CERTIFICATE OF HIGHWAY MILEAGE YEAR ENDING FEBRUARY 10, 2015

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2015 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of $\ \ BROOKLINE$

in WINDHAM

County

on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
Class 2	4.950	,		4.95	0.000
Class 3	11.91			11.91	0.000
State Highway	0.000				0.000
Total	16.860			1686	0.000
* Class 1 Lane	0.000				
* Class 4	1.47				0.000
* Legal Trail	1.00				
* Unidentified Corridor	0.00				
* Mileage for Class 1 L	ane, Class 4, Legal T	rail, and Unidentifi	ed Corridor classific	ations are NOT incl	uded 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).

Representative, Agency of Transportation

- 3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
- 4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANG	GES IN MILEAGE: Check l	box and sign belov	v. []	
PART III - SIGNATURES Selectmen/Aldermen/Tru		ofhytelass	Be	Mue Mald
T/C/V Clerk Signature: Please sign ORIGINAL and)	etano A. Jas eturn it for Transportation's	ignature.	Date Filed:	1/15/2015
AGENCY OF TRANSPOR	TATION APPROVAL:	Signed copy wil	l be returned to	T/C/V Clerk.
APPROVED:			DATE:	2/5/205

Vermont Statutes Annotated

FEB 4 2015 Policy, Planning & Intermodal Development Division

19 V.S.A. § 305. Measurement and inspection

§ 305. Measurement and inspection

- (a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.
- (b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.
- (c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.
- (d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.
- (e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.
- (f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.
- (g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.
- Excerpt of 19 V.S.A. § 305 Measurement and inspection from Vermont Statutes Online located at http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305

January 2015



One National Life Drive

State of Vermont Policy, Planning, & Intermodal Development Division Mapping Unit

Telephone: 802-828-2600

Montpelier, VT 05633-5001 Fax: 802-828-2334 http://www.aot.state.vt.us Email: johnathan.croft@state.vt.us

January 15, 2015

Agency of Transportation

Bernardine Hoard Brookline Selectboard Chair PO Box 403 Newfane, VT 05345

Dear Ms. Hoard,

I have spoken with Marc Pickering of VTrans District 2 regarding the status of Class 3 Town Highway 5 (TH-5), also known as Greer Road, in the Town of Brookline and that the highway continues to not meet the standards for a class 3 town highway, which are defined in 19 V.S.A. § 302(3)(B) as:

"...The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance..."

The Town of Brookfield was notified in a letter dated January 3, 2014 to the Chair of the Brookline Selectboard that TH-5 (Greer Road) was not being maintained to class 3 standards. Several courses of action were provided and based on feedback from our VTrans District 2 staff, neither the section has been brought back to class 3 standard, or the section has been reclassified to class 4 town highway or legal trail.

Town of Brookline was provided a year to remedy the situation of the TH-5 (Greer Road) not meeting the class 3 standard and it appears that there has been no change. I believe it is necessary to deem TH-5 "Not Up To Standard" and have the funding dropped for the 0.35 miles. This action is governed under 19 V.S.A. § 305(a):

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or

develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

http://legislature.vermont.gov/statutes/section/19/003/00305

This will be reflected on the 2015 Certificate of Highway Mileage unless other changes are provided by the Town of Brookline prior to the February 10th filing deadline of the Mileage Certificates in the town office.

Please find attached a revised 2015 Certificate of Highway Mileage with the notation regarding TH-5 (Greer Road) being moved from the class 3 category to the class 4 category. Legally TH-5 remains class 3 town highway, but will be functionally class 4 and have the funding dropped for the 0.35 miles. This action could also affect other funding sources, including bridge grant or other state and federal aid, as the road will be seen as class 4 instead of a maintained class 3 town highway.

I have enclosed a copy of the letter to the Selectboard from January 3, 2014.

Please feel free to contact me with any questions or comments regarding this letter, or mapping in general.

Sincerely

Johnathan Croft

AOT GIS Database Administrator

VTrans Mapping Unit

JFC/jfc

Enclosures

CC:

Gaetano Tanza, Town Clerk, Town of Brookline Tammy Ellis, District Transportation Administrator – District 2 Marc Pickering, District Project Manager - District 2 Jackie Cassino, VTrans Transportation Coordinator

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Selectmen/ Aldermen/ Trustees Signatures:					
T/C/V Clerk Signature:	Date Filed:				
Please sign ORIGINAL and return it for Transportation	on signature.				
AGENCY OF TRANSPORTATION APPROVAL	L: Signed copy will be returned to T/C/V Clerk.				
APPROVED:	DATE:				
	Representative, Agency of Transportation				



State of Vermont Policy, Planning, & Intermodal Development Division Mapping Unit

Telephone: 802-828-2600 Fax: 802-828-2334

Email: johnathan.croft@state.vt.us

Agency of Transportation

One National Life Drive Montpelier, VT 05633-5001 http://www.aot.statc.vt.us

January 3, 2014

David Y. Parker, Jr. Brookline Selectboard Chair PO Box 403 Newfane, VT 05345

Dear Mr. Parker,

It has been brought to my attention that Class 3 Town Highway 5 (TH-5), also known as Greer Road, in the Town of Brookline is not currently meeting the standards for a class 3 town highway, which are defined in 19 V.S.A. § 302(3)(B) as:

"...The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance..."

TH-5 is referenced as class 3 town highway on the 2013 General Highway Map of Brookline, produced by the Agency of Transportation (VTrans) Mapping Unit, which based on information and changes supplied to VTrans by the town on the Certificates of Highway Mileage. The highway is 0.35 miles long and travels roughly west from an intersection with Parker Road (TH-4). A copy of the General Highway Map is enclosed with the highway highlighted, as well as an orthophoto of the area. I have also enclosed information regarding the upgrade of the classification from 4 to 3 in 1981, as well as a letter from 1974 related to the possible provisional status of class 3 for this section of highway.

The current status of TH-5 (Greer Road) has come to our attention from information provided by our District 2 staff and that this class 3 town highway may not be maintained to class 3 standards.

I seek clarification from the Selectboard regarding the current status of TH-5. If the highway remains class 3 and the Selectboard has not reclassified it, and TH-5 is not being maintained to class 3 standards, it may be necessary to deem the 0.35 miles of TH-5 "Not Up To Standard" and VTrans will pull the state aid for maintenance funding for this segment until it is

brought back to standard. Another option would be to reclassify this section of town highway to class 4 or to legal trail, which would not be eligible for state aid, but would also need to be maintained only at the discretion of the Selectboard. There is an implied liability for Towns related to bridges and culverts, based on 19 V.S.A. § 985, which is the following:

- "(a) If damage occurs to a person, or his or her property, by reason of the insufficiency or want of repair of a bridge or culvert which the town is liable to keep in repair, the person sustaining damage may recover in a civil action. If the damage accrues in consequence of the insufficiency or want of repair of a bridge erected and maintained by two or more towns, the action shall be brought against all the towns liable for the repairs. The damage and costs shall be paid by the towns in the proportions in which they are liable for the repairs. The court may issue execution against any or all towns for their proportion only; provided that the liability to any town shall not exceed \$75,000.00 or, where insurance is carried, the maximum policy liability limits, whichever sum is greater, on account of injury to or death of a person and damage to his or her property.
- (b) Towns and other corporations shall not be liable for damage to a person or his or her property by reason of the insufficiency or want of repair of a bridge or culvert while traveling on the highway or bridge in violation of the provisions of Title 23 regarding motor vehicle use. (Added 1985, No. 269 (Adj. Sess.), § 1.)"

I would like to provide the Town of Brookline a year to either work to bring TH-5 (Greer Road) back to class 3 standards, or go through the reclassification process, and reassess the situation at this time next year. If no change has occurred, it will be necessary to deem TH-5 "Not Up To Standard" and funding dropped for the 0.35 miles, and this will be reflected on the 2015 Certificate of Highway Mileage.

Please feel free to contact me with any questions or comments regarding this letter, or mapping in general.

Sincerely,

Johnathan Croft

AOT GIS Database Administrator

VTrans Mapping Unit

JFC/ifc

Enclosures

cc: Gaetano Tanza, Town Clerk, Town of Brookline
Tammy Ellis, District Transportation Administrator – District 2
John Alexander, District Project Manager - District 2
Jackie Cassino, VTrans Transportation Coordinator

Town of Brookline

Annual Town Meeting Minutes

March 4, 2014

The meeting was called to order at 10:03 a.m. by Moderator David Parker Jr. David proceeds to read the preamble to the warning

TOWN MEETING:

Article 1. To Elect A Moderator

Dan Seiden nominates David Parker, Jr.; David informs the public that to second a nomination is not required for nominations. No other nominations submitted. David Parker Jr. elected Moderator.

David acknowledges the presence of State Representatives Partridge and Trieber and their desire to address the public.

Doug Wellman motions to suspend the meeting for a presentation from local Legislator Representatives Carolyn Partridge and Matt Trieber. The motion is seconded by Cynthia Nau – All in favor.

TOWN MEETING SUSPENDED:

Carolyn Partridge speaks. Carolyn calls attention to the fact there are handouts available in the back of the room which contain the latest Legislative news along with all contact information. Carolyn comments on the state budget for FY15 and the fact there is a current \$70 million budget gap, but stresses that they have always been able to balance their budget (although not required by Vermont's constitution) by sessions end. On the bright side of things Carolyn, who serves as Chair of the Agriculture and Forest Products Committee points out that continued use of locally produced foods (Farm to Plate Plan) and products has outpaced their predictions and has helped Vermont's job growth and economy substantially. She goes on to state that the Working Lands Enterprise Initiative, which stimulates agricultural and forest based industries with land use grants has also been successful by transitioning more people off of public assistance into employment. Carolyn turns the presentation over to Representative Matt Trieber. Matt, who serves on the Human Services Committee explains that in difficult and challenging times budget cuts seem to be initiated in Human Services. To ameliorate this "benefits cliff" the House Human Services Committee is pursuing legislation that will allow individuals to keep more of their earned money and to pursue savings without negatively affecting their benefit level. They are seeking to create these changes in ways that do not cost additional state tax dollars by making minor benefit level adjustments. Both Carolyn and Matt now ask for questions from the public. Stan Noga Jr. inquires about tax appeals and their associated cost when they reach court levels. Tom Staats mentions there is pending legislation and suggest everyone pay attention to those bills. Carolyn states she will check into the bills status. Tom also asked why Carolyn and Matt did not support a ban on cell phone use. Matt explains that the bill in question does not go far enough in explaining what devices could be considered by definitions. Doug Wellman poses the question as to what budget cuts and tax increases will they support to balance this year's shortfall. Carolyn states she has not heard of any proposed increases other than a hike in property taxes. Tom Staats inquires as to what the state is doing to create better paying jobs in order to keep our youth that we have so heavily invested with education monies from seeking other states for employment. Carolyn says she sees a trend of youth gravitating back to Vermont for its beauty and lifestyle but it is an

ARTICLE IX: SHALL THE TOWN VOTERS APPROPRIATE \$6,131.00 TO BE RAISED BY TAXES IN CONTINUING SUPPORT OF THE FOLLOWING ORGANIZATIONS?(SEE LIST PAGE 2 OF 2013 ANNUAL REPORT)

After a brief discussion a voice vote was called. Majority approved appropriation of \$6,131.00.

ARTICLE X: SHALL THE TOWN APPROVE THE SUM OF \$100,000 TO IMPROVE GREER ROAD AND BRIDGE TO MINIMUM STATE STANDARDS FOR CLASS 3 TOWN HIGHWAYS?

Lee Anne Parker requests to move the motion, Pat Ballou seconds. Discussion begins. Selectboard member Stanley Noga Jr. gives background statement of Greer Road and selectboard decisions back in the 1970s. Tom Staats adds some addition comments in regard to conversations he has had with the agency of transportation (AOT). Many scenarios are presented and questioned in a lengthy discussion. A motion is made to lay the article on the table for another year. That motion was seconded. A voice vote was taken. The voice vote was close and it was requested a paper ballot vote be taken. The results were 16 in favor of laying it on the table for next year and 53 opposed. The motion has been defeated and now we return to Article X for further discussion. After further discussion is closed, a voice vote is called. Article X is defeated unanimously.

ARTICLE XI: SHALL THE TOWN VOTE TO PURCHASE THE BROOKLINE CHURCH BUILDING AND LAND FOR THE SUM OF ONE DOLLAR?

A motion is made to reverse Article XI with Article XII. The motion is seconded by Gary Lavorgna. A voice vote is called. Motion approved.

ARTICLE XII: SHALL THE TOWN VOTE TO PURCHASE THE BROOKLINE SCHOOL BUILDING AND LAND FOR THE SUM OF ONE DOLLAR?

A handout was available to all interested. The motion to move was made by Jim Rogers and seconded by Cynthia Nau. Discussion is opened. Frank Rucker alludes to the fact that the town may be responsible for repayment of a construction state aid loan from 1989. There appear to be conflicting reports from the Town Attorney and the Agency of Education in regard to possible liability. Frank offers an amendment for consideration: Shall the town purchase the school for one dollar, contingent upon Agency of Education waiver of liability due to the state associated with repayment of construction aid. Tina Bills suggest the town add a date to the amendment. After much debate Frank amends his amendment to read: Shall the Town vote to purchase the Brookline school building and land for the sum of one dollar, contingent upon the Agency of Education waiver of liability due to the state, associated with repayment of construction aid. Contingency must be addressed by April 15, 2014. A vote for the amendment is taken by voice. All in favor. A voice vote for article XII is taken with the amendment added. All in favor. Article XII approved with the new amendment.

ARTICLE XI: SHALL THE TOWN PURCHASE THE BROOKLINE CHURCH BUILDING AND LAND FOR THE SUM OF ONE DOLLAR?

Gary Lavorgna moves the motion, Jim Rogers seconds. Discussion begins. Judy Acampora, a member of the church committee expounds on the importance of the town to take ownership of this historical building. Town residents Pat Ballou, Helen Sammuels, Stan Noga Jr. and Gary Lavorgna express opinions of support for the church. Some question as to shared water supply and septic system surface and are addressed by Gary Lavorgna and Stanley Noga Jr. A voice vote is called for. All in favor. Article XI is voted yes and approved.

Croft, Johnathan

From:

Croft, Johnathan

Sent:

Wednesday, January 21, 2015 10:57 AM

To:

'bernardine hoard'

Cc: Subject: Pickering, Marc; brook763@comcast.net; Moulton, Sara

RE: Brookline TH5 Greer Rd.

Good morning Selectboard Chair Hoard,

Thank you for sending along the copies of the Mileage Certificates for 2014 and 2015. This is my error for not looking at the Certificate from last year and 2014 Town Highway Map. In review of the Town Meeting Minutes from last year, the Town did not vote to commit funds to bringing highway back to Class 3 Standards and it is currently designated as "Not Up To Standard" town highway and functionally classed as class 4, but legally still class 3.

ARTICLE X: SHALL THE TOWN APPROVE THE SUM OF \$100,000 TO IMPROVE GRED ROAD AND BRIDGE TO MINIMUM STATE STANDARDS FOR CLASS 3 TOWN HIGHWAY

Lee Anne Parker requests to move the motion, Pat Ballou seconds. Discussion begins. Selectboard mem Stanley Noga Jr. gives background statement of Greer Road and selectboard decisions back in the 197 Tom Staats adds some addition comments in regard to conversations he has had with the agency transportation (AOT). Many scenarios are presented and questioned in a lengthy discussion. A motion made to lay the article on the table for another year. That motion was seconded. A voice vote was tak The voice vote was close and it was requested a paper ballot vote be taken. The results were 16 in favor laying it on the table for next year and 53 opposed. The motion has been defeated and now we return Article X for further discussion. After further discussion is closed, a voice vote is called. Article X defeated unanimously.

VTrans Mapping will leave the 0.35 miles of TH-5 (Greer Road) as "Not Up To Standard" until such point that the Town of Brookline brings it back to Class 3 Standards, or reclassifies the highway to a Class 4 Town Highway or Legal Trail.

Johnathan Croft VTrans Mapping Section (802) 828-2600

From: bernardine hoard [mailto:bhoard.brooklinevt@gmail.com]

Sent: Wednesday, January 21, 2015 10:29 AM **To:** Croft, Johnathan; brook763@comcast.net

Subject: Brookline TH5 Greer Rd.

Dear Mr. Croft,

The selectboard removed TH5 as a class 3 road in Feb. of 2014.

Enclosed please check Certificates of Highway mielage for 2014 and 2015. No further adjustment needs to be made.

Thank you, Bernardine Hoard Brookline Selectboard Chair

Croft, Johnathan

From:

bernardine hoard <bhoard.brooklinevt@gmail.com>

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Attachments:

Scan0068.pdf

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Class 3	12.07	0,19	0.35	11.91	0.000
State Highway	0.000	1		1	0.000
Total	17.020				0.000
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* Class 4	1.12	0.35		1, 1.47	1
* Legal Trail	1.00	1	1	!	1
* Unidentified Corridor	0.00	1	1 .	l	

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+ 0.19 mi, Class 3 (Merrill Dr.) formerly a private road.

SEE PACKET of DOCUMENTATION SENT TO VIRANS 8/14/3

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 -0.35 mi Class 3 TH-5 (Green Rd) Not Up To Standards. Raclassified Class 4

 REMOTING TOWN WORL AT TWIN WESTILLE MARY 2014
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IF THERE ARE NO CHANGES IN MILEAG	GE: Check box an	d sign below. [1
BART III : SIGNATURES : PLEASE SI			
Selectmen/Aldermen/Trustees Signatures	· Jones		Quhi J. Clake
	stonly	E MARK	Bernardine Hoard

District :

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