

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2017

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2017 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of ST. GEORGE in CHITTENDEN County on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals.

Table with columns: Town Highways, Previous Mileage, Added Mileage, Subtracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 2, Class 3, State Highway, Total, Class 1 Lane, Class 4, and Legal Trail.

\* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- 1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

CL4 total and TH-5 correction by K. Alley 2/24/2016.

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

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

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures: [Signatures]
T/C/V Clerk Signature: [Signature] Date Filed: 2/17/17

Please sign ORIGINAL and return it for Transportation signature.

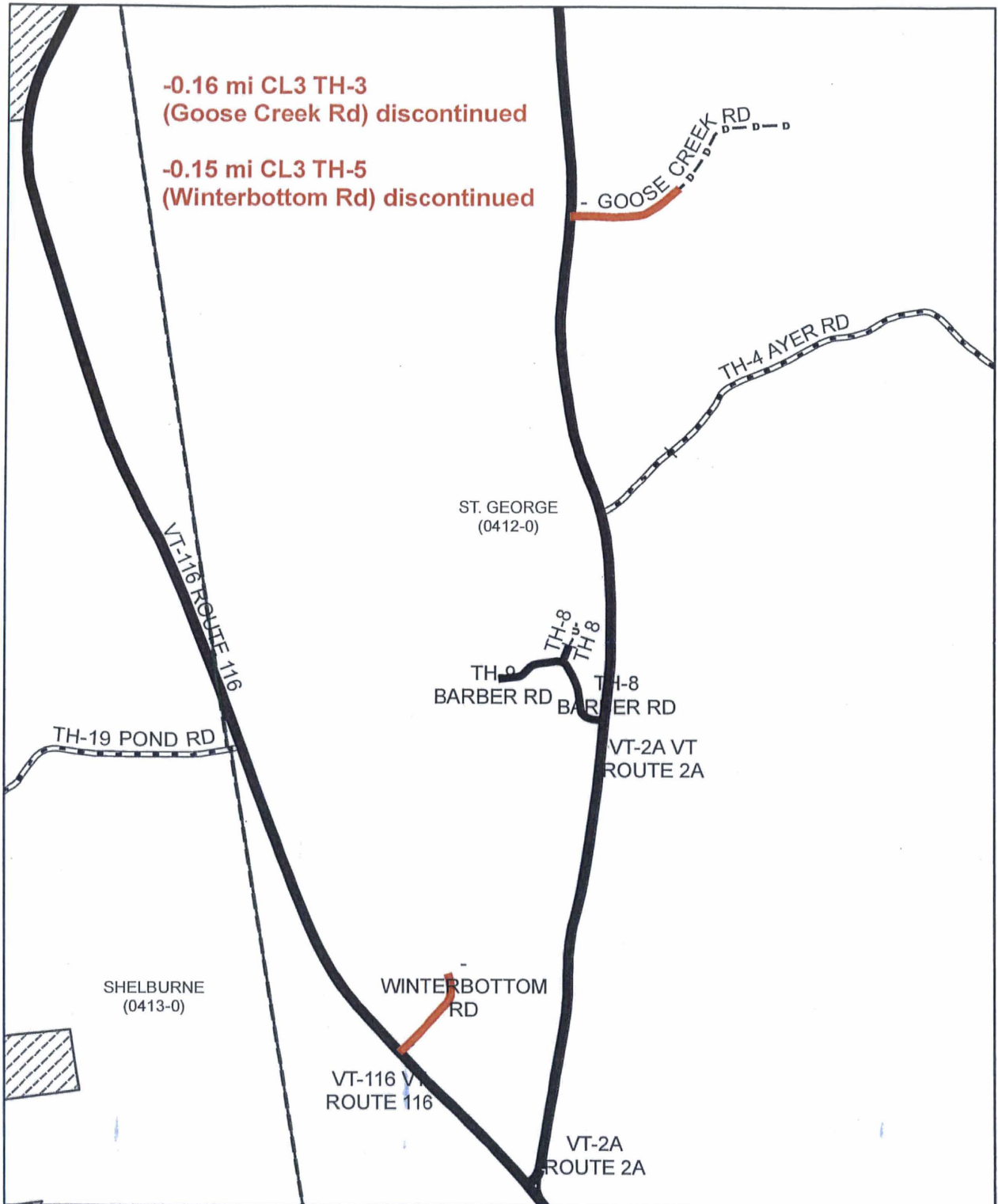
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: [Signature] DATE: 3/30/2017
Representative, Agency of Transportation

**Received**

**FEB 21 2017**

**Policy, Planning & Intermodal  
Development Division**



**Mileage Certificate Changes 2017**  
**ST. GEORGE (0412-0)**

Mapping Section  
Division of Policy and Planning  
Vermont Agency of Transportation -- March 1, 2017



318,000

318,000

318,000

318,000

448,000

482,000

448,000

482,000

TOWN HWY. No.	LENGTH IN MILES	
	CLASS 3	CLASS 4
2	0.16	(0.09)
3	0.58	(0.60)
4	0.15	
8	0.17	
9	0.10	
19	0.02	
<b>TOTAL</b>	<b>1.18</b>	<b>0.69</b>

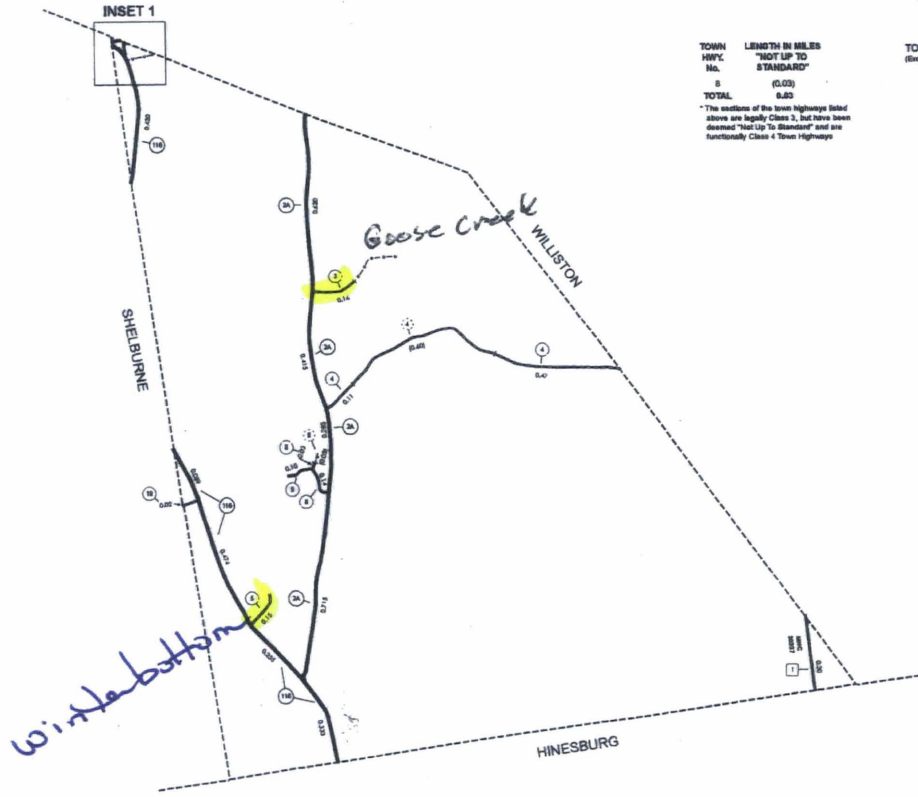
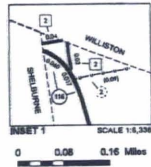
**MILEAGE SUMMARY**

CLASS 2	0.300
TH-1	0.070
TH-2	
<b>TOTAL CLASS 2</b>	<b>0.370</b>
CLASS 3	1.18
<b>TOTAL CLASS 3</b>	<b>1.18</b>
<b>TOTAL TOWN</b>	<b>1.589</b>
STATE HIGHWAY	1.962
VT-2A	1.959
VT-116	
<b>TOTAL STATE HIGHWAY</b>	<b>3.940</b>
STATE HIGHWAY - Ramps	0.053
VT-2A	0.053
<b>TOTAL STATE HIGHWAY - Ramps</b>	<b>0.053</b>
<b>TOTAL STATE</b>	<b>3.993</b>

TOWN HWY. No.	LENGTH IN MILES "NOT UP TO STANDARD"
<b>TOTAL</b>	<b>0.02</b>

\*The sections of the town highways listed above are legally Class 2, but have been deemed "Not Up To Standard" and are functionally Class 4 Town Highways

**TOTAL TRAVELED HIGHWAYS, FEB. 10, 2016: 5,243**  
(Excludes Class 4 and Legal Trail Mileage)



**VERMONT GENERAL HIGHWAY MAP**  
**Town of St. George**

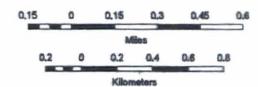
CHITTENDEN COUNTY

Transportation District #5

Prepared by the  
**Vermont Agency of Transportation**  
Division of Policy, Planning and Intermodal Development  
in cooperation with  
**U.S. Department of Transportation**  
Federal Highway Administration

Mileage as of February 10, 2016  
Map prepared July 20, 2015

SCALE 1:12,672



- INTERSTATE OR DIVIDED HIGHWAY
- STATE - HARD SURFACE OR PAVED
- TOWN - HARD SURFACE OR PAVED
- GRAVEL
- SOIL OR GRADED AND DRAINED EARTH
- UNIMPROVED OR PRIMITIVE
- IMPASSABLE OR UNTRAVELED
- LEGAL TRAIL
- DISCONTINUED
- ROADWAY CLASS CHANGE
- RAILROAD
- INACTIVE RAILROAD
- NATIONAL FOREST ROAD
- STATE FOREST ROAD
- PARK AND RIDE

- PUBLIC LAND - GREEN MOUNTAIN NATIONAL FOREST
- PUBLIC LAND - STATE/MUNICIPAL
- POLITICAL SUBDIVISIONS
- STATE BOUNDARY
- COUNTY BOUNDARY
- TOWN BOUNDARY
- VILLAGE BOUNDARY
- URBAN COMPACT BOUNDARY
- WATER BODY
- STREAM OR BROOK
- BRIDGE OR CULVERT
- BRIDGE OR CULVERT - 20'
- BRIDGE OR CULVERT 6' - 20'
- VORCIT BRIDGE
- VORCIT CULVERT - 6'
- STATE BRIDGE OR CULVERT IDENTIFIER
- TOWN BRIDGE OR CULVERT IDENTIFIER

- FEDERAL CLASSIFICATION IDENTIFIER
- PAV URBAN/ARTERIAL OR COLLECTOR
- MA MAJOR ARTERIAL
- MAJ MAJOR COLLECTOR
- MIN MINOR COLLECTOR
- PA PRINCIPAL ARTERIAL

**DISCLAIMER:**  
The untraveled highways (666-out town highways), discontinued highways, and legal trails herein are those of which the Agency of Transportation has record; others may exist.

Highway and bridge data by the Agency of Transportation. Town short structures are drawn from the Vermont Online Bridge & Culvert Inventory Tool (VORCIT) database. All other data from the Vermont Center for Geographic Information. Only named streams are shown.

Vermont State Plane Coordinate System  
North American Datum of 1983  
SPCR\_2zone\_12m.tif; 4400  
Geoid Reference System 03  
4,000-meter grid, Easting - Northing

Received for Record / Discharge

Received for Record / Discharge

August 4 A.D. 2016

July 28 A.D. 2016

At 4 o'clock 45 minutes P.M.

At 5 o'clock 00 minutes P.M.

and recorded in Book 41 Pages 503-506

and recorded in Book 41 Pages 500-502

SELECTBOARD'S RETURN

TOWN OF ST. GEORGE, VERMONT

Attest: A. Pulshy Town Clerk

Attest: A. Pulshy Town Clerk

ORDER DISCONTINUING TOWN HIGHWAY RIGHT-OF-WAY

Re: Discontinuance of a 330-Foot, More or Less, Portion of the Goose Creek Road (Town Highway No. 3) Right-of-Way

The Town of St. George Selectboard held a duly warned public hearing on June 16, 2016, pursuant to 19 V.S.A. § 708, et seq., for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of St. George should discontinue the easterly 330-foot, more or less, portion of the right-of-way for Goose Creek Road (Town Highway No. 3). Goose Creek Road is presently designated and classified as a Class 3 Town Highway that has a width of forty-nine and a half feet (3 rods) for its entire length and runs roughly 0.16 miles easterly from the right-of-way for Vermont Route 2A. The existing right-of-way for Goose Creek Road (Town Highway No. 3) was laid out decades ago and is shown and depicted as running easterly from Vermont 2A to the lands and premises now or formerly owned by Raymond Williams on a survey entitled, "Portion of Property, Armand and Harriet Beliveau, East of Route 2A," prepared by Harris G. Abbott, dated January 17, 1972 and recorded in Map Slide 76-89 of the Town of St. George Land Records. In early 2016, the easterly 0.21-mile portion of the Goose Creek Road right-of-way running from Mr. Williams' property to the west, as shown on the above-referenced survey, was discontinued by Selectboard's Return, dated January 21, 2016, and recorded in Volume 41, Page 155 of the Town of St. George Land Records. The lands and premises on the northerly side of the easterly 330-foot portion of the Goose Creek Road (Town Highway No. 3) right-of-way that is the subject of this discontinuance proceeding are owned by Philip Beliveau and Caroline Jalbert, while the lands and premises on the southerly side of said 330-foot portion of the right-of-way are owned by the Lisa Dillon Beliveau Revocable Trust u/t/a October 20, 2009.

The Notice of Examination of Premises and Public Hearing for Discontinuance of a 330-Foot, More or Less, Portion of the Right-of-Way for Goose Creek Road (Town Highway No. 3) was posted in the Town of St. George Clerk's Office on May 16, 2016, and mailed to the Town of St. George Planning Commission on May 11, 2016. A Certificate of Posting and Delivery is attached hereto as Exhibit 1. The Notice was published in the Williston Observer, a local newspaper of general circulation, on May 26, 2016. A copy of the Notice, as it appeared in the May 26, 2016, issue of the Williston Observer is attached as Exhibit 2. On May 11, 2016, notice was sent by certified mail, return receipt requested to interested parties and thereafter additional reasonable steps were taken to give notice to all interested parties. A Certificate of Service is attached hereto as Exhibit 3. Copies of the certified mail

returned receipts and other evidence that interested parties were provided with notice are attached hereto as **Exhibit 4**.

The Town of St. George Selectboard held a public examination of the premises and a public hearing on June 16, 2016. Minutes of the hearing are attached hereto as **Exhibit 5**. At the hearing the Town of St. George Selectboard received testimony that the discontinuance of the 330-foot portion of the Goose Creek Road (Town Highway No. 3) right-of-way would be for the public good, necessity and convenience from Neil Boyden, St. George Road Commissioner, who testified as to the costs and expenses of the Town of St. George's maintenance of this portion of the roadway, the cost savings to the Town's taxpayers in discontinuing this portion of the road, and the large cost to the Town to upgrade the road to Class 3 standards, including ditching, gravel and tree work. At the hearing, the Selectboard also received written and oral testimony from Lisa Dillon Beliveau, Trustee and the landowner owning the property abutting the southerly side of this portion of the right-of-way. Mrs. Beliveau originally requested that the right-of-way be reclassified from Class 3 to Class 4 to preserve access, but then withdrew her request, as she was satisfied that the current travelled way of this portion of the road was located predominately on the southerly side of the right-of-way, which would become part of her Trust's property after the discontinuance raised safety concerns with the continued public status of the road, including cars. The Selectboard also received documentation relating to the roadway, including two surveys, recorded at Slide 76-89 and Slide 118 of the Town of St. George Land Records, showing the extent of the road's right-of-way.

Having conducted the public hearing and the examination of the premises, the Town of St. George Selectboard hereby determines, based on testimony and evidence submitted at the public hearing, that the easterly 330-foot portion of the right-of-way for Goose Creek Road (Town Highway No. 3) be discontinued. This action was taken for the public good, convenience and necessity of the inhabitants of the Town of St. George.

**WHEREFORE**, it being determined that the public good, necessity and convenience of the inhabitants of the Town of St. George support discontinuance, the Selectboard hereby orders that the easterly 330-foot portion of the right-of-way for Goose Creek Road (Town Highway No. 3) is discontinued immediately and the right-of-way automatically reverts to the landowners that own the underlying land on both sides of the roadway being the Lisa Dillon Beliveau Revocable Trust u/t/a October 20, 2009, on the southerly side and Philip Beliveau and Caroline Jalbert on the northerly side pursuant to 19 V.S.A. § 775.

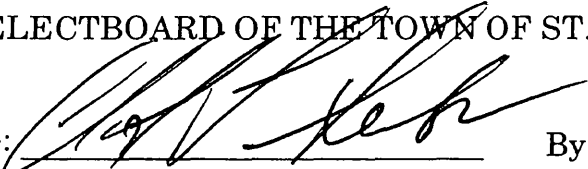
The Selectboard further finds that said discontinued right-of-way for the easterly 330-foot portion of the right-of-way for Goose Creek Road (Town Highway No. 3) may be more particularly bounded and described as shown on a survey entitled,

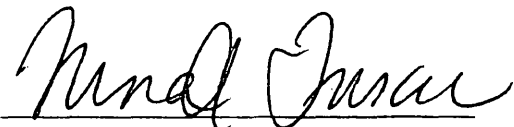
"Portion of Property, Armand and Harriet Beliveau, East of Route 2A," prepared by Harris G. Abbott, dated January 17, 1972, and recorded in Map Slide 76-89 of the Town of St. George Land Records (the "1972 Survey"), as follows:

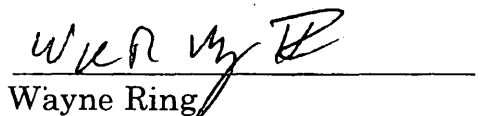
Being a three-rod wide right-of-way, depicted as "Goose Creek Road 49.5' R/W" on the Survey, with the northerly boundary of said right-of-way described as follows: beginning at a point in the northerly right-of-way boundary line for Goose Creek Road (Town Highway No. 3) that is 575 feet, more or less, westerly of the easterly terminus of said right-of-way as shown on the Survey, which point is also the southeasterly corner of the lands and premises of Philip Beliveau and Caroline Jalbert, conveyed to them by Warranty Deed of Philip Beliveau and Gregory Beliveau, Co-Trustees of the Harriet G. Beliveau Revocable Trust u/t/a dated October 3, 1983, and Co-Trustees of the Armand J.P. Beliveau Revocable Trust u/t/a dated October 3, 1983, dated May 18, 2007, and recorded in Book 31, Page 318 of the Town of St. George Land Records, which point is also shown on a survey plat entitled "Survey of a Portion of the Lands of the Harriet G. Beliveau Revocable Trust, Goose Creek Road, St. George, Vermont," prepared by McCain Consulting, Inc., dated January 18, 2007, last revised March 27, 2007, and recorded in Slide 118 of the Town of St. George Land Records (the "2007 Survey"); thence S63°39'W a distance of 190 feet, more or less, as shown on the 1972 Survey (or S48°02'01"W a distance of 190.28 feet, more or less, as shown on the 2007 Survey); thence S70°45'W a distance of 67 feet, more or less as shown non the 1972 Survey (or S55°42'35"W a distance of 67.35 feet, more or less, as shown on the 2007 Survey); thence S83°27'W a distance of 73 feet, more or less, as shown on the 1972 Survey (or S67°51'30"W a distance of 72.37 feet, more or less, as shown on the 2007 Survey) to the new easterly terminus of the northerly boundary of said right-of-way.

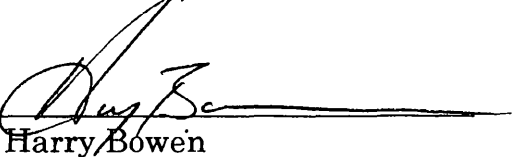
DATED at St. George, Vermont, this 21<sup>st</sup> day of July, 2016.

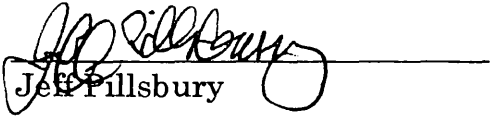
SELECTBOARD OF THE TOWN OF ST. GEORGE

By:   
Charles Scott, Chair

By:   
Nina Fiscia, Vice Chair

By:   
Wayne Ring

By:   
Harry Bowen

By:   
Jeff Pillsbury

St. George Selectboard Agenda  
June 16, 2016  
6:00 p.m. Goose Creek Road Inspection  
6:30 p.m. Goose Creek Road Public Hearing  
7:00 p.m. St. George Town Office

Selectboard members present: Charles Scott, Nina Friscia, Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner)

Others present: David Rugh, (Town Attorney), Lisa Beliveau

**EXAMINATION OF THE PREMISES FOR DISCONTINUANCE OF THE EASTERLY 330-FOOT PORTION OF THE RIGHT-OF-WAY FOR GOOSE CREEK ROAD (TOWN HIGHWAY #3)**

Scotty calls the examination of the premises to order at 6:04 P.M. David Rugh, Town Attorney, explained that it's important to note that anything said at the examination of the premises is not considered evidence at the hearing. The examination is to provide context to what will be said at the hearing. If individuals want to point out things during the examination, that is helpful, but for it to be considered evidence, the individual needs to actually provide testimony referring to what was seen or identified at the examination of the premises during the Selectboard's public hearing on the discontinuance. Doing so ensures that the evidence is entered into the record of the hearing. This is similar to how site visits are conducted in Act 250 proceedings. The Selectboard and others present at the examination of the premises walked the portion of the Goose Creek Road right-of-way that was proposed to be discontinued. Scotty called the end of the Goose Creek Road inspection at 6:21P.M.

**PUBLIC HEARING FOR DISCONTINUANCE OF THE EASTERLY 330-FOOT PORTION OF THE RIGHT-OF-WAY FOR GOOSE CREEK ROAD (TOWN HIGHWAY #3)**

Selectboard members present: Charles Scott, Nina Friscia, Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner)

Others present: David Rugh, (Town Attorney), Lisa Beliveau, Connie Kendall

Scotty called the meeting to order at 6:30 P.M. There are no disclosures of conflict of interest.

Scotty asked Neil (Road Commissioner) to share his perspective on financial feasibility to town to upgrade/maintain the road as a Class 3 road versus discontinuance of Goose Creek Road. Neil stated that it would cost roughly \$30,000, or \$100 per foot, to upgrade the traveled way of and to perform ditching on this portion of Goose Creek Road to bring it up to Class 3 standards, which figure does not include on-going maintenance costs. This is a large sum in comparison to what the Town would receive from VTrans for maintenance of this portion of the right-of-way. Lisa Beliveau was the only interested person in attendance. She submitted a letter to the selectboard requesting they reclassify the 330' section of Goose Creek Road to as a Class 4 road instead of discontinuance, but later during the meeting she withdrew her request. Options discussed were: for discontinuance of Goose Creek Road or for St. George to retain ownership and maintenance



of Goose Creek Road as a Class 4 roadway. The Selectboard decided to close the hearing and issue a decision, or the Selectboard's Return, on the discontinuance proceeding within 60 days.

**ADJOURN:**

**Motion by Charles Scott, SECOND by Jeff Pillsbury to adjourn the Goose Creek Road Public Hearing at 7:11 pm. VOTING: unanimous, motion carries.**

**Selectboard Meeting - June 16, 2016**

Selectboard members present: Charles Scott, Nina Friscia, Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), April Pillsbury (Town Clerk/Treasurer)

Others present: Connie Kendall

Scotty called the meeting to order at 7:12 pm. There were no disclosures of conflict of interest.

**CHANGES TO THE AGENDA AND PUBLIC COMMENTS**

The agenda order is changed to discuss the tax rate after delinquencies.

**PUBLIC COMMENT:**

There were no public comments.

**APPROVAL OF MAY 19, 2016 MINUTES**

**MOTION by Charles Scott, second by Wayne Ring, to approve the May 19, 2016 minutes as written. VOTING: unanimous; motion carried.**

**TOWN CLERK ITEMS**

The Selectboard reviewed the monthly financials and signed the June Order.

**DELINQUENCIES**

The Town Administrator will contact Vermont League of Cities and Towns to research best practices and policies regarding municipal delinquent taxes.

**HAPPENINGS AROUND ST. GEORGE**

VTrans completed some mowing along 2A near the area of Breezy Valley Lane.

Harry expressed concern about the wild parsnip growth along 116. Maggie will speak with Neil/VTRANS to see what can be done.

Connie Kendall asked that we extend the mowed areas in our town park to create more usable space for the community. Maggie will meet with Connie to discuss and will speak with lawn maintenance staff to accommodate this request.

**TOWN ADMINISTRATOR APPOINTED POSITIONS:**

The Selectboard appointed the Town Administration to the following positions: Service officer, CCRPC alternate, CSWD alternate, Lake Iroquois Representative alternate, E-911 Coordinator

**MOTION by Charles Scott, second by Harry Bowen to appoint Town Administrator to above appointed positions. VOTING: unanimous; motion carries.**

**AMEND TRAFFIC ORDINANCE - ARTICLE X: CLASS 4 ROADS WINTER CLOSURES**

**MOTION by Charles Scott, second by Jeff Pillsbury to amend Traffic Ordinance – Article X: Class 4 Roads Winter Closures. VOTING: unanimous; motion carries.**

**TAX RATE**

The board reviewed financial statements in preparation of setting tax rate in July.

**ADJOURN**

**MOTION by Scotty, second by Wayne Ring to adjourn at 9pm. VOTING: unanimous; motion carries.**

Received for Record / Discharge

Dec. 29 A.D. 2016

**SELECTBOARD'S RETURN  
TOWN OF ST. GEORGE, VERMONT**

At 5 o'clock 30 minutes P.M.  
and recorded in Book 42 Pages 348-368

*A. Prud'homme*

Attest: \_\_\_\_\_ Town Clerk

**ORDER DISCONTINUING TOWN HIGHWAY RIGHT-OF-WAY**

**Re: Discontinuance of the Goose Creek Road (Town Highway No. 3) Right-of-Way**

The Town of St. George Selectboard held a duly warned public hearing on December 15, 2016, pursuant to 19 V.S.A. § 708, et seq., for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of St. George should discontinue the right-of-way for Goose Creek Road (Town Highway No. 3). Goose Creek Road is presently designated and classified as a Class 3 Town Highway that has a width of forty-nine and a half feet (3 rods) for its entire length and runs roughly 0.1 miles, more or less, easterly from the right-of-way for Vermont Route 2A. The existing right-of-way for Goose Creek Road (Town Highway No. 3) was laid out decades ago and is shown and depicted as running easterly from Vermont 2A to the lands and premises now or formerly owned by Raymond Williams on a survey entitled, "Portion of Property, Armand and Harriet Beliveau, East of Route 2A," prepared by Harris G. Abbott, dated January 17, 1972 and recorded in Map Slide 76-89 of the Town of St. George Land Records. By discontinuance proceedings in 2015 and 2016, the Selectboard previously discontinued the easterly 0.27-mile portion of the right-of-way for Goose Creek Road such that the town highway right-of-way now extends roughly 0.1 miles, more or less, easterly from the easterly right-of-way boundary of Vermont Route 2A to its easterly terminus approximately twenty (20) feet easterly of the driveway serving the lands and premises now or formerly owned by Philip Beliveau and Caroline Jalbert. The lands and premises on the northerly side of the Goose Creek Road (Town Highway No. 3) right-of-way are owned by: Leonard T. Provost, Jr.; Mary Alice Favro and Richard Steven Faust, Co-Trustees under a Revocable Trust Agreement, dated April 18, 2003; Mary Alice Favro and Richard Steven Faust; and Philip Beliveau and Caroline Jalbert. The lands and premises on the southerly side of the Goose Creek Road (Town Highway No. 3) right-of-way are owned by the Lisa Dillon Beliveau Revocable Trust u/t/a October 20, 2009.

The Notice of Examination of Premises and Public Hearing for Discontinuance of the Right-of-Way for Goose Creek Road (Town Highway No. 3) was posted in the Town of St. George Clerk's Office on November 9, 2016, and delivered to the Town of St. George Planning Commission on November 8, 2016. A Certificate of Posting and Delivery is attached hereto as Exhibit 1. The Notice was published in the Williston Observer, a local newspaper of general circulation, on November 17, 2016. A copy of the Notice, as it appeared in the November 17, 2016 issue of the Williston Observer is attached as Exhibit 2. On November 9, 2016, notice was sent by certified mail, return receipt requested to interested parties. A Certificate of

Service is attached hereto as **Exhibit 3**. Copies of the certified mail returned receipts are attached hereto as **Exhibit 4**.

The Town of St. George Selectboard held an examination of the premises and a public hearing on December 15, 2016. Draft minutes of the hearing are attached hereto as **Exhibit 5**. At the hearing the Town of St. George Selectboard received testimony that the discontinuance of the Goose Creek Road (Town Highway No. 3) right-of-way would be for the public good, necessity and convenience of the inhabitants of the Town of St. George, considering the greatest public good and the least inconvenience to others, including the property owners, from the following individuals:

- a. Charles Scott, Selectboard Chair, testified that almost all homeowners in the Town of St. George, being over 200 homes, are located on private roads and bear their own road maintenance expenses. He noted that Goose Creek Road was a dead-end road that only served roughly five homes and that it was not in the public interest for the Town to subsidize the road maintenance expenses for these five homes through taxes while a vast majority of Town residents have to pay to maintain their own roads. Further, Chair Scott noted that bringing Goose Creek Road up to Class 3 standards would cost the Town a substantial sum, which is also not in the public's interest.
- b. Neil Boyden, St. George Road Commissioner, testified as to the costs and expenses of the Town of St. George's maintenance of the roadway based on the 5-Year Roads Expenditure Report in the Town's 2016 Annual Report, the cost savings to the Town's taxpayers in discontinuing the road, and the Town's costs to upgrade the road to Class 3 standards, .
- c. Wayne Elliott, an engineer with Aldrich + Elliot Water Resource Engineers, testified that the roadway was not up to Class 3 standards and that based on an October 18, 2016 analysis prepared by Aldrich + Elliot Water Resource Engineers, which was entered into the record, it would cost about \$4,000 to undertake needed maintenance activities on the road right-of-way, including clearing and addition of a 3-inch gravel subbase and fine grading. In addition, Mr. Elliot also testified regarding extensive work that would be necessary to bring the roadway up to Class 3 roadway standards, estimating that it would cost roughly \$70,000 (or roughly \$140 per foot of roadway) for such repairs.
- d. David Rugh, Esq., attorney for the Town, described the legal standards of discontinuance of the town highway right-of-way. Attorney Rugh also submitted various documents and surveys from the Land Records relating to the Goose Creek Road right-of-way and its dimensions, including two surveys, recorded at Slide 76-89 and Slide 118 of the Town of St. George Land Records, showing the extent of the road's right-of-way.

At the hearing, the Selectboard also received testimony from individuals who objected to the discontinuance. Those included:

- a. Richard Steven Faust, who submitted written and oral testimony, urged the Selectboard that fairness to the residents of Goose Creek Road did not warrant discontinuing the road right-of-way. According to Mr. Faust, those individuals relied on the Town's maintenance of the roadway when they purchased their homes. Mr. Faust also asserted that it would be unreasonable to tax only those people who used certain services, like Goose Creek Road, and by discontinuing the road, the Selectboard is imposing a roughly 30% tax increase, in the range of \$953 per family, for road maintenance expenses. Mr. Faust asserted that transferring the maintenance burden to the road's residents would be unfair. Bringing the road up to Class 3 standards would be a one-time fee for the Town, and on-going maintenance expenses do not increase by much annually. Mr. Faust encouraged the Selectboard to engage in a dialogue prior to deciding whether to discontinue the Goose Creek Road right-of-way.
- b. Philip Beliveau provided oral testimony in opposition to the discontinuance. He noted that his property values would decrease as a result of his having to bear maintenance expenses for the roadway. He also noted that the road might be brought up to Class 3 standards simply by mowing the shoulders of the current travelled way.

Having conducted the public hearing and the examination of the premises, the Town of St. George Selectboard hereby determines, based on testimony and evidence submitted at the public hearing, that the right-of-way for Goose Creek Road (Town Highway No. 3) be discontinued. This action was taken for the public good, necessity and convenience of the inhabitants of the Town of St. George pursuant to 19 V.S.A. § 708, et seq.

**WHEREFORE**, it being determined that the public good, necessity and convenience of the inhabitants of the Town of St. George support discontinuance, the Selectboard hereby orders that the right-of-way for Goose Creek Road (Town Highway No. 3) is discontinued immediately and the right-of-way automatically reverts to the landowners that own the underlying land on both sides of the roadway, being Leonard T. Provost, Jr.; Mary Alice Favro and Richard Steven Faust, Co-Trustees under a Revocable Trust Agreement, dated April 18, 2003; and Philip Beliveau and Caroline Jalbert, on the northerly side of the right-of-way and being the Lisa Dillon Beliveau Revocable Trust u/t/a October 20, 2009, on the southerly side of the right-of-way pursuant to 19 V.S.A. § 775. Further, Mary Alice Favro and Richard Steven Faust shall retain a private right-of-way over the former road right-of-way for access to their property with a Tax Parcel # of 02-20-08.000.

The Selectboard further finds that said discontinued right-of-way for Goose Creek Road (Town Highway No. 3) may be more particularly bounded and described as shown on a survey entitled, "Portion of Property, Armand and Harriet Beliveau, East of Route 2A," prepared by Harris G. Abbott, dated January 17, 1972, and

recorded in Map Slide 76-89 of the Town of St. George Land Records (the "Survey"), as follows:

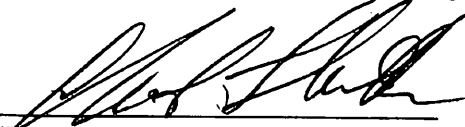
Being a three-rod wide right-of-way, depicted as "Goose Creek Road 49.5' R/W" on the Survey, with the northerly boundary of said right-of-way described as follows: beginning at a point in the northerly right-of-way boundary line for Goose Creek Road (Town Highway No. 3) that is 487 feet, more or less, easterly of the westerly terminus of said right-of-way at the easterly right-of-way boundary of Vermont Route 2A, as shown on the Survey, which point is also 37 feet, more or less, easterly of the southwesterly corner of the lands and premises of Philip Beliveau and Caroline Jalbert, conveyed to them by Warranty Deed of Philip Beliveau and Gregory Beliveau, Co-Trustees of the Harriet G. Beliveau Revocable Trust u/t/a dated October 3, 1983, and Co-Trustees of the Armand J.P. Beliveau Revocable Trust u/t/a dated October 3, 1983, dated May 18, 2007, and recorded in Book 31, Page 318 of the Town of St. George Land Records, which point is also the northeasterly corner of the easterly terminus of the right-of-way for Goose Creek Road, as established by a Selectboard's Return, dated July 21, 2016, and recorded in Volume 41, Page 503 of the Town of St. George Land Records; thence S83°27'W a distance of 37 feet more or less as shown on the Survey to a point; thence S79°29'W a distance of 127 feet more or less as shown on the Survey to a point; thence S74°08'W a distance of 162 feet more or less as shown on the Survey to a point; thence S72 °30'W a distance of 161 feet more or less as shown on the Survey to a point in the easterly right-of-way line of Vermont Route 2A.

Meaning and intending to discontinue the entirety of the 0.1-mile, more or less, Goose Creek Road (Town Highway No. 3) right-of-way.

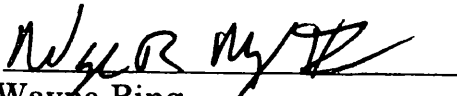
*[End of Text. Signature Page Follows.]*

DATED at St. George, Vermont, this 29 day of December, 2016.

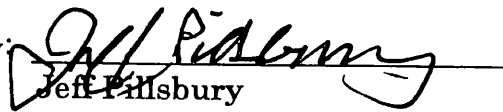
SELECTBOARD OF THE TOWN OF ST. GEORGE

By:   
Charles Scott, Chair

By: \_\_\_\_\_  
Nina Fiscia, Vice Chair

By:   
Wayne Ring

By: \_\_\_\_\_  
Harry Bowen

By:   
Jeff Pillsbury

St. George Selectboard Meeting  
December 15, 2016

2:00 p.m.  
Goose Creek Road Inspection

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Jeff Pillsbury, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner), David Rugh (Town Attorney), Ken Pinkham (DRB)

Others present: Steve Faust, Caroline Jalbert, Philip Beliveau

**EXAMINATION OF THE PREMISES FOR DISCONTINUANCE OF THE RIGHT-OF-WAY FOR GOOSE CREEK ROAD (TOWN HIGHWAY #3)**

Scotty calls the examination of the premises to order at 2:01 P.M. David Rugh, Town Attorney, explained that it's important to note that anything said at the examination of the premises is not considered evidence at the hearing. The examination is to provide context to what will be said at the hearing. If individuals want to point out things during the examination, that is helpful, but for it to be considered evidence, the individual needs to actually provide testimony referring to what was seen or identified at the examination of the premises during the Selectboard's public hearing on the discontinuance. Doing so ensures that the evidence is entered into the record of the hearing. This is similar to how site visits are conducted in Act 250 proceedings. The Selectboard and others present at the examination of the premises walked the Goose Creek Road right-of-way that was proposed to be discontinued. Scotty called the end of the Goose Creek Road inspection at 2:17 P.M.

2:30 p.m. Winterbottom Road Inspection

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Jeff Pillsbury, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner), David Rugh (Town Attorney), Ken Pinkham (DRB)

Others present: Alan Patunoff, Pam Patunoff, Anthea Dexter-Cooper, Claudine C. Safar

**EXAMINATION OF THE PREMISES FOR DISCONTINUANCE OF THE RIGHT-OF-WAY FOR WINTERBOTTOM (TOWN HIGHWAY #5)**

Scotty calls the examination of the premises to order at 2:30 P.M. David Rugh, Town Attorney, explained that it's important to note that anything said at the examination of the premises is not considered evidence at the hearing. The examination is to provide context to what will be said at the hearing. If individuals want to point out things during the examination, that is helpful, but for it to be considered evidence, the individual needs to actually provide testimony referring to what was seen or identified at the examination of the premises during the Selectboard's public hearing on the discontinuance. Doing so ensures that the evidence is entered into the record of the hearing. This is similar to how site visits are conducted in Act 250 proceedings. The Selectboard and others present at the examination of the premises walked the Winterbottom



Road right-of-way that was proposed to be discontinued. Scotty called the end of the Winterbottom Road inspection at 2:41 P.M.

6:00 p.m. Goose Creek Public Hearing  
St. George Town Office

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Nina Friscia (Vice Chair), Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner), David Rugh (Town Attorney), Ken Pinkham (DRB)

Others present: Wayne Elliott (Aldrich & Elliott Engineers), Steve Faust, Phil Beliveau, Susan Duell, Jeff Duell, Mike Downs, Sam Ruggiano, Anthea Dexter-Cooper, Esq.

Scotty called the meeting to order at 6:00 p.m.

Scotty expressed the Board's concern regarding the financial aspects and fairness of over 200 private home owners in St. George not only having to pay for maintenance of their own roads, but also having to pay for maintenance of Goose Creek and Winterbottom Roads which house only 10-12 homes, and are not used by the general public as they are dead end roads, not through roads. He mentioned the engineering report completed by Aldrich and Elliott this fall, and the substantial costs of upgrading these roads to a Class 3 standard. David Rugh spoke about the discontinuance procedure generally, the legal standards for discontinuance, and what would happen with the land beneath the Town right-of-way for Goose Creek Road once it is discontinued. Steve Faust spoke about whether it was fair that these homeowners bought into their homes knowing that the roads were Town maintained. Philip Beliveau also spoke about having built on what he knew to be a Town maintained road and that this would decrease his property's value. He stated that residents on private roads knew they were buying/building on roads that would be their responsibility to maintain. Wayne Elliott spoke about the Town's request that he do an engineering study to determine costs to maintain or upgrade Goose Creek Road. His findings were that the cost to maintain the road would be approximately \$4000.00 and the cost to bring it up to a Class 3 standard would be around \$70,000.00. Sue Duell questioned why the concerns regarding the roads being below Class 3 standards wasn't addressed by the Town sooner. Discussion was held about "what is the definition of a Class 3 Road." Steve Faust stated that he felt this would be a good time for dialogue between the residents and the Town, prior to the Selectboard making a decision on this matter of Goose Creek Road discontinuance. The Selectboard closed the hearing at 6:34 p.m. and will issue a decision, or the Selectboard's return, on the discontinuance within 60 days.

6:30 p.m. Winterbottom Public Hearing  
St. George Town Office

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Nina Friscia (Vice Chair), Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner), David Rugh (Town Attorney), Ken Pinkham (DRB)

Others present: Wayne Elliott (Aldrich & Elliott Engineers), Jeff Duell, Sue Duell, Anthea Dexter-Cooper, Esq., Claudine Safar, Esq., Sam Ruggiano, Steve Faust, Alan Patunoff, Pam Patunoff, Mike Downs, Karen Brasel, Deb Fuller, James Doyle, Jr.

Scotty called the meeting to order at 6:35 p.m.

Scotty again expressed the Board's concern regarding the financial aspects and fairness of over 200 private home owners in St. George not only having to pay for maintenance of their own roads, but also having to pay for maintenance of Goose Creek and Winterbottom Roads which house only 10-12 homes, and are not used by the general public as they are dead end roads, not through roads. David Rugh spoke about the discontinuance procedure generally, the legal standards for discontinuance, and what would happen with the land beneath the Town right-of-way for Goose Creek Road once it is discontinued. Attorney Rugh also noted that the right-of-way for Winterbottom Road as deeded to the Town was 24 feet wide and 750 feet long, extending easterly from the edge of the right-of-way for Route 116. Wayne Elliott spoke regarding the maintenance costs for Winterbottom (\$4900.00 with an additional \$7500.00 to redo the apron) and the cost to upgrade to a Class 3 standard (an approximate \$100,000.00). He mentioned the engineering report completed by Aldrich and Elliott this fall, and the substantial costs of upgrading these roads to a Class 3 standard. Scotty reminded the group that the Town budget – not including the education budget - is only around \$200,000.00. Claudine, attorney for the Patunoff's objected to the discontinuance and submitted a memorandum to the Selectboard detailing her clients' concerns. These include a comparison of the roughly \$228 the Town would lose from VTrans as a result of the discontinuance versus the impact it will have on the residents having to pay for road maintenance if the road is discontinued. Attorney Safar also noted the safety issues with the road, including the roughly 10% grade near the intersection with Route 116 and the limited sight distances from Winterbottom Road at its intersection with Route 116. She further urged the Selectboard to consider the "human ramifications" of its decision, and cited the density of the homes on the road as a reason why it should not be discontinued, concluding that the discontinuance would not be in the public interest. Sam Ruggiano, a St. Albans engineer spoke on behalf of the residents of Winterbottom Road, stating the Winterbottom Road should be maintained for safety reasons, and he noted the difficulties with creating a private association for road maintenance and the issues he often sees with private maintenance of roadways. Philip Beliveau stated that no citizens on private roads were forced to build on them. Pam Patunoff said they have lived on Winterbottom Road for 33 years. She feels that Town maintained roads are the only thing they get back from the Town. Deb Fuller, a 30 year resident on Winterbottom Road said she moved there knowing it was a Town maintained road and noted that she often paid for ditching and filling in potholes on the road. Deb also asked if any change would affect the residents' ability to subdivide. Sue Duell stated that the road was not actually a dead-end road because the private Duell Drive provided a link with Winterbottom at both ends so it was actually a circle. Scotty stated that all subdivisions must abide by Town zoning. The Selectboard closed the hearing at 7:21 p.m. and will issue a decision, or the Selectboard's return, on the discontinuance within 60 days.

7:00 p.m. Selectboard Meeting  
St. George Town Office

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Nina Friscia (Vice Chair), Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), April Pillsbury (Town Clerk/Treasurer David Rugh (Town Attorney)

Others present: Charles Baker (CCRPC), Pat Souzzi (Lake Iroquois Association), Jamie Carroll, (Lake Iroquois Association)

Scotty called the meeting to order at 7:21 pm. There were no disclosures of conflict of interest.

#### **CHANGES TO THE AGENDA AND PUBLIC COMMENTS**

Changes to the agenda included moving Charles Baker, CCRPC and Pat Souzzi, Lake Iroquois Association, to first two items on the agenda. No public comments were made.

#### **CHARLES BAKER, CCRPC – SAINT GEORGE TOWN REPORT JULY 1, 2015 TO JUNE 30, 2015**

Charles Baker came in to share information with the Selectboard regarding some of the projects that CCRPC has been working on through this past fiscal year. Among those projects discussed were:

**Building Homes Together:** A collaborative effort with Champlain Housing Trust, Housing Vermont, and the Chittenden County Regional Planning Commission to build 3500 homes by the year 2021 for people of all incomes, including affordable housing.

**Chittenden County Opioid Alliance:** To include representatives from state and local government, law enforcement, businesses, health care, non-profits and residents coming together in an attempt to reduce opioid abuse

**Regional Dispatch:** Potential changes to the current state dispatching model to a regionalized model which may provide better dispatching service to the Chittenden County community.

**Chittenden County Regional Energy Plan:** The overarching goal of this plan is to improve weatherization of homes, increase Vermont's energy from renewable sources, and reduce total Vermont energy consumption.

#### **PAT SOUZZI – LAKE IROQUOIS ASSOCIATION REPORT**

Pat Souzzi and Jamie Carroll briefed the Selectboard on concerns regarding the lake to include a large infestation of invasive Eurasian Water Milfoil. After much financial investment and effort this past summer attempting to use Diver Assisted Suction Harvesting of the milfoil, the Association will be turning to the use of herbicides in the upcoming season 2017. Lake Iroquois is presenting their concerns about the lake to lake residents and local communities in an attempt to find financial support for eradication of the Eurasian Milfoil.

#### **EXECUTIVE SESSION – ROBYOR NOV APPEAL**

**MOTION by Charles Scott, SECOND by Nina Friscia, that premature general public knowledge of the Town's litigation strategy and of confidential settlement discussions would clearly place the Town at a substantial disadvantage. VOTING: unanimous; motion carried.**

**MOTION by Charles Scott, SECOND by Nina Friscia, to enter executive session to discuss litigation to which the Town is a party. VOTING: unanimous; motion carried.**

Selectboard entered Executive Session at 8:05 (Maggie Kerrin and David Rugh were invited to stay)

**MOTION by Charles Scott, SECOND by Nina Friscia, to exit executive session. VOTING: unanimous; motion carried.**

Selectboard exited Executive Session at 8:15

**MOTION by Charles Scott, SECOND by Jeff Pillsbury to accept the settlement proposal offered by Renee Robyor to resolve her appeal of a Notice of Violation to the Environmental Division of the Vermont Superior Court and to authorize the Town Attorney to prepare all filings related thereto and to authorize Selectboard Chair and Town Attorney to execute any documents needed upon the recommendation of the Town Attorney. VOTING: unanimous; motion carried.**

#### APPROVAL OF MINUTES

**MOTION by Charles Scott, SECOND by Harry Bowen, to approve the November 15<sup>th</sup> All Board's Meeting minutes as written. VOTING: unanimous; motion carried.**

**MOTION by Charles Scott, SECOND by Jeff Pillsbury, to approve the November 17<sup>th</sup> Selectboard's Meeting minutes with one correction to change heading from "All Boards" meeting to "Selectboard" meeting. VOTING: unanimous; motion carried.**

#### NINA FRISCIA - LAKE IROQUOIS RECREATION DISTRICT

Nina explained that four Towns are trying to determine the best way to use collaborative resources to maintain the roads to the Lake, to include seeking grants from Better Back Roads for Beebe Lane improvements. Richmond, St. George, Williston, and Hinesburg Town Administrator/Managers will meet to determine a group solution.

#### TOWN CLERK ITEMS

The Selectboard reviewed the monthly financials and signed the December Order. Scotty, Maggie, and April will work together to rework a deadline date for finance submittals.

**MOTION by Charles Scott, SECOND by Jeff Pillsbury, to break from the Selectboard Agenda for 15 minutes. VOTING: unanimous; motion carried.**

#### ST. GEORGE FY 2017-2018 BUDGET

The Board reviewed and approved the FY2017-2018 Budget as presented. Maggie will call the State to determine why the Current Use Tax revenue was reduced from last fiscal year.

#### EXECUTIVE SESSION - PERSONNEL

**MOTION by Charles Scott, SECOND by Jeff Pillsbury, to enter executive session to discuss personnel matters. VOTING: unanimous; motion carried.**

Selectboard entered Executive Session at 9:05

**MOTION by Charles Scott, SECOND by Harry Bowen, to exit executive session. VOTING: unanimous; motion carried.**

Selectboard exited executive session at 9:36 p.m.

**ADJOURN**

**MOTION by Charles Scott, SECOND by Wayne Ring to adjourn at 9:37 p.m. VOTING: unanimous; motion carries.**

Received for Record / Discharge  
Dec 29 A.D. 2016

At 5 o'clock 50 minutes P M.  
and recorded in Book 42 Pages 369-3

**SELECTBOARD'S RETURN  
TOWN OF ST. GEORGE, VERMONT**

Attest: A. Pilibsky Town Clerk

**ORDER DISCONTINUING TOWN HIGHWAY RIGHT-OF-WAY**

**Re: Discontinuance of the Winterbottom Road (Town Highway No. 5) Right-of-Way**

The Town of St. George Selectboard held a duly warned public hearing on December 15, 2016, pursuant to 19 V.S.A. § 708, et seq., for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of St. George should discontinue the right-of-way for Winterbottom Road (Town Highway No. 5). Winterbottom Road is presently designated and classified as a Class 3 Town Highway that has a width of twenty-four feet (24') for its entire length and runs roughly 0.15 miles (750 feet), more or less, easterly from the easterly right-of-way boundary of Vermont Route 116 to the lands and premises now or formerly owned by Michael E. Downs. The existing right-of-way for Winterbottom Road (Town Highway No. 5) was laid out by dedication to the Town of St. George in a Warranty Deed of Clara Peet, dated March 12, 1945, recorded in Book 4, Pages 3-4 of the St. George Town Land Records, and re-recorded in Book 4, Pages 100-01 of said Land Records. The right-of-way was accepted by the Town of St. George Selectmen and open for traffic on July 2, 1945, as indicated in a letter from the Selectmen recorded in Book 4, Page 9 of the Town of St. George Land Records. The approximate location of the right-of-way is shown on a sketch plan entitled, "Sketch of Land of Clara Peet for Proposed Sale to Katherine Winterbottom and Others for Purpose of Replacing Present Right of Way With Town Highway," dated January 27, 1945, and recorded in Book 4, Page 2 of the Town of St. George Land Records. A portion of the right-of-way is also shown and depicted as "Winterbottom Road (24' R.O.W.)" on a survey entitled "Plat Showing Survey and Subdivision of Property of Robert & Janet Duell, Winterbottom Road, St. George, Vermont," prepared by Vaughn C. Button, dated August 23, 1990, last revised September 5, 1990, and recorded in Plat Book 2, Map 81/90 (Map Slide 16) of the Town of St. George Land Records. The lands and premises on the northerly and westerly sides of the Winterbottom Road (Town Highway No. 5) right-of-way are owned by Deborah Fuller and Karen Brasel, James and Janet Doyle, Robert and Janet Duell, Kim Marie Duell, Jeffery and Susan Duell and Elizabeth Downs. The lands and premises on the southerly and easterly sides of said right-of-way are owned by Alan and Pamela Patunoff, Robert and Janet Duell and Michael Downs.

The Notice of Examination of Premises and Public Hearing for Discontinuance of the Right-of-Way for Winterbottom Road (Town Highway No. 5) was posted in the Town of St. George Clerk's Office on November 8, 2016, and delivered to the Town of St. George Planning Commission on November 8, 2016. A Certificate of Posting and Delivery is attached hereto as **Exhibit 1**. The Notice was published in the

Williston Observer, a local newspaper of general circulation, on November 16, 2016. A copy of the Notice, as it appeared in the November 16, 2016, issue of the Williston Observer is attached as **Exhibit 2**. On November 9, 2016, notice was sent by certified mail to interested parties. A Certificate of Service is attached hereto as **Exhibit 3**. Copies of the receipts for the certified mailing are attached hereto as **Exhibit 4**.

The Town of St. George Selectboard held a public examination of the premises and a public hearing on December 15, 2016. Draft minutes of the hearing are attached hereto as **Exhibit 5**. At the hearing the Town of St. George Selectboard received testimony that the discontinuance of the Winterbottom Road (Town Highway No. 5) right-of-way would be for the public good, necessity and convenience of the inhabitants of the Town of St. George, considering the greatest public good and the least inconvenience to others, including the property owners, from the following individuals:

- a. Charles Scott, Selectboard Chair, testified that almost all homeowners in the Town of St. George, being over 200 homes, are located on private roads and bear their own road maintenance expenses. He noted that Winterbottom Road was a dead-end road that only served roughly six-to-eight homes and that it was not in the public interest for the Town to subsidize the road maintenance expenses for these homes through taxes while a vast majority of Town residents have to pay to maintain their own roads. Further, Chair Scott noted that the road did not meet Class 3 standards and bringing Winterbottom Road up to Class 3 standards would cost the Town a substantial sum, which is also not in the public's interest.
- b. Wayne Elliott, an engineer with Aldrich + Elliot Water Resource Engineers, testified that the roadway was not up to Class 3 standards and that the right-of-way's width, being twenty-four feet (24'), was barely sufficient to install appropriate ditches on both sides of the travelled way when accounting for an eighteen-foot (18') wide travelled way. Mr. Elliot estimated that it would cost roughly \$4,900 to perform necessary maintenance upgrades on the roadway, including ditching, tree and vegetation clearing, adding gravel subbase and grading, in addition to the costs to perform needed upgrades to the roadway's paved apron at its intersection with Vermont Route 116, which upgrades are estimated to cost approximately \$7,500. Mr. Elliot also testified regarding extensive work that was necessary to bring the roadway up to Class 3 roadway standards, estimating that it would cost roughly \$100,000 (or roughly \$125 per foot of roadway) for such repairs, all as detailed in an October 18, 2016 analysis prepared by Aldrich + Elliot Water Resource Engineers, which was entered into the record. Further, Mr. Elliott noted significant safety issues with the roadway, including inadequate sight distances at the road's intersection with Route 116, especially looking to the south, and the roadway's approximate 10% grade near its intersection with Route 116, which is hazardous in winter conditions.

- c. Neil Boyden, St. George Road Commissioner, testified as to the costs and expenses of the Town of St. George's maintenance of this roadway over the past few years as detailed in the 5-Year Roads Expenditure Report in the Town's 2016 Annual Report. Mr. Boyden noted that the total average maintenance costs of approximately \$3,700 per year were quite high for a 0.15-mile long roadway.
- d. David Rugh, Esq., attorney for the Town, described the legal standards of discontinuance of the town highway right-of-way. Attorney Rugh also submitted various documents and surveys from the Land Records relating to the Winterbottom Road right-of-way and its dimensions as conveyed to the Town in 1945.

At the hearing, the Selectboard also received testimony from individuals who objected to the discontinuance. Those included:

- a. Jeffrey Duell, who lives on the roadway, described some of the summer maintenance costs.
- b. Claudine Safar, Esq., who represents Alan and Pamela Patunoff, also submitted written and oral testimony opposed to the discontinuance. Attorney Safar urged the Selectboard to consider the loss of State funding to the Town for maintenance of Winterbottom Road resulting from the discontinuance, being approximately \$228.25, as compared to the consequences for the residents of the roadway, namely their practical and financial ability to take on the responsibility for maintaining the roadway if it were discontinued. Attorney Safar also highlighted the road's safety issues, including its relatively steep, 10%, grade and limited sight distances on Route 116, as reasons why the road should remain a town highway since those safety issues might be exacerbated if the road were maintained privately. According to Attorney Safar, discontinuing the road would allegedly not be in the public interest, and especially not in the best interests of those living on the roadway. Attorney Safar encouraged the Selectboard to consider the human ramifications of the discontinuance, as many of the residents in the seven houses on the roadway were retired or disabled and could not take on the costs of maintenance. Attorney Safar also noted the fact that the residents justifiably relied on the public status of Winterbottom Road as a town highway when they purchased their properties. Further, Attorney Safar directed the Selectboard to consider the density of houses on the road given its short length as a reason why the discontinuance is not in the public interest. Attorney Safar referred the Selectboard to a Superior Court decision from Windham County where the court determined that a .09-mile roadway with 6 houses should be accepted as a town highway, *Chimney Hill Owners Assoc., Inc. v. Town of Wilmington*, Docket No. S461-12-96 Wmcv, slip op. at 7-8 (Vt. Super. Ct., Dec. 22, 1998); however, as noted in that decision, the subject road, called Abbey Lane, was constructed to sufficient standards to be a Class 3 highway. According to the court's decision, Abbey



Lane had "sufficient width, base and drainage," which are all lacking with respect to Winterbottom Road as noted in the October 18, 2016 analysis prepared by Aldrich + Elliot Water Resource Engineers.

- c. Sam Ruggiano, an engineer, briefly discussed the problems with forming private road maintenance associations to maintain private roads.
- d. Philip Beliveau urged the Selectboard to consider that it was not in the public good to discontinue roads when the tax savings are only \$5-to-\$10 per year per Town resident, and that, by discontinuing the road, the Selectboard is essentially forcing people to maintain their own roadways.
- e. Richard Steven Faust submitted written testimony and urged the Selectboard that fairness to the residents of Winterbottom Road did not warrant discontinuing the road right-of-way. According to Mr. Faust, those individuals relied on the Town's maintenance of the roadway when they purchased their homes. Mr. Faust also asserted that it would be unreasonable to tax only those people who used certain services, like Winterbottom Road, and by discontinuing the road, the Selectboard is imposing a roughly 25% tax increase, in the range of \$790 per family, for road maintenance expenses. According to Mr. Faust, it would be especially unfair to impose the burden of road maintenance expenses on the eight families on Winterbottom Road since many are on a fixed income. Bringing the road up to Class 3 standards would be a one-time fee for the Town, and on-going maintenance expenses do not increase by much annually.
- f. Pam Patunoff testified that she and her family were long-time residents of Winterbottom Road. She was concerned that the only benefit she receives from her taxes is road maintenance and is concerned about the liability she and her husband would be exposed to if they were required to maintain Winterbottom Road in light of the road's safety issues.
- g. Deb Fuller testified that she is a long-time resident of the road and that it wasn't fair for the Selectboard to discontinue the road in light of the taxes she pays. Ms. Fuller also stated that in the past she had paid for some ditching on the road and filling some potholes. She also stated that the State of Vermont was responsible for rebuilding or reconstructing the asphalt apron at the intersection of Winterbottom Road and Route 116, not the Town. Further, she urged the Selectboard to consider that the residents have been living on the road and relied on Town maintenance for the past 40-50 years.
- h. Sue Duell testified that Winterbottom Road was not exactly a dead-end road because people drove on the private Duell Drive, which connected to Winterbottom at two locations so that the road was actually more of a loop when the private Duell Drive was considered.

Having conducted the public hearing and the examination of the premises, the Town of St. George Selectboard hereby determines, based on testimony and evidence submitted at the public hearing, that the right-of-way for Winterbottom Road (Town Highway No. 5) be discontinued. This action was taken for the public

good, necessity and convenience of the inhabitants of the Town of St. George pursuant to 19 V.S.A. § 708, et seq.

**WHEREFORE**, it being determined that the public good, necessity and convenience of the inhabitants of the Town of St. George support discontinuance, the Selectboard hereby orders that the right-of-way for Winterbottom Road (Town Highway No. 5) is discontinued immediately and the right-of-way automatically reverts to the landowners that own the underlying land on both sides of the roadway, being Deborah Fuller and Karen Brasel, James and Janet Doyle, Robert and Janet Duell, on the northerly and westerly sides, and Alan and Pamela Patunoff, Robert and Janet Duell and Michael Downs on the southerly and easterly sides pursuant to 19 V.S.A. § 775. Further, Kim Marie Duell, Jeffery and Susan Duell and Elizabeth Downs shall retain a private right-of-way over the former road right-of-way for access to their properties.

The Selectboard further finds that said discontinued right-of-way for Winterbottom Road (Town Highway No. 5), extending easterly and then curving northerly for a total length of 750 feet from Vermont Route 116, may be more particularly bounded and described with reference to the Warranty Deed of Clara Peet, dated March 12, 1945, recorded in Book 4, Pages 3-4 of the St. George Town Land Records, and re-recorded in Book 4, Pages 100-01 of said Land Records, as follows:

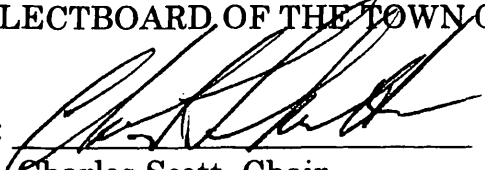
Being a strip of land (24) twenty-four feet wide for the purposes of a highway, commencing on the easterly side of the Main Road from Burlington to Hinesburg (Vermont Route 116), the points marked by the Selectmen and then extending through the lands and premises formerly owned by Clara Peet, northeasterly seven hundred fifty (750) feet, more or less, to and connecting with the lands and premises formerly owned by Katherine Winterbottom. Said strip of land passing just northerly of a big Hemlock tree.

Meaning and intending to discontinue the entirety of the 0.15-mile, more or less, Winterbottom Road (Town Highway No. 5) right-of-way.

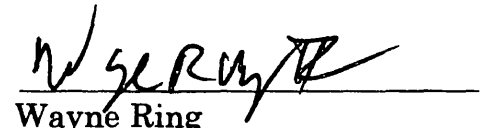
*[End of Text. Signature Page Follows.]*

DATED at St. George, Vermont, this 29 day of December, 2016.


SELECTBOARD OF THE TOWN OF ST. GEORGE

By:   
Charles Scott, Chair

By: \_\_\_\_\_  
Nina Fiscia, Vice Chair

By:   
Wayne Ring

By: \_\_\_\_\_  
Harry Bowen

By:   
Jeff Pillsbury

St. George Selectboard Meeting  
December 15, 2016

2:00 p.m.  
Goose Creek Road Inspection

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Jeff Pillsbury, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner), David Rugh (Town Attorney), Ken Pinkham (DRB)

Others present: Steve Faust, Caroline Jalbert, Philip Beliveau

**EXAMINATION OF THE PREMISES FOR DISCONTINUANCE OF THE RIGHT-OF-WAY FOR GOOSE CREEK ROAD (TOWN HIGHWAY #3)**

Scotty calls the examination of the premises to order at 2:01 P.M. David Rugh, Town Attorney, explained that it's important to note that anything said at the examination of the premises is not considered evidence at the hearing. The examination is to provide context to what will be said at the hearing. If individuals want to point out things during the examination, that is helpful, but for it to be considered evidence, the individual needs to actually provide testimony referring to what was seen or identified at the examination of the premises during the Selectboard's public hearing on the discontinuance. Doing so ensures that the evidence is entered into the record of the hearing. This is similar to how site visits are conducted in Act 250 proceedings. The Selectboard and others present at the examination of the premises walked the Goose Creek Road right-of-way that was proposed to be discontinued. Scotty called the end of the Goose Creek Road inspection at 2:17 P.M.

2:30 p.m. Winterbottom Road Inspection

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Jeff Pillsbury, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner), David Rugh (Town Attorney), Ken Pinkham (DRB)

Others present: Alan Patunoff, Pam Patunoff, Anthea Dexter-Cooper, Claudine C. Safar

**EXAMINATION OF THE PREMISES FOR DISCONTINUANCE OF THE RIGHT-OF-WAY FOR WINTERBOTTOM (TOWN HIGHWAY #5)**

Scotty calls the examination of the premises to order at 2:30 P.M. David Rugh, Town Attorney, explained that it's important to note that anything said at the examination of the premises is not considered evidence at the hearing. The examination is to provide context to what will be said at the hearing. If individuals want to point out things during the examination, that is helpful, but for it to be considered evidence, the individual needs to actually provide testimony referring to what was seen or identified at the examination of the premises during the Selectboard's public hearing on the discontinuance. Doing so ensures that the evidence is entered into the record of the hearing. This is similar to how site visits are conducted in Act 250 proceedings. The Selectboard and others present at the examination of the premises walked the Winterbottom

Road right-of-way that was proposed to be discontinued. Scotty called the end of the Winterbottom Road inspection at 2:41 P.M.

6:00 p.m. Goose Creek Public Hearing  
St. George Town Office

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Nina Friscia (Vice Chair), Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner), David Rugh (Town Attorney), Ken Pinkham (DRB)

Others present: Wayne Elliott (Aldrich & Elliott Engineers), Steve Faust, Phil Beliveau, Susan Duell, Jeff Duell, Mike Downs, Sam Ruggiano, Anthea Dexter-Cooper, Esq.

Scotty called the meeting to order at 6:00 p.m.

Scotty expressed the Board's concern regarding the financial aspects and fairness of over 200 private home owners in St. George not only having to pay for maintenance of their own roads, but also having to pay for maintenance of Goose Creek and Winterbottom Roads which house only 10-12 homes, and are not used by the general public as they are dead end roads, not through roads. He mentioned the engineering report completed by Aldrich and Elliott this fall, and the substantial costs of upgrading these roads to a Class 3 standard. David Rugh spoke about the discontinuance procedure generally, the legal standards for discontinuance, and what would happen with the land beneath the Town right-of-way for Goose Creek Road once it is discontinued. Steve Faust spoke about whether it was fair that these homeowners bought into their homes knowing that the roads were Town maintained. Philip Beliveau also spoke about having built on what he knew to be a Town maintained road and that this would decrease his property's value. He stated that residents on private roads knew they were buying/building on roads that would be their responsibility to maintain. Wayne Elliott spoke about the Town's request that he do an engineering study to determine costs to maintain or upgrade Goose Creek Road. His findings were that the cost to maintain the road would be approximately \$4000.00 and the cost to bring it up to a Class 3 standard would be around \$70,000.00. Sue Duell questioned why the concerns regarding the roads being below Class 3 standards wasn't addressed by the Town sooner. Discussion was held about "what is the definition of a Class 3 Road." Steve Faust stated that he felt this would be a good time for dialogue between the residents and the Town, prior to the Selectboard making a decision on this matter of Goose Creek Road discontinuance. The Selectboard closed the hearing at 6:34 p.m. and will issue a decision, or the Selectboard's return, on the discontinuance within 60 days.

6:30 p.m. Winterbottom Public Hearing  
St. George Town Office

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Nina Friscia (Vice Chair), Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), Neil Boyden (Road Commissioner), David Rugh (Town Attorney), Ken Pinkham (DRB)

Others present: Wayne Elliott (Aldrich & Elliott Engineers), Jeff Duell, Sue Duell, Anthea Dexter-Cooper, Esq., Claudine Safar, Esq., Sam Ruggiano, Steve Faust, Alan Patunoff, Pam Patunoff, Mike Downs, Karen Brasel, Deb Fuller, James Doyle, Jr.

Scotty called the meeting to order at 6:35 p.m.

Scotty again expressed the Board's concern regarding the financial aspects and fairness of over 200 private home owners in St. George not only having to pay for maintenance of their own roads, but also having to pay for maintenance of Goose Creek and Winterbottom Roads which house only 10-12 homes, and are not used by the general public as they are dead end roads, not through roads. David Rugh spoke about the discontinuance procedure generally, the legal standards for discontinuance, and what would happen with the land beneath the Town right-of-way for Goose Creek Road once it is discontinued. Attorney Rugh also noted that the right-of-way for Winterbottom Road as deeded to the Town was 24 feet wide and 750 feet long, extending easterly from the edge of the right-of-way for Route 116. Wayne Elliott spoke regarding the maintenance costs for Winterbottom (\$4900.00 with an additional \$7500.00 to redo the apron) and the cost to upgrade to a Class 3 standard (an approximate \$100,000.00). He mentioned the engineering report completed by Aldrich and Elliott this fall, and the substantial costs of upgrading these roads to a Class 3 standard. Scotty reminded the group that the Town budget – not including the education budget - is only around \$200,000.00. Claudine, attorney for the Patunoff's objected to the discontinuance and submitted a memorandum to the Selectboard detailing her clients' concerns. These include a comparison of the roughly \$228 the Town would lose from VTrans as a result of the discontinuance versus the impact it will have on the residents having to pay for road maintenance if the road is discontinued. Attorney Safar also noted the safety issues with the road, including the roughly 10% grade near the intersection with Route 116 and the limited sight distances from Winterbottom Road at its intersection with Route 116. She further urged the Selectboard to consider the "human ramifications" of its decision, and cited the density of the homes on the road as a reason why it should not be discontinued, concluding that the discontinuance would not be in the public interest. Sam Ruggiano, a St. Albans engineer spoke on behalf of the residents of Winterbottom Road, stating the Winterbottom Road should be maintained for safety reasons, and he noted the difficulties with creating a private association for road maintenance and the issues he often sees with private maintenance of roadways. Philip Beliveau stated that no citizens on private roads were forced to build on them. Pam Patunoff said they have lived on Winterbottom Road for 33 years. She feels that Town maintained roads are the only thing they get back from the Town. Deb Fuller, a 30 year resident on Winterbottom Road said she moved there knowing it was a Town maintained road and noted that she often paid for ditching and filling in potholes on the road. Deb also asked if any change would affect the residents' ability to subdivide. Sue Duell stated that the road was not actually a dead-end road because the private Duell Drive provided a link with Winterbottom at both ends so it was actually a circle. Scotty stated that all subdivisions must abide by Town zoning. The Selectboard closed the hearing at 7:21 p.m. and will issue a decision, or the Selectboard's return, on the discontinuance within 60 days.

7:00 p.m. Selectboard Meeting  
St. George Town Office

Selectboard members present: Charles Scott (Scotty - Selectboard Chair), Nina Friscia (Vice Chair), Jeff Pillsbury, Wayne Ring, Harry Bowen

Other Town officials present: Maggie Kerrin (Town Administrator), April Pillsbury (Town Clerk/Treasurer David Rugh (Town Attorney)

Others present: Charles Baker (CCRPC), Pat Souzzi (Lake Iroquois Association), Jamie Carroll, (Lake Iroquois Association)

Scotty called the meeting to order at 7:21 pm. There were no disclosures of conflict of interest.

#### **CHANGES TO THE AGENDA AND PUBLIC COMMENTS**

Changes to the agenda included moving Charles Baker, CCRPC and Pat Souzzi, Lake Iroquois Association, to first two items on the agenda. No public comments were made.

#### **CHARLES BAKER, CCRPC – SAINT GEORGE TOWN REPORT JULY 1, 2015 TO JUNE 30, 2015**

Charles Baker came in to share information with the Selectboard regarding some of the projects that CCRPC has been working on through this past fiscal year. Among those projects discussed were:

**Building Homes Together:** A collaborative effort with Champlain Housing Trust, Housing Vermont, and the Chittenden County Regional Planning Commission to build 3500 homes by the year 2021 for people of all incomes, including affordable housing.

**Chittenden County Opioid Alliance:** To include representatives from state and local government, law enforcement, businesses, health care, non-profits and residents coming together in an attempt to reduce opioid abuse

**Regional Dispatch:** Potential changes to the current state dispatching model to a regionalized model which may provide better dispatching service to the Chittenden County community.

**Chittenden County Regional Energy Plan:** The overarching goal of this plan is to improve weatherization of homes, increase Vermont's energy from renewable sources, and reduce total Vermont energy consumption.

#### **PAT SOUZZI – LAKE IROQUOIS ASSOCIATION REPORT**

Pat Souzzi and Jamie Carroll briefed the Selectboard on concerns regarding the lake to include a large infestation of invasive Eurasian Water Milfoil. After much financial investment and effort this past summer attempting to use Diver Assisted Suction Harvesting of the milfoil, the Association will be turning to the use of herbicides in the upcoming season 2017. Lake Iroquois is presenting their concerns about the lake to lake residents and local communities in an attempt to find financial support for eradication of the Eurasian Milfoil.

#### **EXECUTIVE SESSION – ROBYOR NOV APPEAL**

**MOTION** by Charles Scott, **SECOND** by Nina Friscia, that premature general public knowledge of the Town's litigation strategy and of confidential settlement discussions would clearly place the Town at a substantial disadvantage. **VOTING: unanimous; motion carried.**

**MOTION by Charles Scott, SECOND by Nina Friscia, to enter executive session to discuss litigation to which the Town is a party. VOTING: unanimous; motion carried.**

Selectboard entered Executive Session at 8:05 (Maggie Kerrin and David Rugh were invited to stay)

**MOTION by Charles Scott, SECOND by Nina Friscia, to exit executive session. VOTING: unanimous; motion carried.**

Selectboard exited Executive Session at 8:15

**MOTION by Charles Scott, SECOND by Jeff Pillsbury to accept the settlement proposal offered by Renee Robyor to resolve her appeal of a Notice of Violation to the Environmental Division of the Vermont Superior Court and to authorize the Town Attorney to prepare all filings related thereto and to authorize Selectboard Chair and Town Attorney to execute any documents needed upon the recommendation of the Town Attorney. VOTING: unanimous; motion carried.**

#### APPROVAL OF MINUTES

**MOTION by Charles Scott, SECOND by Harry Bowen, to approve the November 15<sup>th</sup> All Board's Meeting minutes as written. VOTING: unanimous; motion carried.**

**MOTION by Charles Scott, SECOND by Jeff Pillsbury, to approve the November 17<sup>th</sup> Selectboard's Meeting minutes with one correction to change heading from "All Boards" meeting to "Selectboard" meeting. VOTING: unanimous; motion carried.**

#### NINA FRISCIA - LAKE IROQUOIS RECREATION DISTRICT

Nina explained that four Towns are trying to determine the best way to use collaborative resources to maintain the roads to the Lake, to include seeking grants from Better Back Roads for Beebe Lane improvements. Richmond, St. George, Williston, and Hinesburg Town Administrator/Managers will meet to determine a group solution.

#### TOWN CLERK ITEMS

The Selectboard reviewed the monthly financials and signed the December Order. Scotty, Maggie, and April will work together to rework a deadline date for finance submittals.

**MOTION by Charles Scott, SECOND by Jeff Pillsbury, to break from the Selectboard Agenda for 15 minutes. VOTING: unanimous; motion carried.**

#### ST. GEORGE FY 2017-2018 BUDGET

The Board reviewed and approved the FY2017-2018 Budget as presented. Maggie will call the State to determine why the Current Use Tax revenue was reduced from last fiscal year.

#### EXECUTIVE SESSION - PERSONNEL

**MOTION by Charles Scott, SECOND by Jeff Pillsbury, to enter executive session to discuss personnel matters. VOTING: unanimous; motion carried.**



Selectboard entered Executive Session at 9:05

**MOTION by Charles Scott, SECOND by Harry Bowen, to exit executive session. VOTING: unanimous; motion carried.**

Selectboard exited executive session at 9:36 p.m.

**ADJOURN**

**MOTION by Charles Scott, SECOND by Wayne Ring to adjourn at 9:37 p.m. VOTING: unanimous; motion carries.**