

Cavendish Select Board Meeting, Monday, December 11th, 2023, at 6:30 pm
Location: Town Office Meeting Room: 37 High Street Cavendish, Vermont and via Zoom

Present: Bob Glidden (Chairman), Mike Ripley, George Timko, Shannon Devereux, Dave Norton, Rick Chambers (Town Manager), Jen Leak (Recording Secretary), OVTV and citizens as listed on the attached sheet.

- **Call the meeting to order**

Bob Glidden, Chairman, called the meeting to order at 6:31 pm

- **Approval of Minutes from November 13th, 2023**

George Timko moved/Mike Ripley seconded a motion to approve the minutes from November 13, 2023, as written. All voted in favor.

- **Adjust Agenda**

Rick said that there was one adjustment needed: under new business, item #1 – the second parcel will be discussed at a future meeting.

- **Hear Citizens**

Stuart Lindberg was present and thanked the Town Highway crew for doing a great job on the roads.

- **New Business**

1. **Town Treasurer to request Select Board approval to correct errors found in the 2023 As Billed Grand List as follows:**

Parcel #1R06-148.02: Omission of education tax billing

Parcel #2R21-136.06: Omission of municipal tax billing

Diane McNamara, Town Treasurer, was present. She said that she was asking the Board to approve the correction of an error for parcel 1R06-148.02 which was not taxed for the education tax rate. Diane said that the tax bill was considerably less than it should have been, and if approved the bill would be revised and a new tax bill would be sent to the owners. Mike asked if the property owners knew of this error. Diane said that she had sent them a letter, which they had probably not received yet.

George Timko moved/Shannon Devereux seconded a motion to correct the tax billing error for parcel 1R06-148.02. All voted in favor.

Mike asked when the second parcel would be discussed. Diane said that it needs to be done before December 31st. She said that she would like to schedule a special meeting this month, and she also needs to hold a Board of Tax Abatement meeting to discuss several more properties which were damaged during the July flooding.

Bob said that he wanted to welcome new Select Board member Dave Norton.

2. **Discuss 2024 & Future Voting**

Rick said that the Board can choose whether to hold the 2024 Town Meeting vote by Australian ballot rather than by in-person floor vote. He said that to change the voting method for future years the issue would need to be put on the Town Meeting Warning this year to be voted upon by the registered voters.

George said that without a floor vote there won't be any Town Meeting. Mike said that since the school vote has been held by Australian ballot, the school informational meetings are very poorly attended. Diane said that fewer people attend Town Meeting each year and the voter turnout is much bigger with Australian ballot. Mike asked if people can vote via zoom. Diane said they cannot.

Bob asked if the Board could wait and make a decision in January. Diane said that the Town Meeting warning needs to be posted between January 25th and February 4th so yes there is time to make a decision in January.

3. Carlton Road Discussion

Rick said that he received a building permit earlier this fall for the property located at the end of Carleton Road. He said that he has not approved it yet as there is a question whether the unmaintained dirt road there is a Class 4 Town Road or not. He said that Gary Rappanotti was present tonight to discuss the issue.

Gary said that he was hired by the property owner to do a survey. He handed out copies of the survey to the Board members. He said that he was looking for the road description for Carleton Road but could find no records of any Town Class 4 road past the current cul-de-sac turn around. He therefore believed it was not a Town Road.

Rick said that he had gotten some information from the State, showing the length of Carleton Road had changed several times over the years from the 1850's to the present. He said that he could not find any documentation for these changes.

Gary said that his survey shows the Town Road length as .18 miles rather than .22 miles. Rick said that the owner plans to build 3 houses and an office, in which case the owner would need to make and maintain a private road from the end of the turn around. Rick said that the Board could either accept Gary's survey which eliminates the Class 4 Road mileage, or someone would need to do extensive research to find the documentation for the Town accepting that portion as a Town Road.

George said that if the Board accepts the survey then the certificate of highway mileage would need to be changed. Rick agreed. Gary said that he could write a description of the Town portion of the road if the Board accepts his survey. Rick said that the Town would need that letter to change the highway certificate.

Shannon Devereux moved/Dave Norton seconded a motion to accept Gary Rappanotti's survey and eliminate the Class 4 portion of Carleton Road. All voted in favor.

4. Discuss using VT-Alerts Notification System

Rick said that the Town talked to the VT-Alert system in July right after the floods and Margo brought up the subject again at the last Board meeting. He said that the Board would need to approve its use. Rick said that he talked with the Emergency Coordinator who agreed it would be useful. Rick added that, if the Board approved, there would be training for anyone authorized to send out alerts. He said that residents wishing to receive alerts would need to sign up at vtalert.gov and can choose what types of alerts they wish to receive.

Dave Norton moved/Shannon Devereux seconded a motion to approve adopting the VT-Alert system and having the Select Board chair sign the agreement. All voted in favor.

Stuart Lindberg was present and asked who bears the cost for participating. Rick said that it is a state program so there is no additional cost to the Town. Mike suggested publicizing it at Town Meeting.

5. Discussion on Addition of Park Place to Town RoadsRick said that there are some steps to take if the Board wants to include Park Place, the dirt road behind the Brewery and Murdock's restaurant, as a Town Road. He said that there needs to be a site visit, a public hearing, and a survey. Rick added that there may already be a survey. George said that he thought there was a survey.

Dave asked if it had been maintained by the Town all along, Rick said that it had been.

George Timko moved/Shannon Devereux seconded a motion to move forward with adding the dirt road behind Murdock's restaurant and the Brewery to become a Class 3 Town Road. All voted in favor. George suggested scheduling the site visit in the spring when the weather is better.

6. Consider Appointment of Select Board Liaison to the Planning Commission

Rick said that there is not currently a Select Board liaison to the Planning Commission. George nominated Dave Norton. Dave declined the nomination.

Tim Calabrese was present and said the Planning Commission meets on the first Wednesday of each month and generally not in August. Rick added that there may be more public hearings due to the flood hazard regulations.

Shannon said that she would volunteer to serve as liaison to the Planning Commission. *Mike Ripley moved/Bob Glidden seconded a motion to appoint Shannon Devereux as Select Board Liaison to the Planning Commission until the next Organizational Meeting in March, 2024. All voted in favor.*

7. Discussion on Short Term Rentals

Rick said that the Board asked to have a discussion on Short Term Rentals (STR's) on tonight's agenda. He said that other area towns are discussing this issue, and most have added an ordinance regulating them. Rick added that an STR ordinance could take several forms and the State has issued basic guidelines on them.

Mike asked if Cavendish had any regulations for long term rentals. Rick said no. Mike asked why the Town would regulate STR's any differently. Rick said that the municipal water and sewer systems and other town resources are strained with more people occupying houses than what they were built for.

Shannon asked what the definition of an STR is. Rick said that they are occupied for less than 30 days at a time but more than 14 days per year.

Betty McEnaney was present and said that all rentals should be regulated by the State Fire Marshall, but those rules are not enforced. She said that there have been STR's for years but AirBnb has made them more visible.

George said that there are already Town ordinances which aren't enforced and he didn't want to add another one. Betty added that if there are Town regulations which aren't enforced and there is a violation then the Town could be liable for damages. Tim agreed. Betty said that she thought any ordinance should apply to both short and long term rentals.

Tim said that the Planning Commission is looking at subdivision regulations and Regional Planning expressed interest in being the administrators for those. He said that he wasn't sure if they would also administer an STR ordinance. Tim said that the Planning Commission could look into STR issues. The Board agreed. George suggested that the Water Board could look into how water is metered and charged as well.

8. Set date for Budget Meeting

Rick said that he would like to schedule a meeting in December. The Board agreed to meet on Thursday, December 21st, at 6:00 pm.

- **Old Business**
- 1. **Academy Building**

Rick said that he has spoken with a surveyor who can survey the property. He said that Reese agreed to have the survey done. Rick said that he asked Reese to have something up that all the parties (Reese Brown, the Select Board and the Preservation Trust) can sign to remove the restriction against residential use first.

George commented that he would like to keep the side of the building facing the Town Office clean. He asked about the parking lot. Rick said that he found a deed which sold the building and the land under it but granted egress across the Town lot.

- **Managers Report**

Rick said that the recent warm weather has made the back roads very muddy and hard to maintain. Betty said that the potholes have been bad for months. Rick said that once road conditions are more manageable the crew will be out fixing them.

Rick said that he is still working with FEMA on flood repair reporting. He said that the Town has spent about \$1.91 million on repairs so far, and some guardrails and paving will need to be repaired in the spring.

Rick said that the Town is still looking for pictures of damaged roads, please text pictures to 802-738-6445.

- **Other Business**

Dave Norton – none.

Shannon Devereux – none.

George Timko – George said that next week the ARPA Committee is meeting to finalize applications and will forward them to the Board for consideration. George said that regarding the Carleton Road discussion, he didn't know if the Town could just get rid of a Class 4 road. Rick said that if the Town was giving up a Class 4 road then we would need a public hearing, but since the State doesn't have record of this being a Class 4 road he believed the Board could accept the survey as proof that it was never a Town road.

Mike Ripley – none.

Bob Glidden – none.

- **Executive Session- Possible Legal Matter**

Mike Ripley moved/Shannon Devereux seconded a motion to enter executive session to discuss a possible legal matter at 7:34 pm. All voted in favor.

George Timko moved/Mike Ripley seconded a motion to exit executive session at 7:55 pm. All voted in favor.

- **Adjourn**

Shannon Devereux moved/Mike Ripley seconded a motion to adjourn at 7:56 pm. All voted in favor.

Minutes Approved: _____

Date: _____