

Duxbury Selectboard Meeting Minutes

Monday, July 8, 2019

Note: The complete audio recording of this meeting may be found at www.duxburyvermont.org

SELECTBOARD MEMBERS PRESENT	Bob Magee, Mari Pratt, Dan Schillhammer, Kevin Garcia
MINUTES PREPARED BY:	Jonathan DeLaBruere
CALL TO ORDER	The meeting was called to order at 6:00 PM by Bob Magee.
INTRODUCTION OF SELECTBOARD MEMBERS	Selectboard members introduced themselves and attendees were reminded to sign in using the sign-in sheet.

CHANGES TO THE AGENDA

DISCUSSION	1. Remove Harwood School District	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

CITIZENS AND VISITORS TO ADDRESS THE BOARD

DISCUSSION	N/A	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

APPROVAL OF MINUTES

DISCUSSION	Motion by Mari, Second by Kevin, All in Favor of approving the 06/24/2019 minutes as posted.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

REVIEW OF SELECTBOARD MAIL

DISCUSSION	1. Brook Field Service – Motion by Dan, Second by Kevin, All in Favor of approving the Town Garage generator maintenance agreement for two visits per year.	
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	2. The new education rates are in effect as of July 1, 2019 and have been posted at the town office.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Research what it would take to get automatic power from the generator to the town garage	Kyle	07/22/19

REPORT: SELECTBOARD ASSISTANT

DISCUSSION	See attached report	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Add Bob, Kevin, and Kyle to FEMA conference call on Tuesday, July 16	Jonathan	07/16/19

REPORT: HIGHWAY FOREMAN

DISCUSSION	See attached report	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

REPORT: TOWN TREASURER

DISCUSSION	<ol style="list-style-type: none"> 1. There has been an increase in the health insurance premium that will have an impact on all employees that currently have a health care plan through the town. 2. The town will have an external audit completed on the town's finances in August. 	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Add agenda item to set the tax rate	Jonathan	07/22/19

NEW BUSINESS

DISCUSSION	<ol style="list-style-type: none"> 1. Salt Storage Local Concerns Meeting – Jonathan DeLaBruere, Duxbury Selectboard Assistant and Project Manager, hosted a local concerns meeting for the Town of Duxbury. A draft preliminary design was handed out to members in attendance, and the different project phases were discussed. The items that were brought up are as follows: <ul style="list-style-type: none"> • Exterior slab not being across the entire front of the building • What is the efficiency of the three heating options? 	
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- What is the efficiency of the envelope of the building? (R-Value)
- Floor drains are needed
- Enough space around the exterior of the building for snow removal
- Overhang on the eaves to get the sliding snow away from the building

- 2. Town Road and Bridge Standards** – The board discussed the 2019 Town Road and Bridget standards that all Vermont towns need to adopt before August 1, 2019. There was discussion about the different sections of the document that must be adopted due to state law and the sections that are voluntary, and if the town should adopt the voluntary sections.
- 3. Turner Hill Road Letter** – Motion by Kevin, Second by Dan, All in Favor of sending the letter with the discussed amendments to the property owner.
- 4. Main Street/River Road Intersection** – The safety of this intersection was discussed, as well as some possible alternatives.
- 5. Driveway/Culvert Issues**
 - Richardson Road – Motion by Dan, Second by Kevin, Vote of 3-1 to approve the lower estimate that Jill Smith received to fix her driveway and the \$60.00 already incurred.
 - Mountainview Drive – Bob Magee discussed the issue with Mountainview Drive and how the water is draining onto his property causing damage. Bob is going to get quotes to complete the construction and present those findings to the board at a later date.
- 6. Camels Hump State Park Parking Area** – This project is taking place at the end of Ward Hill Road to construct a parking area for the state park. Road improvement construction will take place this fall 2019, and possibly into next year, while the actual parking area itself will be started next year, 2020.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Add Town Road and Bridge Standards to next meeting agenda	Jonathan	07/22/19
Email Ashley Bishop asking about Guardrail Section of new standard	Jonathan	07/22/19
Make final adjustments to the letter and send to the property owner	Mari	ASAP

Contact VTrans to see about a traffic safety study and line striping	Jonathan	ASAP
Invite the Camels Hump State Park Parking Area management team to the next Selectboard meeting	Jonathan	07/22/19

OLD BUSINESS

DISCUSSION	<ol style="list-style-type: none"> 1. Tax Sale Process – Motion by Kevin, Second by Mari, All in Favor of approving Rachel to utilize the town attorney to move forward with the tax sale process. 2. Ward Hill-Dowsville Connector – It was determined at the meeting based on documents recorded in the town’s land records, that the Ward Hill-Dowsville Connector is listed as a Class 4B road. Kerry Jackson asked if the town would visit the site to determine what it would take to change the road from a Class 4B to a Class 4A. 3. Class 4 Roads and Trails Policy – The policy is still not current as it is missing the Ward Hill-Dowsville Connector. Kerry Jackson asked that her road be added to this policy. 4. Town Garage Update – The final engineering design plans are completed. Jonathan and Kevin are going to work together to put out an RFP to get quotes on exactly how much it is going to cost the town to fix according to the recommendation by DeWolfe Engineering. 5. Gravel Pit Act 250 Permit Update – The Highway Department has removed all the stockpiled materials from the town’s existing gravel pit. Avery Excavation should be completed with their work by the end of next week, at which time Jonathan will contact the Act 250 commission to schedule a final site visit.
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Send minutes of the 7/8/19 Selectboard meeting to Rachel so that she can provide them to the attorney	Jonathan	ASAP
Add Ward Hill-Dowsville Connector to the Class 4 Roads and Trails Policy for review at the next regular Selectboard meeting	Jonathan	07/22/19
Add Ward Hill-Dowsville Connector to the next meeting agenda	Jonathan	07/22/19

EXECUTIVE SESSION

DISCUSSION	<ol style="list-style-type: none"> 1. Motion by Dan, Second by Mari, All in Favor of entering executive session at 9:45 PM for the purpose of discussing personnel and legal actions.
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	<p>2. Motion by Dan, Second by Kevin, All in Favor of coming out of executive session at 10:34 PM.</p> <p>3. Motion by Dan, Second by Kevin, All in Favor of adding David Specht to the town's insurance, and to modify the easement to include details about how the land is to be left upon the completion of construction.</p>
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Contact David to ask that he add himself to the town's insurance	Jonathan	ASAP
Contact the town attorney to give them approval to modify the easement as previously discussed	Jonathan	ASAP

ADJOURNMENT	Motion by Kevin, Second by Mari, All in Favor of adjourning at 10:35 PM.
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**Town of Duxbury
Selectboard Assistant Report
07/08/19 Selectboard Meeting**

1. Grants In-Process

a. Crossett Hill Road Slide (Planning Phase) – FEMA

- i. The Vermont Agency of Natural Resources Stream Alteration Permit was approved pending the public comment period. A decision will be rendered after the 30-day public notice period, ending 7/22/2019. Public comments regarding this project must be received no later than the last day of the public notice period.

b. Scrabble Hill Road Stabilization – Municipal Highway & Stormwater Mitigation FY19

- i. Geotechnical exploration is scheduled for July 22, and is anticipated to last for two days.

c. Salt/Sand Shed – Municipal Highway & Stormwater Mitigation FY19

- i. Local concerns meeting will be taking place during New Business of the July 8 Selectboard Meeting.

d. Camels Hump Road Scoping Study – Transportation Alternatives FY19

- i. No update

e. River Road Paving – Class 2 Town Highway Road Program

- i. No Update

f. Ryan Road Culvert Replacement – Better Roads FY20

- i. No Update

g. May 2019 Flooding Event – VTrans Emergency Grant

- i. The Town of Duxbury has submitted a Vermont Agency of Transportation Emergency Grant as of Monday, June 24 to assist with the damages sustained in the May flooding event.

h. Municipal Grants-in-Aid Program (Year 3)

- i. A project site will need to be determined by the Highway Foreman, Selectboard, and Selectboard Assistant. Once a project site is selected, a pre-construction site visit with Central Vermont Regional Planning Commission will need to be scheduled to determine scope of work/best management practices.

i. April 2019 Flooding Event – FEMA

- i. The State of Vermont & FEMA has reached out to the town to schedule an exploratory call for Tuesday, July 16. The purpose of this call is to provide an introduction to the Public Assistance program and start identifying the damages sustained in Duxbury during the April 15 flooding event.

2. Grants – Pending Review

- a. Stevens Brook Road Culvert Replacement – Pre-Disaster Mitigation (PDM)

3. Grants – Currently Writing

- a. Stevens Brook Road Bank Stabilization – Hazard Mitigation Grant Program
- b. Atwood Road Culvert Replacement – Hazard Mitigation Grant Program
- c. Scrabble Hill Road Stabilization – Municipal Highway & Stormwater Mitigation FY20

Board Meeting

July 08, 2019

Road work/Crew work

Graded: River Rd, Dowsville, Ward Hill, Camels Hump from Scrabble to Lars', South Crossett, Filled washouts on Turner Hill, Ward Hill, and North End of Crossett Hill.

Two 18" Culverts were replaced with a 3' culvert on Welch Rd, to combat beaver problem, debris was cleaned up. Bob Connolly was contacted and is going to be taking care of beavers for us.

Sand is being pushed off as needed.

Foreman Work

Work with crew

Meet with Adam a couple times to gather info and go over things for transition

Meet with Bob, Kevin, Jonathan, Adam about upcoming work over the next few weeks, along with meet with Mike Avery about the work being done in the pit.

Equipment

New Chloride pump and motor was purchased and installed on chloride trailer.

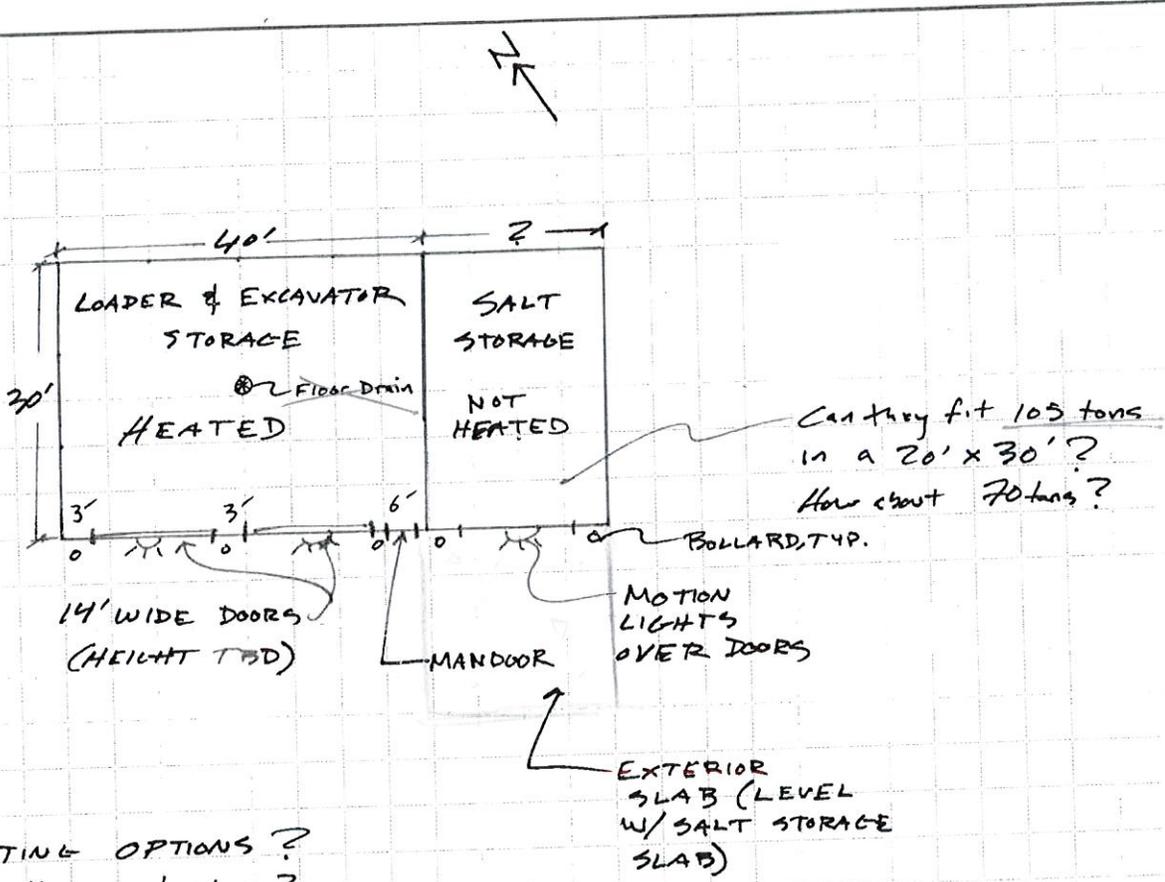
Flood Damage update

We are going to finish up Richardson Rd. once the pit project is complete, once Richardson is completed all the April 2019 storm damage will be repaired. Then we will be repairing the May 2019 storm damage which is Pleasant Street, Crossett Hill, and Hart. Johnathan is working on the RFP for River road.

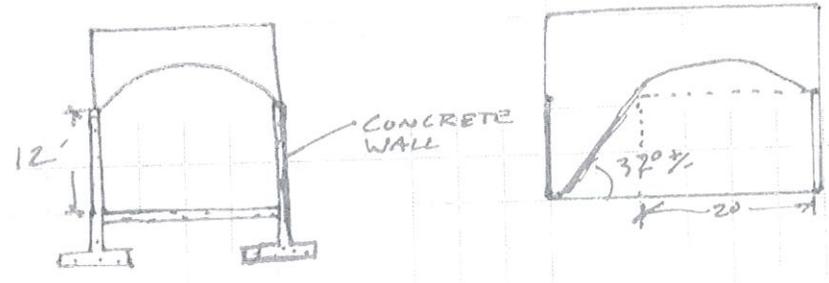
Submitted by

Kyle Guyette

Interim Road Foreman



- HEATING OPTIONS?
- Hanging heaters?
 - Radiant?
 - Propane?



ONE TON OF SALT = 25 Ft³ ±

12' tall x 20' wide x 20' long = 4,800 cf

$(4,800 \text{ cf}) \frac{1 \text{ ton}}{25 \text{ cf}} = 192 \text{ ton}$



AGENCY OF NATURAL RESOURCES
AGENCY OF TRANSPORTATION

June 20, 2019

Re: 2019 Town Road and Bridge Standards

Dear Municipal Officials:

Overview

Over the past few months, the Vermont Agency of Transportation and the Vermont Agency of Natural Resources have been developing an updated State-approved Town Road and Bridge Standards template (attached). One of the primary reasons for updating these standards is to give municipalities more flexibility in choosing the parts of these standards they would like to adopt and to make it easier for FEMA to understand the standards each municipality has adopted in the event of a federally declared disaster. We have worked very closely with the Vermont League of Cities and Towns on this effort and we have involved the Vermont Local Roads program and the regional planning commissions to solicit reviews and input from the municipalities.

In accordance with Act 110 of the 2010 Legislative session, the Town Road and Bridge Standards were last reviewed and approved (unchanged) in 2017, and the next deadline is 2021. However, there is a practical need to update the standards sooner to eliminate the overlap with the Municipal Roads General (stormwater) Permit standards, which all towns must follow. The MRGP standards only cover "hydrologically-connected" local roads (about 50% of local roads on average). By comparison, the Town Road and Bridge Standards are voluntary, also include stormwater management and flood resilience, construction and safety practices, and apply to all town highways.

The existing (January 2013) template can remain in effect through July 31, 2019. After that date, the January 2013 version of the Town Road and Bridge Standards will no longer be considered the State-approved template. Consequently, we would like to strongly encourage all municipalities to consider adopting the new 2019 Town Road and Bridge Standards template prior to August 1, 2019.

2019 Town Road and Bridge Standards

The attached State-approved Town Road and Bridge Standards template has seven sections and is organized around hydrologically-connected and non-hydrologically connected roads. As noted in the table, Sections 1 and 2 are required for connected roads, and Section 3 is required for all bridges and culverts over perennial streams. For the non-connected roads, municipalities can choose which specific standards they wish to adopt.

To be eligible for increased funding under the Emergency Relief and Assistance Fund (ERAF) rule (CVR 10-000-001) and to be eligible for an additional 10% State share funding on Town Highway Structures and Class 2 Town Highway grants, a municipality need only circle "Yes" under the hydrologically-connected road segments column (Sections 1 and 2) and then circle "Yes" for Section 3. All other

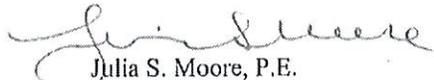
choices may be circled "No." Adoption of what essentially is mandatory under the MRGP and the Stream Alteration Permit standards may seem redundant, however, it makes it clear to FEMA that a municipality has formally adopted "codes and standards" in writing.

We would like to encourage all municipalities to circle "Yes" for as many sections in this new template as they feel comfortable with to improve the resiliency of municipal highway infrastructure, enhance the safety of the travelling public, and to realize as many benefits as possible from the FEMA Public Assistance program.

There are a few municipalities throughout the State who have much more comprehensive and elaborate standards and specifications related to their highway infrastructure. In the past, we have allowed municipalities to use those documents with a signed certification that they meet or exceed the State-approved template. The 2019 Town Road and Bridge Standards template continues to allow for this. You will find that proviso in the second paragraph of page 1. The VTrans District staff can assist municipalities who fall under that category of "codes and standards."

The VTrans District personnel are available to work with any municipality in explaining the various options and to answer questions related to the new town road and bridge standards template. Please contact your nearest VTrans District Office for assistance and information. See attached District map and contact information.

Sincerely,



Julia S. Moore, P.E.
Secretary of Natural Resources



Joe Flynn
Secretary of Transportation

Members of the Duxbury Select board,

I'd like to proceed towards a tax sale including the four delinquent tax payers attached. They have all been receiving delinquent notices each month after the October 2018 tax due date. I haven't been successful in contacting them and haven't received any communication from them. It is my goal to have most delinquent taxes paid or in a payment agreement before the next tax year due date.

After speaking with Greta from the office of Stitzel, Page & Fletcher I've learned that to proceed I need board approval to utilize a attorney to assist with this process. Greta from the attorneys office would need a copy of the meeting minutes prior to mailing out second stage letters. Please let me know if you have any questions.

Thanks!
Rachel

TOWN OF DUXBURY
5421 VT ROUTE 100
DUXBURY VT 05676
802-244-6660
DELINQUENT TAX COLLECTORS NOTICE AS OF 05/15/2019

PARCEL NUMBER : 145-0473-

SCRIBNER BENJAMIN J
STOHLBERG KATY E
473 RYAN RD
DUXBURY, VT 05676

Taxes Assessed Against You

Year	Principal	Interest	Penalty	Other	Total Location
FY18-19	4,033.58	282.38	322.69	0.00	4,638.65 473 RYAN RD

TOTAL AMOUNT DUE 4,638.65

TAKE NOTICE

That taxes assessed against you as indicated hereon are placed in my hands for collection with a Warrant attached, upon which I am commanded to make a return.
Delinquent taxes may be recieved at the town office in the Town of Duxbury Tuesday through Friday, between the hours of 7:30 A.M. and 3:30 P.M. If payment is made at that time summary action on my part will be avoided. Otherwise I am commanded to move forward with the Delinquent Tax collection policy until such taxes are paid. This is in accordance with the REQUIREMENTS of Law and I have no alternative but to comply with it. Your compliance will avoid legal proceedings and additional expense.

Very respectfully,

Rachel Bolduc
Delinquent Tax Collector

Please Remit to :

DELINQUENT TAX COLLECTOR
TOWN OF DUXBURY
Rachel Bolduc
4840 VT Route 100
Duxbury, VT 05676

Please note that interest at 1.00% for the first 3 months and 1.00% thereafter on any unpaid delinquent taxes. Checks are to be made PAYABLE TO TOWN OF DUXBURY.

TOWN OF DUXBURY
5421 VT ROUTE 100
DUXBURY VT 05676
802-244-6660

DELINQUENT TAX COLLECTORS NOTICE AS OF 05/15/2019

PARCEL NUMBER : 500-0368-

STROM ROLAND D
368 MAIN ST
DUXBURY, VT 05676

Taxes Assessed Against You

Year	Principal	Interest	Penalty	Other	Total Location
FY17-18	4,275.60	812.44	342.05	0.00	5,430.09 368 MAIN ST
FY18-19	4,508.62	315.63	360.69	0.00	5,184.94 368 MAIN ST

TOTAL AMOUNT DUE 10,615.03

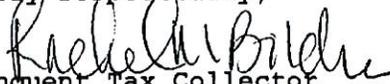
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Very respectfully,


Delinquent Tax Collector

Please Remit to :

DELINQUENT TAX COLLECTOR
TOWN OF DUXBURY
Rachel Bolduc
4840 VT Route 100
Duxbury, VT 05676

Please note that interest at 1.00% for the first 3 months and 1.00% thereafter on any unpaid delinquent taxes. Checks are to be made PAYABLE TO TOWN OF DUXBURY.

TOWN OF DUXBURY
5421 VT ROUTE 100
DUXBURY VT 05676
802-244-6660
DELINQUENT TAX COLLECTORS NOTICE AS OF 05/15/2019

PARCEL NUMBER : 100-3930-

SHERMAN PATRICK
3930 VT ROUTE 100
DUXBURY, VT 05676

Taxes Assessed Against You

Year	Principal	Interest	Penalty	Other	Total Location
FY16-17	615.96	190.24	0.00	0.00	806.20 3930 VT RT 100
FY17-18	514.04	97.66	41.12	0.00	652.82 3930 VT RT 100
FY18-19	680.12	47.60	54.41	0.00	782.13 3930 VT RT 100
TOTAL AMOUNT DUE					2,241.15

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TOWN OF DUXBURY
Rachel Bolduc
4840 VT Route 100
Duxbury, VT 05676

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TOWN OF DUXBURY
5421 VT ROUTE 100
DUXBURY VT 05676
802-244-6660

DELINQUENT TAX COLLECTORS NOTICE AS OF 05/15/2019

PARCEL NUMBER : 630-0400-

SIEGEL S DAVID
4411 FLORIDA AVE
NEWTOWN SQ, PA

19073-3117

Taxes Assessed Against You

Year	Principal	Interest	Penalty	Other	Total Location
FY18-19	3,033.82	182.04	0.00	0.00	3,215.86 400 CONNOLLY RD

TOTAL AMOUNT DUE 3,215.86

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Very respectfully,


Delinquent Tax Collector

Please Remit to :

DELINQUENT TAX COLLECTOR
TOWN OF DUXBURY
Rachel Bolduc
4840 VT Route 100
Duxbury, VT 05676

Please note that interest at 1.00% for the first 3 months and 1.00% thereafter on any unpaid delinquent taxes. Checks are to be made PAYABLE TO TOWN OF DUXBURY.

Kerry & Sam Jackson
3400 Ward Hill
Duxbury, VT
802.244.5210

July 8, 2019

Duxbury Selectboard
Town of Duxbury
5421 VT Route 100
Duxbury, VT 05676

Dear Bob Magee & Members of the Current Duxbury Selectboard:

Thank you all for the time you've spent working with my husband and me on our request for reclassification of the section of the Ward Hill-Dowsville Road connector, known in many town documents as "the Loop Road," from Class 4B status to Class 4A status.

In the last meeting, on June 24th, as you know, Mari Pratt shared that she had done some research about our road and discovered what she believed to be a document proving that the Select Board of 2002 had reclassified our road to a Town Trail. She mentioned that all abutting neighbors had been notified of that change and all had signed off on it. As you can imagine, this came as a surprise to me. Not only had we been told by the Town Clerk, prior to purchasing our land, that ours was a Class IV road, but also we had language in our deed that indicated our status as a "town highway," as well as clear recollection of stories, from our neighbors, about the time when the town considered turning our road into a trail, but opted not to because of strong opposition from the community of neighbors on Dowsville and Ward Hill roads who showed up to meetings in impressive numbers. Mari kindly wrote down the file details for me at the last meeting, pointing me to Town Record Book 1, pages 404-408, and I've since been able to read those pages myself.

First I would like to point out that the signatures of neighbors Mari referenced were not an acknowledgement that our road was turned into a town trail, as she suggested, but rather an acknowledgement that they had received notification, by certified mail, that the topic was proposed and would be discussed. Further, in reading the document, the "Report of Decision" received for record on January 6, 2003, I was relieved to find the following clear statement that confirms that the proposal to discontinue our road (originally made by town selectman Ralph Davis in a Selectboard meeting on September 9, 2002) was never passed, and which confirms our ongoing status as a Class 4 road:

"The Board of Selectmen deliberated in Executive Session on December 9, 2002 and afterward **voted to maintain the current Class 4 classification** of the Loop."

with an estimate of what it would take to make improvements that would allow Class 4A designation.

- Bob Magee would look back at paperwork from the Emergency Management Team's negotiations with Mary Weatherall to see if there was anything in writing about the verbal agreement he recalls, having been a part of the conversation himself, in which the Emergency Management Team acknowledged that Mary Weatherall was asking for and expecting road maintenance to her property in exchange for allowing the installation of the radio repeater tower on her land.
4. Finally, in the last meeting I listened as Mr. Magee, our Selectboard Chair, submitted his personal request, as a resident, for the town to provide and deliver a load (or multiple loads) of gravel to help him repair his personal driveway from spring flooding. He mentioned that this is a request any town resident could make and so I would like to respectfully submit our request for materials (ditch stone and road dirt/gravel) to be provided by the town. We and our neighbors would use this material to complete needed pre-winter maintenance, on the town's highway, that is necessary for this winter's plowing. Without this maintenance, we are at risk of not being able to access ourselves, or have emergency vehicles access our homes.

I know that with the currently open position for the town's Road Foreman, the town and this board are pressed for time and resources. I appreciate the time you've spent already on our concerns about the town's highway 35, the Loop road connecting Ward Hill and Dowsville Road. And I am eager to work with this group in any way I can to continue to help this process. Thank you for your time and consideration.

Sincerely,



Kerry Jackson

Ward Hill Loop

1 message

Jill Smith <jillianbronte@webtv.net>

Tue, Jun 25, 2019 at 2:54 PM

To: "duxbury.sb.assistant@gmail.com" <duxbury.sb.assistant@gmail.com>

I looked through notes I had on the Ward Dowsville loop, which you can pass on to the board—after vacation :)

At the time of hearings and final decision it was addressed as .9 miles. This may help establish the boundaries that were in question last night.

At the time we were sent numerous options from our lawyer, and the benefit of classifying it as a Town Trail was that the width would not increase, and we would have no obligations for culverts etc.

My records show we voted to classify the loop as class 4 so we had the option of dealing with culverts or such as they might impact the class 3's on either side. It reminded me that it was not a unanimous vote. Two SB wanted to give it up completely, but 3 of us felt control over the culverts was critical for the long run.

After reading, I remembered making several trips myself and walking the loop before we voted. I believe it was the culvert on the Dowsville side that convinced me it would cost us dearly if we lost control of the option of maintaining it.

As a class 4, it was made clear that the loop could not handle our equipment and we were not maintaining for travel. This would also explain why David might sometimes push back snow, since it was a courtesy discretion.

This should help clarify all,
Jill

Sent from my iPad

Town of Duxbury, Vermont Class 4 Roads and Trails Policy

It is the goal of Duxbury to provide regular to semi-regular maintenance on all Class 4 roads that are in sufficiently good condition as to allow them to be maintained by the Town. The purpose of this goal is the continued protection of Town assets. This policy is to clarify the Town's maintenance practices on Class 4 roads.

1. Definitions

Vermont State Statute 19 V.S.A. 302 defines the following:

(1) Class 1 town highways are those town highways, which form the extension of a state highway route and which carry a State highway route number. The Agency shall determine which highways are to be class 1 highways.

(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable they shall be selected with the purposes of securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amount of traffic. The selectmen, with the approval of the Agency, shall determine which highways are to be class 2 highways.

(3) Class 3 town highways:

(A) Class 3 town highways are all traveled town highways other than class 1 or 2 highways. The selectmen, after conference with a representative of the Agency shall determine which highways are class 3 town highways.

(B) The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance, except that based on safety considerations for the traveling public and municipal employees, the selectboard shall, by rule adopted under 24 V.S.A. chapter 59, and after following the process for providing notice and hearing in section 709 of this title, have authority to determine whether a class 3 highway, or section of highway, should be plowed and made negotiable during the winter. However, a property owner aggrieved by a decision of the selectboard may appeal to the transportation board pursuant to subdivision 5(d)(9) of this title.

(C) A highway not meeting these standards may be reclassified as a provisional class 3 highway if within five years of the determination, it will meet all class 3 highway standards.

(4) Class 4 town highways are all town highways that are not class 1, 2, or 3 town highways or unidentified corridors. The selectboard shall determine which highways are class 4 town highways.

(5) Trails shall not be considered highways and the town shall not be responsible for any maintenance including culverts and bridges.

2. Class 4 Road Classifications

It is the right of a landowner to request changes in highway status. The Selectboard, if so petitioned, will follow the procedures set out in Title 19, V.S.A 708-716.

All Class 4 Roads will be placed into one of two groups by a committee of two made up of the Road Foreman and a Selectboard Member. Criteria used to group Class 4 roads will be condition, topography, slope and use. The Selectboard will review and approve the groupings. The groups will be as follows:

Group A: These roads are determined to be of sufficiently good condition that Town equipment will not be damaged if used on these roads.

Group B: These roads are determined to be not maintainable by Town equipment.

Residents of Class 4 roads may request a change in grouping at any time. All changes will be made via a joint decision of the Highway Foreman and one Selectboard member and approved by the Selectboard. Residents of Class 4 roads can upgrade them from Group B to Group A by the interested landowners committing, in a written letter to the Selectboard, to meeting all agreed upon variances to Standard A-76 of the Vermont Department of Highway Standards. In addition, a Group A roads are required to have an adequately sized and maintained turnaround that has been fully licensed to the Town.

Reclassification from Class 4 to Class 3: Upgrading is a common issue faced by the governing body as landowners often locate homes in remote areas. There is no statutory requirement that such requests must be granted by the governing body; however, there may be an issue of constitutional equal protection if the municipality is shown to be disparate in its treatment of similar highways. The governing body may grant the request but order the petitioner bear the cost of the upgrade (19 V.S.A 711).

3. Summer Maintenance

It is the policy of the Town of Duxbury that public expenditures on Class 4 Group A Town roads and trails should be held to a minimum amount necessary that the public investment is preserved through basic maintenance and limited to the amount budgeted and approved by the Selectboard on an annual basis. Regular maintenance is defined as shaping and grading yearly or every other year. Materials such as stone and gravel will be used at a minimum and at such time as to work onto the Road Foreman's schedule.

4. Winter Maintenance

It is the policy of the Town of Duxbury that Class 4 Group A Town roads, Class 4 Group B Town roads, Town trails and private roads will receive no Winter maintenance, including but not limited to snow plowing. The winter maintenance of these roads is the responsibility of the residents in all circumstances. Group A Town roads will have the snow banks pushed back at the convenience of the Road Foreman and the turnaround is not obstructed.

5. Control

The Selectboard shall exercise control of Class 4 roads and trails to ensure their integrity as a public right-of-way by means which may include, but are not limited to, the following:

- a. Enforcement of vehicle weight limits.
- b. Prohibition or restriction of wheeled vehicle use during mud and snow season. Signs and barriers may be used to accomplish this purpose.
- c. Requirements for temporary permits for heavy equipment access may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the user; posting of bond or other security to guarantee that repairs are made may be required as a condition of any permits.
- d. Speed limits may be established.

6. Policy Review

The Class 4 Roads and Trails policy should be reviewed annually to ensure that directives put forth in this policy are working to the benefit of the Town of Duxbury.

CLASS 4 ROADS AS OF JUNE 24, 2019

<u>ROAD # AND MILEAGE</u>	<u>GROUP</u>	<u>LOCAL NAME</u>
H26/0.37	A	Ryan Road
H5/0.51	A	Marshall Road
H6/0.83	B	Scrabble Hill
H12/0.13	B	Camel's Hump
H14/0.04	B	Richardson Road
H15/0.09	B	DeLong Road
H30/0.10	B	Connolly Road
H37/0.11	B	Mill Street
H20/0.17	B	Devlin Road

Adopted this ____ day of _____ in the year 20____ by the Town of
Duxbury, VT Selectboard

Bob Magee, Selectboard Chair

Mari Pratt, Selectboard Vice Chair

Jerry McMahan, Selectboard Member

Kevin Garcia, Selectboard Member

Dan Schillhammer, Selectboard Member

