive Session.

8:45 p.m. David Rogers moved to adjourn. Cliff Peterson seconded and the motion passed 3-0.

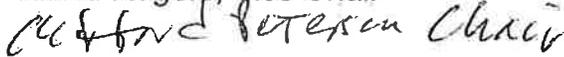
Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended.

 3/5/15

~~David Rogers, Vice Chair~~

Date

 Chair

The Burlington Free Press

191 College Street, P.O. Box 10, Burlington VT 05402-0010
Phone: 802-863-3441

Town of Underhill

PO Box 120

Underhill, VT 05489

AFFIDAVIT

This is to certify that advertising for which space measurements are listed below
has been published in all editions of The Burlington Free Press on the date(s) indicated.

0

Customer: Town of Underhill
Product: Burlington Free Press
Insertion Date(s): 5-Feb

Total Space Measurement: _____
1x25

Affirmed before me, this 23 day
of Feb 2015
Jackie Brewster
Notary Public

THE BURLINGTON FREE PRESS
By: [Signature]
Accounting Department

Burlington Free Press

marketplace

802.658.3321 | 800.427.3125

Place your ad online! freepressclassified.com

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Two publications and online for \$20

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WE HAVE OPTIONS!

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Print, online, Real Estate Extra.

buzz

Info

BURLINGTON FREE PRESS ADVERTISEMENTS: All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Burlington Free Press reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Terms must be reported in the first day of publication. The Burlington Free Press shall not be liable for any loss of response that results from an error in the position of an advertisement. We request for early cancellation of order.

www.burlingtonfreepress.com

Adoption

ADOPT A AFFECTIONATE, DEVOTED, MARRIED, CARING LAWYERS JOYFULLY AWAIT *** MIRACLE BABY *******
 Excited Grandparents too.
 Response please! 800-563-7964

Garage Sales

MILTON MOVING SALE - Sat. 2/7 & Sun. 2/8, 9am-5pm Furniture, Electronics, Household items, plants, breadfruit & more. 832 W. Milton Road.

Legal Notices

NOTICE OF ADOPTION OF ORDINANCE TOWN OF UNDERHILL

The Selectboard of the Town of Underhill has adopted, subject to the provisions below, a "Road, Driveway and Trail Ordinance". The ordinance addresses construction and maintenance of public and private ways and may be viewed on the Town's website at www.underhillvt.gov. Questions and comments may be addressed to Brian Beglow, Town Administrator, at 802-977-4434 ext. 100, or at P.O. Box 120, Underhill, VT 05159. The full text may be examined at the Town offices, 12 Pleasant Valley Road, Underhill, VT 05489. Citizens have the right to petition for a vote on the ordinance at an annual or special meeting as provided in 24 V.S.A. section 1975, the requirements of which should be consulted by petitioners.

February 5, 2015

Burlington Parks, Recreation & Waterfront seeks bids for Professional Design/Build Services for Waterfront Park Boardwalk Replacement.

Burlington Parks, Recreation & Waterfront is seeking proposals from

qualified design/build contractors for the replacement of wood decking at the Waterfront Park Boardwalk. Questions concerning this RFP must be made via email per the schedule outlined below. Responses to all submitted questions will be posted at: <http://www.burlingtonvt.gov/RFP>

Issue date: Thursday, February 5, 2015
 Official Site Visit: Monday, February 9, 2015, 9 AM
 Questions due: Thursday, February 12, 2015 by 4:00 PM
 Proposals due: Wednesday, February 18, 2015 by 4:00 PM

Inquiries/Submissions to:
 Jon Adams-Kolitz,
 Parks Project Coordinator
 Burlington Parks,
 Recreation & Waterfront
jadamskolitz@burlingtonvt.gov
 (802) 540-0363

February 5, 2015

VERMONT HOUSING FINANCE AGENCY NOTICE OF PUBLIC HEARING ON BOND ISSUE

Notice is hereby given that a Public Hearing will be conducted by the Vermont Housing Finance Agency (the "Agency") on the 3rd day of March 2015, at 9:00 a.m. in its offices located at 161 St. Paul Street, Burlington, Vermont, regarding the proposed issuance of the exempt bonds, in the aggregate principal amount of up to \$3,500,000, for the purpose of providing financing for the acquisition and rehabilitation of the Darling Inn housing project (the "Project").

The Project consists of 1 building containing 28 units, all of senior rental housing. The Project is located at 76 Depot Street, Lyndonville. The borrower will be to be formed entity that will be an affiliate of Rural Edge.

All persons who desire to be heard on the proposed issuance of bonds are invited to attend the Public Hearing. For the convenience of interested persons, additional information relating to the Project will be available at the office of the Agency.

Issuance of the proposed bonds is subject to, among other conditions, the approval of the Governor of the State of Vermont.

February 5, 2015

REQUEST FOR BIDS WINDOOSKI SCHOOL DISTRICT OFFICE OF THE SUPERINTENDENT 60 HORNAND ST. WINDOOSKI, VT 05484 (802) 655-0485

The Windooski School District is issuing a request for bid (RFB) for the replacement of sixteen (16) floor-mounted unit ventilators and associated work in the High School wing.

A pre-bid walk-thru will be held on Thursday, February 12, 2015 at 4:00 PM. The walk-thru will commence in the main lobby of the school.

Sealed bids will be received until 11:00 a.m., Thursday February 26, 2015. Bid opening will occur at a later date to be determined.

Any proposal may be withdrawn prior to the listed time. Proposals received after the listed time will not be considered. The Board reserves the right to waive any informality in the bid process and reject any or all bids.

Please contact Eric Lalayette, Person Contracting at eric@person.com or 802-218-3181 to request a bid package.

February 4, 5 & 6, 2015

Burlington Parks, Recreation & Waterfront seeks bids for Professional Design/Build Services for Waterfront Park Improvements

This Request for Proposals invites responses from qualified, experienced design/build professionals to assist Burlington Parks, Recreation & Waterfront with the design and construction of critical improvements in Waterfront Park. Questions concerning this RFP must be made via email per the schedule outlined below. Responses to all submitted questions will be posted at: <http://www.burlingtonvt.gov/RFP>

Issue date: Thursday, February 5, 2015
 Site visit: Thursday February 12, 2015 from 9:30-10:30 AM
 Questions due: Monday, February 16, 2015 by 4:00 PM
 Proposals due: Monday, February 23, 2015 by 4:00 PM

Inquiries/Submissions to:
 Jon Adams-Kolitz,
 Parks Project Coordinator
 Burlington Parks,
 Recreation & Waterfront
jadamskolitz@burlingtonvt.gov
 (802) 540-0363

February 5, 2015

Personals

ONE GOLDEN MOMENT: A recorded Bible message. Messages change daily Tel: (802) 725-0160

Place at \$250 or less go to www.burlingtonfreepress.com and place your ad at your convenience.

Selling Your Stuff?

Place your ad today at www.burlingtonfreepress.com. Your ad will appear 7 days on www.freepressclassified.com 4 days in Burlington Free Press and one week in the Buyers Digest. For just \$70.

Antiques/Collectibles

FENTON HOUSE SUNCATCHER in Box #15. Call (802) 497-0865. 1987 INAUGURAL PHOTO & INWIRE \$20. Call (802) 497-0865.

stuff

Absolutely Free

ABSOLUTELY FREE: Boxes of dried rose petals. (802) 655-6243.

pets

Cats

Antiques/Collectibles

SHAKIRA DOUBLE HEART PINK \$15. (802) 497-0865.

ANTIQUES WANTED

Local 3rd Generation Dealer Seeking Quality Antiques. For Purchase or For Auction Call Brian Billner at (802) 272-7327 or visit www.billnerantiques.com



Electronics Misc.

PHONE 45 Fliproof case. \$175/080. (802) 655-4022.

Fuel/Coal/Oil/Wood

DRY FIREWOOD: All hardwood. Split and Stored inside. 9 months. Any size load. (802) 528-3224

Adoption

Place your ad in the personal section. (802) 658-3321

SEASONED FIREWOOD

\$200/cord. \$125/half cord. 673-5892. WOOD FOR SALE Seasoned Hardwood. \$300/cord. Oct. Avail. (802) 393-7776 or 393-0272.

Furnaces/Heating

HARDWOOD FIREWOOD. Block split, delivered. (802) 782-4915.

Furniture

MATTRESSES - FURNITURE KITCHEN CABINETS NEW! Wholesale direct pricing! www.kbcbfurniture.com 802-735-3431 Delivery available

Jewelry

SHAKIRA DOUBLE HEART PINK \$15. (802) 497-0865.

Dogs

BULLDOG PUPPIES English and American cross. Shots/vaccinated. Taking deposits. 802-476-5904

DACHSHUND PUPPIES - 1M/2F, family raised, 8.5 weeks old. 1st shot/dewormed. Ready to go 1/29. \$500. 802-338-8215.

ENGLISH MASTIFF PUPPIES Perched first shots/vaccinated. \$600 M/F (802) 334-6554. Please leave msg.



AKC PUG PUPPIES Ready to go. Quality bred, from and black. Shots/vaccinated. (802) 679-8850 or (802) 723-6194.

MORTGAGEE'S NOTICE OF FORECLOSURE SALE OF REAL PROPERTY UNDER 12 V.S.A. sec 4952 et seq.

As ordered by the Court set forth below and in connection with a certain mortgage given by Zenda Farrell to Mortgage Electronic Registration Systems, Inc., as nominee for Taylor Bean & Whitaker Mortgage Corp., its successors and assigns, dated January 12, 2009 and recorded in Book 308 Page 699 of the Land Records of the Town of Milton, of which mortgage the Plaintiff is the present holder. In accordance with the Judgment Order and Decree of Foreclosure entered April 29, 2014 in the action entitled Conlar, FSB v Zenda Farrell and USAA Federal Savings Bank ("USAA FSB"), by the Chittenden Unit, Civil Division, Vermont Superior Court, Docket No. S0856-12 Conc for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 8 US Route 7 North, Milton, Vermont on February 10, 2015 at 10:00 am all and singular the premises described in said mortgage.

To wit:
 Being all and the same lands and premises conveyed to Zenda Joan Farrell by Quit Claim Deed of Justin G. Krauss dated January 8, 2009, to be recorded in the Town of Milton Land Records.

Being all and the same lands and premises conveyed to Justin G. Krauss and Zenda Joan Farrell by Quitclaim Deed of Justin G. Krauss dated March 25, 2004, of record in Volume 203, page 211 of the Town of Milton Land Records, and being more particularly described as follows:

Being all and the same land and premises conveyed to Justin G. Krauss by Quit Claim Deed of Denise A. Solomon (k/a Denise A. Krauss) dated January 16, 1992 and recorded Volume 197, page 470 of the Land Records of the Town of Milton. Also being all and the same land and premises conveyed to Justin G. Krauss and Denise A. Krauss by Warranty deed of David L. Icham dated August 25, 1987 and recorded in Volume 107, Page 201 of the town of Milton Land Records.

A parcel of land, together with dwelling house and all improvements now thereon, being located westery of the intersection of US Route 7, so-called, and Lake Road, so-called, said parcel being designated as Lot No. 4, so-called, on a survey map entitled, "Subdivision of Land of Charles J. Choiniere, Milton, Vermont," dated August 1985, revised March 11, 1988 as prepared by Paul C. Harrington, L.S., filed in Map Slide 5, page B, Map 5 in the Milton Town Clerk's Office, to which map reference is hereby made in aid of this description.

Containing .93 acres, be the same more or less.

Reference is hereby made to the above instruments and to the records and references contained therein in further aid of this description.

Terms of sale: Said premises will be sold and conveyed subject to all liens, encumbrances, unpaid taxes, tax liens, municipalities and assessments, if any, which take precedence over the said mortgage above described.

TEN THOUSAND (\$10,000.00) Dollars of the purchase price must be paid in cash, certified check, bank treasurer's or cashier's check at the time and place of the sale by the purchaser. The balance of the purchase price shall be paid in cash, certified check, bank treasurer's or cashier's check within thirty (30) days after the date of sale.

The mortgagor is entitled to redeem the premises at any time prior to the sale by paying the full amount due under the mortgage, including the costs and expenses of the sale.

Other terms to be announced at the sale.

DATED: January 16, 2015

By: /s/ Amber L. Doucotte, Esq.
 Amber L. Doucotte, Esq.
 Bondelli and McHugh, PC
 270 Farmington Ave., Ste. 151
 Farmington, CT 06032
 (860) 606-1600
 Fax (860) 409-0626

STATE OF VERMONT

SUPERIOR COURT
Chittenden Unit

CIVIL DIVISION
Docket No. _____

Brianne E. Chase, Trustee of the Revocable Living
Trust of Barbara S. Eastman
Plaintiff

v.

Town of Underhill
Defendant

AFFIDAVIT OF DAVID CRANE

NOW COMES David Crane, and being duly sworn, deposes and says:

1. I am employed as a licensed real estate agent by Coldwell Banker, Hickok & Boardman in Burlington, Vermont. I am the listing agent for the Eastman Property.
2. I have personally visited the Eastman Trust Property, and am familiar with access from Repa Road, in Underhill, Vermont.
3. At the Underhill-Westford town line, Repa Road becomes Goodrich Trail. The trail is evident for about 500 feet, then is unrecognizable and is certainly not passable by passenger car.
4. I observed the remnants of a house foundation, and crumbling barn structures on the Eastman Trust property. These structures are located approximately 500 feet from the terminus of the trail at the end of Repa road in Underhill, which is where the trail "disappears".
5. The only reasonable access to the old house site is over Repa Road, and the 238 feet of trail in Underhill.

Dated at Burlington, Vermont this 27 day of March, 2015.

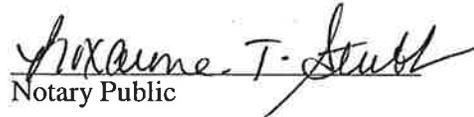

David Crane



STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington in said County this 27 day of March, 2015, personally appeared David Crane and made oath to the truth of the foregoing.

Before me,


Notary Public

Roxanne T. Stubbs
Notary Public
Commission Expires:
February 10, 2019

UNDERHILL TRAIL ORDINANCE

TRAVEL ON TRAILS

SECTION 1. AUTHORITY. This is a civil ordinance adopted under authority of 24 V.S.A. §§ 1971 and 2291(14), and 19 V.S.A. § 304(5).

SECTION 2. PURPOSE. The purpose of this ordinance is to prevent environmental damage and pollution caused by vehicular traffic on the trail. Such damage and pollution are hereby deemed to be a public nuisance.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following definitions shall apply:

- a. *Motor Vehicle* shall include all vehicles propelled or drawn by power other than muscular power, except tractors used entirely for work on the farm, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances or snowmobiles, or implements of husbandry.
- b. *Operate, operating or operated* as applied to motor vehicles shall include *drive, driving and driven* and shall also include an attempt to operate, and shall be construed to cover all matters and things connected with the presence and use of motor vehicles, whether they be in motion or at rest.
- c. *Owner* shall include any person, corporation, co-partnership or association, holding legal title to a motor vehicle, or having exclusive right to the use or control thereof.
- d. Crane Brook Trail shall mean the Legal Trail on New Road (Town Highway #26).

SECTION 4. ACTIVITY PROHIBITED. The operation of a motor vehicle is prohibited on the Crane Brook Trail from November 1st until May 1st unless the operator of the vehicle has a valid permit issued by the Underhill Selectboard.

SECTION 5. PERMITS.

- a. Permits shall be issued only to persons who, in the judgment of the Selectboard, have a legitimate need to operate a vehicle on the Crane Brook Trail. For the purposes of this ordinance, 'legitimate need' shall mean a compelling personal or business purpose.
- b. The only acceptable permit shall be one entitled "TOWN OF UNDERHILL PERMIT TO OPERATE A MOTOR VEHICLE ON THE CRANE BROOK TRAIL" and signed by the members of the Underhill Selectboard. One copy of the permit shall be issued to the permittee and one copy shall be filed with the Underhill Town Clerk.
- c. Permits shall be valid for residents and property owners so long as they continue to be residents or property owners. All other permits shall be renewed annually.

SECTION 6. PENALTIES. Any person who operates a motor vehicle on the Crane Brook Trail from November 1st to May 1st or who allows another person to operate their motor vehicle on Crane Brook Trail without a permit shall be fined \$50.00, with a waiver fee of \$35.00. If the owner and the operator of a vehicle being operated without a permit are not the same person, the owner and the operator shall each be liable for the fine of \$50.00 or the waiver fee of \$35.00.

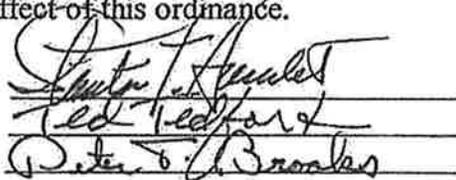


SECTION 7. ENFORCEMENT OFFICERS. Enforcement shall be performed by the Underhill Town Constable or by any officer of the Chittenden County Sheriff's Department or by any other Vermont law enforcement officer.

SECTION 8. SEVERABILITY. If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

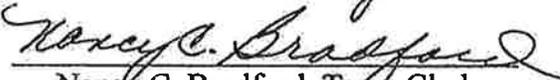
SECTION 9. EFFECTIVE DATE: This ordinance shall become effective 60 days after its adoption by the Underhill Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Stanton Hamlet, Chair
Walter 'Ted' Tedford
Peter T. Brooks



Wednesday, January 30, 2002 at 11:45 AM

Received for record: February 6, 2002

Attest: 
Nancy C. Bradford, Town Clerk

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on Wednesday, January 30, 2002.
2. Read and approved at regular Selectboard meeting on Wednesday, January 30, 2002 and entered in the minutes of that meeting which were approved on February 12th, 2002
3. Posted on Friday, February 1st, 2002.
Underhill Town Hall
Underhill Country Store
Jacob's IGA
Underhill Center Post Office 05490
Underhill Flats Post Office 05489
4. Notice of adoption published in the Burlington Free Press on Saturday, February 2, 2002 with a notice of the right to petition.