

OK DMK

CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1994

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 10, 1994 to: Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

< IF NO CHANGES IN MILEAGE, OMIT PART I, CHECK PART II, SIGN PART III >

We, the Selectmen or Trustees or Aldermen of WORCESTER, WASHINGTON COUNTY on an oath state that the mileage of highways, according to Title 19, V.S.A., Sec#305, added 1985, is as follows:

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

DISTRICT 6

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE *	TOTAL	* SCENIC HIGHWAYS
CLASS 1	.000		*	.000	*
CLASS 2	2.000		*	2.000	*
CLASS 3	19.110		*	19.110	*
STATE HWY	7.853		*	7.853	*
TOTAL	28.963		*	28.963	*
CLASS 4	2.970		0.200 *	2.770	*

✓

PART II - INFORMATION & 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 meetings).

T-36 CLASS 4 - Now TRAIL

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

T-36: ~~Class 4 - now trail~~

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW [X]

PART III - SIGNATURES - PLEASE SIGN.

SELECTMEN/ALDERMEN/TRUSTEES SIGNATURES:

Tom R. McKenna
Harold Richardson

CLERK SIGNATURE:

Carolyn J. Well

DATE FILED

1/19/94

Please sign ORIGINAL & return for Transportation signature.

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

APPROVED:

Donald C. Harvey
Representative, Agency of Transportation

DATE: 1/25/94

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TRANSPORTATION
 JAN 21 1994
 PLANNING DIVISION

PART I - CHANGES & TOTALS - Please fill in and calculate totals. DISTRICT 6

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(4) SCENIC HIGHWAYS: Please attach copy of order designating/discontinuing scenic highways.

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW [X]

PART III - SIGNATURES - PLEASE SIGN

SELECTMEN/ALDERMEN/TRUSTEES

SIGNATURES:

CLERK SIGNATURE: *Gordy F. Wells*
 Please sign ORIGINAL & return for Transportation signature.

DATE FILED: 1/11/94

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

APPROVED:

Representative, Agency of Transportation

DATE: 1/22/94

Town of Worcester

Drawer 161
Worcester, VT 05682
223-6942

Jay

July 26, 1993

Mr. Edward J. Chabot
Business Manager
Agency of Transportation
Planning Division
133 State Street
Montpelier, VT 05633

TRANSPORTATION

JUL 27 1993

PLANNING DIVISION

Dear Mr. Chabot:

Per our telephone conversation today, I am sending you all the necessary information regarding the Town of Worcester's decision to change TH #36 from a Class 4 Highway to a Trail, including Br # 31.

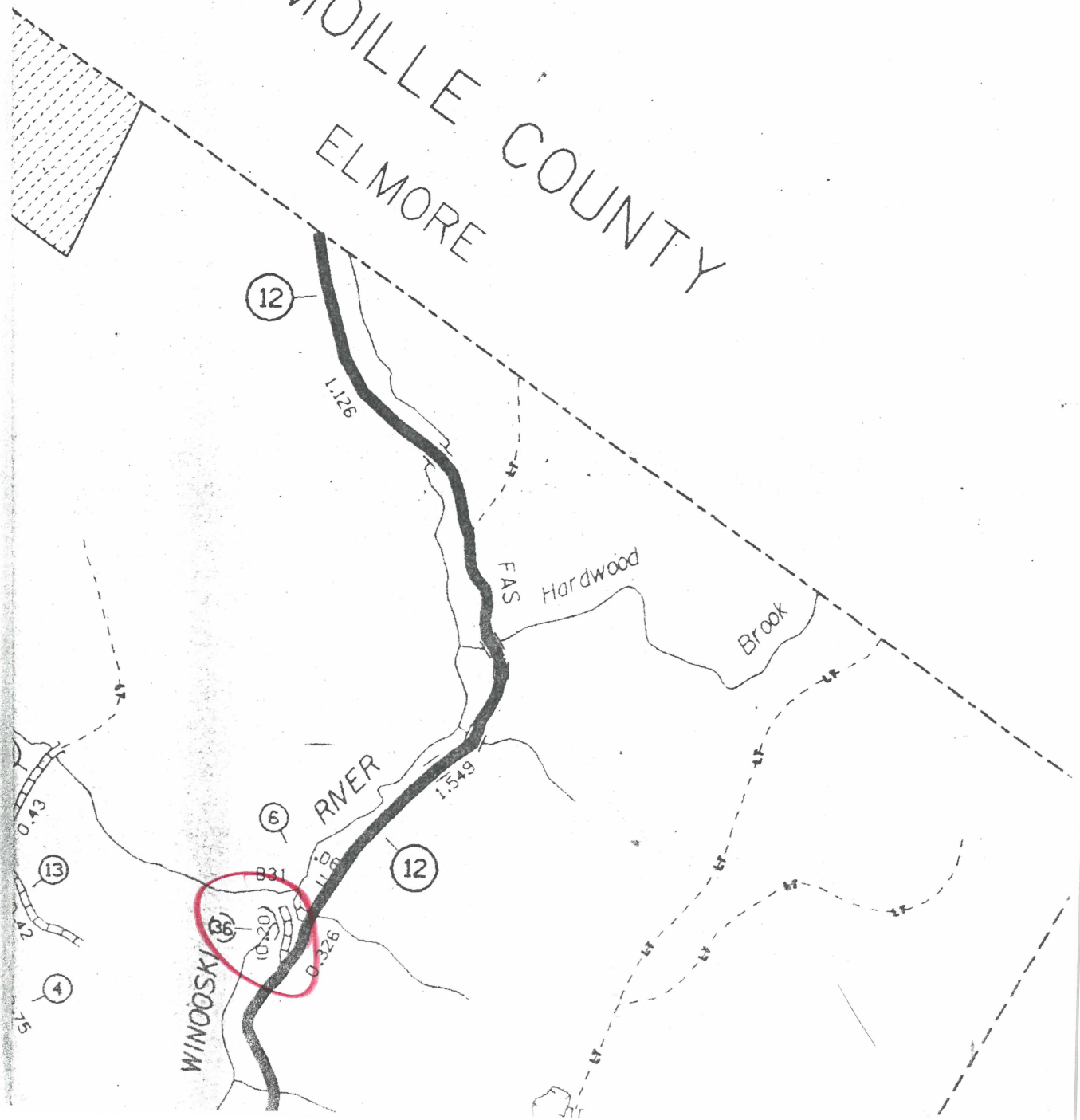
If you have any questions, feel free to contact me.

Sincerely,

Carolyn

Carolyn F. Wells
Town Clerk/Treasurer

LAMOILLE COUNTY ELMORE



CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1993

For 1994

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Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

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STATE HWY	7.853		*	7.853	*
TOTAL(no Class 4)	28.963		*	28.963	*
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2,770

PART II - INFORMATION & DESCRIPTION OF CHANGES SHOWN ABOVE.

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(2) DISCONTINUED: Please attach SIGNED copy of proceedings(minutes of meeting).

*.200 miles TH # 36
WAS A CLASS 4 ROAD.*

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PART III - SIGNATURES - PLEASE SIGN.

SELECTMEN/ALDERMEN/TRUSTEES
SIGNATURES:

*Tom R. McKinnon
Harold Dickerson
Charles A. Turner*

CLERK SIGNATURE:

Carolyn F. Wells

DATE FILED *11/13/93*

Please sign ORIGINAL & return for Transportation signature.

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

APPROVED:

[Signature]

Representative, Agency of Transportation

DATE: *1/25/93*

Town of Worcester

Drawer 161
Worcester, VT 05682
223-6942

THE SELECTBOARD WILL HOLD A PUBLIC HEARING ON THE QUESTION OF WHETHER TO DISCONTINUE TOWN HIGHWAY # 36 AND BRIDGE # 31. EXAMINATION OF THE HIGHWAY WILL TAKE PLACE AT 6 P.M. ON MARCH 24, 1993. TESTIMONY WILL BE HEARD AT THE TOWN COMPLEX AT 6:45 P.M. ON THE SAME DATE. ALL INTERESTED PARTIES ARE INVITED.

WORCESTER SELECTBOARD

2/12

REGULAR SELECTBOARD MEETING: March 24, 1993 at 6:30 PM at the Town Clerk's Office.

Present were:

<u>Selectboard</u>	<u>Town Clerk/Treas.</u>	<u>Guests</u>
Tom McKone	Carolyn Wells	Lloyd Fillion
Harold Richardson		Richard Lanza
Elizabeth Turner	<u>CVRPC Rep.</u>	Walt Bador
	Peter Foote	Joe Audet
		Robert Blanchard

Tom called the meeting to order at 6:38 PM.

BILLS

The bills were reviewed and approved for payment.

MINUTES

Tom moved to accept the minutes of March 10, 1993 as amended, seconded Libby, app. Regular Selectboard meetings, after Dec. should include 2nd. Wednesdays only. Libby's motion to accept the quote of Vermont Municipal Truck Equip. should include for ice and snow removal equipment.

PUBLIC HEARING TH #36 & BR #31

Tom and Libby explained that the Board was to collect information to consider whether to discontinue TH #36 and BR #31. The highway is a class IV road in Town that goes nowhere and has no buildings on it. It is expensive to maintain the Bridge which connects the two sections of the road.

Richard Lanza did not support discontinuing the road. He believes that the Town should maintain the road and keep its options open.

Lloyd Fillion read his presentation. (see attachment to the minutes.)

Discussion followed. Lloyd asked if the Selectboard went as a group to see the Bridge that he be included. Lloyd will be notified by telephone.

At the April 14th Board Meeting a timetable will be set up. At the May 12th Board Meeting a decision will be made.

ROAD COMMISSIONER

Randy twisted his knee when the grader stalled, brakes failed and slid off Harris Hill Rd.

Town Truck: Needs a center bolt and spring. There is also a thumping in the back of the truck.

The Board approved the purchase of 2 sets of truck chains from Wilford Hamner for \$300.

Insurance - Hired Help: Lindy spoke with the Town's Insurance Co. Independent contractors hired by the Town must provide the Town with proof of auto liability and workers compensation.

Lindy asked the Board to look into a buzzer system between her office and the town garage to be used when the telephone

I am appearing on behalf of myself and my wife, Dacia Gentilella, and wish to speak in opposition to the proposed throwing up of Town Highway #36 and Town Bridge #31. We are the owners of the property on the west side of the Winooski River, North Branch, and are serviced by this road and bridge. My remarks will address the immediate history of ownership of this town property, its use, and resultant deterioration, and finally some suggestions for equitable solutions.

The immediate history of TH. #36 and the Selectboard reflects the desire on the part of the Board to control the road. In 1981, the Board was concerned that at least a 3 rod R.O.W. be maintained during a series of transactions involving proximate land being deeded from the State through the Town to individuals (Satterlee - Umman) (Vol.6, pg.124). Then as Dowdell made major improvements to the town's bridge #31, the Selectboard saw an interest in acquiring the land under TH. #36 as well as the R.O.W., and in 1984 signed a quitclaim deed with the Richard Lanzas to acquire and preserve maximum ownership of the road, where a mere R.O.W. would have sufficed (Vol. 6, pg. 195). Further the Selectboard worked with Mr. Dowdell of Vermont Sand and Gravel after the flood of 1984 to procure federal funds for repairs to the bridge and road to cover costs for same. The Selectboard was not successful in recovering costs on repairs to the bridge because Mr. Dowdell had been permitted to chain access to the portion of TH.#36 thus privatizing the bridge and his portion of the road on the West side of the river in the eyes of FEMA. However, the process makes evident that the town still regarded the bridge and road its property.

All of this activity was within the context of major concern regarding the possibility of building lots being subdivided on the land. Thus in 1981, when a Mr. Newton Lee first discussed upgrading the bridge, problems regarding development were raised, and again when Dowdell presented his plans to the Selectboard, there was a discussion of restrictions on building lots or subdivisions (Vol. 6, pg. 84 and pg. 162). The history appears to be one of the town anxious to restrict development while simultaneously demonstrating a desire to retain control over the bridge and road in question.

In the ensuing years, the road and bridge have been used by townspeople and (presumably other) Vermonters for access to fishing, and occasional parties on the meadow. In fact, the "fairly significant activities" -;logging- that we have caused to occur and which are of concern to the Board have been of direct employment benefit to State residents. A forester from Plainfield, a logger from Montpelier, and truckers from the surrounding area have all made a partial living from this activity. Indeed, the taxes on the land in 1992 were a rough equivalent to the net profit that we obtained from the land for the same period.

The Selectboard has deemed it desirable to keep this road available for this constant level of use from 1981 through the

present. The current level of activity shows no change from prior years, in fact less than was present during the gravel operations, and in addition there has been no change in the number of property owners on the west side of the bridge. Given the preceding, it would appear that there is a certain capriciousness in the contemplated change of status.

Only after the Selectboard's letter of February 3, 1993 notifying us of the contemplated Board action, and in trying to understand the reasons for the contemplated actions, did we come across the Vermont Department of Transportation report on the physical condition of the bridge. This report was received by the town in February of 1992, and shortly thereafter we received a letter from the Selectboard suggesting that we consider the benefits to making the road private thus being able to control the use, maintenance and condition. Although we were unaware of the State report and detailed scope of repairs urged by the State at that point, in mid-summer I suggested to the Selectboard that I would be willing to replace the runners on the bridge if the town covered the cost of materials. After being informed that monies were not available in the current budget, we then sent a letter requesting consideration for the following year's budget, suggesting that deferred maintenance could greatly exacerbate the level of decay.

It thus seems evident that the town actively desired to own and control a road and bridge for the use and enjoyment of all, in particular where what was to be enjoyed and used is private land, until time came when costs became an issue. It also appears somewhat unfair that maintenance of the bridge, after wear and tear by others, becomes our responsibility and necessity in order to receive tax based services such as fire and police protection. This will impose a substantial burden on our family, negatively impacting our ability to build on the land (which would add to the tax base of the town). Clearly the psychological asset accompanying ownership of this bridge is more than negated by the State detailed liability and maintenance and consequent substantial costs.

There is also a legal issue of whether or not the Selectboard and the Town can transfer ownership of the bridge to an unwilling party. The town can in fact declare the road and bridge a non road and a non bridge (?). However, we can not be landlocked, and the existing route to this property remains the only feasible one. Unless the town is prepared to disassemble the bridge, it is not clear to me how the town can prohibit my use of it, and should it fail, how prevent me from seeking damages from the town should its failure result in injury to our family.

I also find the current proposal of eliminating town control of the road and bridge in direct violation of the sense of the town meeting of 1992. During the meeting the Selectboard proposed the idea of throwing up roads and trails, and there was sufficient opposition from townspeople, even some argument that the town should be expanding its roads and trails, that the issue was

tabled.

Finally, the throwing up of a town resource is also curious within the context of Steve Bogart's opening comments at the 1993 Town meeting that the tax base remained flat with no new buildings being erected in town in 1992 or even additions to existing dwellings, meaning that whatever taxes were to be raised would need to come from a constant tax base. Does the town of Worcester see that condition of no additional buildings and the resultant consequences as desirable and ideal? Although our one initial home will not correspond to a major increase in the tax base, our being required to pay for repairs to a bridge whose deterioration was caused by others while under the ownership of the town of Worcester, creates a major obstacle to overcome in order for us to build and so help the town in its tax bind.

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In conclusion, I would like to briefly review a few alternatives. The repairs set forth in the State report are by no means trivial, nor will they be cheap. However, in conversation with Vermont's engineering department (Donald Perkins), it appears that not all of the State's list needs to be answered for the State to be satisfied. There are several constructive ways of addressing the financial dilemma of repairs to the bridge. The road and bridge could be reclassified as a class 3 system, enabling the town to receive state funds from several sources, including from discretionary funds at the control of persons within District 6 of the Highway department. The town could entertain an equation whereby Dacia and I assume certain limited repairs of the bridge in exchange for a tax credit. Finally, if the town is in fact determined to throw up the bridge and road, a negotiated decrease in the grade adjustment factor for the affected property is the only just means of compensating the party impacted by the decreased town commitment and responsibility.

Recognizing the complexity of dealing with the costs for repairs and the burden it places on whomever ultimately pays, Dacia and I trust that the Selectboard will be willing to work towards a position that achieves some measure of equity for both parties, the majority of townspeople who may not desire the tax burden, and the minority upon whom the Selectboard contemplates placing this burden. At the Selectboard's desire, we are prepared to spend more time in working out an equitable solution. Thank you.

Lloyd Fillion

Lloyd Fillion
3/24/93

corrected, seconded Libby, app. Add under Fisher Pond Land Libby moved, and add under Official Warning for Special Meeting to fill the vacancy on the School Board.

BILLS & TREASURER'S REPORT

The bills were reviewed and approved for payment. Rinker bill for constable's radio repair: Al Sayers came in and discussed the bill with the Selectboard. Al said that Rinkers can not install crystals without the State Police's authorization. He believes that the crystals were never replaced. The repairman told Al that he did not know if the radio was worth fixing, but that Motorola made a good radio. Tom will send Karl Rinker a letter.

OLD BUSINESS

Sheriff Dept. The Board authorized the contract with the Washington County Sheriff's Department.

Decision on Status of TH #36 / B31: Libby moved that the Board designate TH #36, including B31, as a legal trail rather than a Class IV town highway effective May 12, 1993 at midnight, seconded Harold, app.

The Board has decided that it will best serve the public good, necessity and convenience to designate Town Highway #36 as a Trail. We base this on the finding that there is unnecessary expense and potential liability attached to keeping the road as a Class 4 town highway and on the finding that the road is of no value to the Town or to the general public. As a Trail, it will continue to fulfill its present functions which are to provide right-of-way to the Gentilella - Fillion property and to be a convenience to the Lanza property.

Logging the Town Forest: Ron Wells could not attend, but he needs to know what type of machinery the Selectboard wants used to remove the logs, and if they want the County Forester to put the logging out for bid. Harold will meet with Ron and fill out the Timber Sale Contract.

Capital Fire Mutual Aid System: The Board reviewed with Jon a letter from CFMAS of the ways of liquidating CFMAS liabilities. Since there was not enough information available, Jon will obtain more information and meet with Board at its next meeting.

NEW BUSINESS

Mowing Contract: Tom moved to hire James Pollard to mow the Recreation Field for this season for \$275.00, seconded Harold, app.

Green Mountain Electrical Energy Audit at the Town Complex: Green Mountain Power performed an electrical energy audit at the Town Complex. They will change the bulbs in the Town Clerk's Office and the Town Garage, install exit sign retrofit kits (4), and change the bulbs in the outside dusk

ORDER OF HIGHWAY DISCONTINUANCE

Pursuant to the authority vested in us by 19 V.S.A. section 771, we, the Selectmen for the Town of Worcester, in the County of Washington and the State of Vermont held a duly warned hearing on March 24, 1993 concerning Town Highway No. 36, including bridge No. 31. Based on examination of the site and on public testimony, it was decided by the Selectboard at a regularly scheduled meeting on May 12, 1993 that the public good, "necessity and convenience of the inhabitants of the municipality require that Town Highway No. 36 be designated a Trail, as defined in 19 V.S.A. section 302(a)(5).

NOW THEREFORE, we, the Selectmen of the Town of Worcester, hereby order that Town Highway No. 36 be declared a Trail, as follows:

Beginning at its junction with the State Highway westerly approximately 0.2 miles to its end, crossing and including Bridge No. 31.

This Order of Discontinuance shall be recorded in the Town Clerk's Office in the Town of Worcester.

Dated at the Town of Worcester, this 12 day of May, 1993.

Tom R. McKone
Tom McKone

Harold Richardson
Harold Richardson

Elizabeth A. Turner
Elizabeth A. Turner

WORCESTER, VT. TOWN CLERK'S OFFICE
RECEIVED FOR RECORD MAY 13 1993
AT 8 O'CLOCK A M. AND RECORDED
IN WORCESTER LAND RECORDS, VOL 29
PAGE 222
ATTEST Carolyn J. Well TOWN CLERK