

CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1996

✓

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 20, 1996 TO:
Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

We, the Selectmen or Trustees or Aldermen of WHITINGHAM, WINDHAM 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 1

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE	TOTAL	* SCENIC HIGHWAYS
CLASS 1	.000			.000	*
CL1 LANE	.000			.000	*
CLASS 2	11.200			11.200	*
CLASS 3	49.300		0.660	48.640	*
STATE HWY	12.334			12.334	*
TOTAL	72.834			72.174	
CLASS 4	3.540	0.660		4.200	*



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).

Please note attached letter and minutes / proceedings.

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

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

PART III - SIGNATURES - PLEASE SIGN.

SELECTMEN/ALDERMEN/TRUSTEES SIGNATURES:

Rapard M. Deft
John B. ...
Frank ...
Steven A. Morse

CLERK SIGNATURE:

Corle S. Hall

DATE FILED *2-29-96*

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: *3/12/96*

DECISION AND ORDER OF THE SELECTMEN OF
THE TOWN OF WHITINGHAM FOR THE
RECLASSIFICATION OF FOUR TOWN ROADS

On October 4, 1995 at 4:00 o'clock in the afternoon, the Selectmen commenced four site inspections for purposes of considering reclassification of four town highways. The Selectmen held a site inspection at each of the four roads proposed to be reclassified commencing at Tyler Road, then Lone Pine Road, then Head O' the Pond Road, and concluding at Saddada Road. The Selectmen on their own motion of August 30, 1995 moved to reclassify from Class 3 to Class 4 .34 miles of Town Highway 34 (Tyler Road), .32 miles of Town Highway 37 (Head O' the Pond Road), 1,814 feet of Town Highway 40 (Lone Pine Road) and 1,384 feet of Town Highway 52 (Saddada Road). The Motion carried with four Selectmen in favor and one opposed.

During the site visits the Selectmen, and others joining the Selectmen made an inspection of the highways, travelling the length of the roads proposed to be reclassified. Following the site visits a hearing was held at 6:00 o'clock in the afternoon at the Town Hall of Whitingham, Vermont. Attending the hearing were Selectmen Richard Tefft, John Brigham, Steve Morse, Edward Mangold, and Frank Sprague, Road Commissioner Wayne Corse, Administrative Assistant Linda Donaghue, Attorney Robin Stern, Attorney Jean Brewster Giddings, Attorney Donald Harry, Dayle and Harold Sprague, Charles Schmidt, Barbara Canale-Schmidt, Robert Coombs, Robert Murdock, William and Robert Plumb, Patience Merriman, Susan Johnson, Jack Cable (Road Commissioner, Heath, Massachusetts), Carl and Carolyn Stone, and Reginald Maynard. Due notice was given by certified mail at least thirty (30) days before the hearing to the individuals listed on Exhibit A, attached hereto, and publication of the notice was made in the Brattleboro Reformer, a paper of daily general circulation in the town of Whitingham on

September 20, 1995. After completing the inspections, hearing the witnesses, and deliberating, the Selectmen make the following findings a fact and decision for each road:

TOWN HIGHWAY 34 (TYLER ROAD)

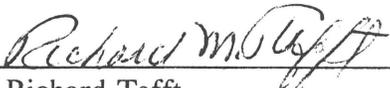
Attendance at the site visit included: Selectmen Richard Tefft, John Brigham, Steve Morse, Edward Mangold, and Frank Sprague, Road Commissioner Wayne Corse, Administrative Assistant Linda Donaghue, Jean Brewster Giddings, Attorney for Charles Schmidt and Barbara Canale-Schmidt, Dayle and Harold Sprague, and Robin Stern, attorney for the Town of Whitingham.

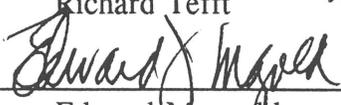
1. Tyler Road is presently classified as a Class 3 highway.
2. It is necessary to travel 6.2 miles round trip through the town of Readsboro to reach Tyler Road.
3. There is one building on the road. The road deadends at property recently purchased by Barbara Canale-Schmidt of North Adams, Massachusetts.
4. The property is not served by power.
5. The Town presently and has not for approximately fifteen (15) years plowed the road, except sporadically.
6. The road has been maintained by the Town with brush cutting and some level of maintenance consistent with a Class 4 road.
7. To bring Tyler Road to the standards of a Class 3 highway would cost approximately \$60,200.00. To plow it regularly in the winter would put an unnecessary burden on the Town's equipment and require cutting of trees.
8. The town presently maintains Tyler Road as a Class 4 road.

9. Barbara Canale-Schmidt together with her husband testified that they intend to grow herbs and vegetables on the property for commercial purpose, and perhaps live there in the future.
10. Barbara Canale-Schmidt testified that prior to purchasing they spoke with the Road Commissioner to confirm that the classification of the road was Class 3 and inquired as to the town's obligations for a Class 3 road.
11. The Road Commissioner testified that he confirmed the road was a Class 3 road, explained that a Class 3 road required that the road be passable for a pleasure vehicle at all times during the year. He further explained that the road had not been plowed or maintained for many years. He also explained that the Selectmen could move to change the classification of the road.
12. Based on the preceding findings and pursuant to 19 V.S.A., §708-711, the Selectmen find that the public good, necessity and convenience of the inhabitants require that approximately .34 miles of Town Highway #34, known as Tyler Road, as shown on tax map 7 of the Town of Whitingham, be reclassified from a Class 3 road to a Class 4 road.

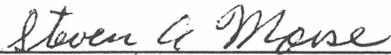
The Selectmen hereby order that approximately .34 miles of Town Highway 34 (known as Tyler Road), be reclassified from a Class 3 road to a Class 4 road. The Road Commissioner shall be directed to improve and maintain the road as time allows and necessity requires when there are full-time residents along said road.

AFFIRMED:



Richard Tefft


Edward Mangold



Steve Morse

AGAINST: Frank Sprague, John Brigham

TOWN HIGHWAY ⁴⁰~~30~~ (LONE PINE ROAD)

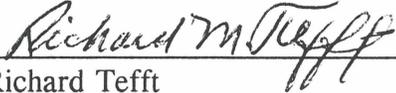
Attendance at the site meeting included: Selectmen Richard Tefft, John Brigham, Steve Morse, Edward Mangold, and Frank Sprague, Road Commissioner Wayne Corse, Administrative Assistant Linda Donaghue, and Robin Stern, Attorney for Town of Whitingham.

1. Lone Pine Road is currently a Class 3 highway.
2. Lone Pine Road is a deadend road.
3. There is one camp located on Lone Pine Road used primarily in the summer, but occasionally in the winter.
4. The owners of the camp, William C. Plumb and Robert L. Plumb testified they had used the property in past winters gaining access by snowshoe, walking or snowmobile.
5. The Town has performed some maintenance at a Class 4 level but has not plowed the road in recent memory.
6. The Plumbs testified that they were satisfied with the way the town has maintained the road.
7. A private company occasionally plowed the road a couple of years during the time it was logging nearby property.
8. The town is presently maintaining the front portion of Lone Pine Road. To bring it up to the standards of a Class 3 highway is estimated to cost \$38,200.00. To plow it regularly in the winter would put an unnecessary burden on the town's equipment.

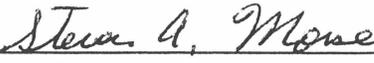
9. William C. Plumb and Robert L. Plumb stated that at some time in the future, some member of the family might establish a permanent residence
10. Based on the preceding findings and pursuant to 19 V.S.A., §708-711, the Selectmen find that the public good, necessity and convenience of inhabitants that the last approximate 1,814 feet of Town Highway #⁴⁰~~30~~, often known as Lone Pine Road, be reclassified from a Class 3 road to a Class 4 Road.

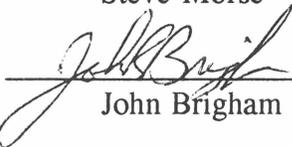
The Selectmen hereby order that the last approximate 1,814 feet of Town Highway 30 (known as Lone Pine Road) be reclassified from a Class 3 road to a Class 4 road. The Road Commissioner shall be directed to improve and maintain the road as time allows and necessity requires when there are full-time residents along said road.

AFFIRMED:


 Richard Tefft


 Edward Mangold


 Steve Morse


 John Brigham

AGAINST: Frank Sprague

TOWN HIGHWAY 37 (HEAD O' THE POND ROAD)

Attendance at the site visit included: Selectmen Richard Tefft, John Brigham, Steve Morse, Edward Mangold, and Frank Sprague, Road Commissioner Wayne Corse, Administrative Assistant Linda Donaghue, and Robin Stern, Attorney for Town of Whitingham.

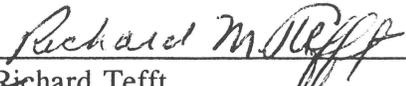
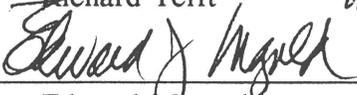
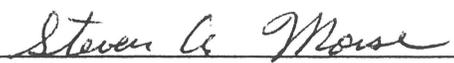
1. Head O' the Pond Road is currently a Class 3 road.

2. There is one camp and one cemetery on the road.
3. Head O' the Pond Road is currently a Class 3 road and continues on as a Class 4 road.
4. Carl and Carolyn Stone appeared at the Town Hall just prior to the site visit and attended the hearing later that afternoon.
5. The Stones did not receive a certified mailing with the notice of the proposed reclassification by the Selectmen.
6. The Stones objected to the reclassification on the basis that it would potentially affect the value of their property if they subdivided the property for sale.
7. The Stones own approximately 12.5 acres of land abutting Head O' the Pond Road and Kentfield Road. Approximately 525 feet of that property abuts Head O' the Pond Road and approximately 1,400 feet abuts Kentfield Road. Kentfield Road is a well maintained Class 2 road.
8. The Town presently maintains Head of the Pond Road as a Class 4 road. To bring it up to the standards of a Class 3 highway would cost approximately \$42,600.00. To plow it regularly would put an unnecessary burden on the town's equipment.
9. Based on the preceding findings, and pursuant to 19 V.S.A. §708-711, the Selectmen find that the public good, necessity and convenience of the inhabitants require that approximately .32 miles of Town Highway #37, also known as Head O' the Pond Road as shown on Tax Map #8, Town of Whitingham, be reclassified from a Class 3 to a Class 4 road.

The Selectmen hereby order that approximately .32 miles of Town Highway 37 (known Head O' the Pond Road) be reclassified from a Class 3 road to a Class 4 road. The Road

Commissioner shall be directed to improve and maintain the road as time allows and necessity requires when there are full-time residents along said road.

AFFIRMED:


Richard Tefft

Edward Mangold

Steve Morse

AGAINST: Frank Sprague, John Brigham

TOWN HIGHWAY 52 (SADDADA ROAD)

Attendance at the site meeting included: Selectmen Richard Tefft, John Brigham, Steve Morse, Edward Mangold, and Frank Sprague, Road Commissioner Wayne Corse, Administrative Assistant Linda Donaghue, Robin Stern, Attorney for Town of Whitingham, Attorney Jean Brewster Giddings, Dale and Harold Sprague, Charles Schmidt, Barbara Canale-Schmidt, Robert Coombs, Robert Murdock, William Plumb and Robert Plumb.

1. Saddada Road is currently classified as a Class 3 highway.
2. On that portion of the proposed reclassification there are no houses or camps.
3. Saddada Road continues into Heath, Massachusetts.
4. The Town presently maintains that portion of Saddada Road to be reclassified as a Class 4 highway. To bring it up to the standards of a Class 3 highway would cost approximately \$30,400.00. To plow it regularly in the winter would put an unnecessary burden on the town's equipment.
5. Harold and Dayle Sprague, abutters to the road were represented by Donald Harry, Esq. and objected to the reclassification stating that they need access to their hay and corn field

and they have recently made a new access cut to their field. They presently access their property over lands of others leaving from a portion of Saddada Road that is not proposed to be reclassified. They testified they had no guarantee the new owners would continue to allow them access to their property, but they had not heard to the contrary.

6. Peter Klopfer, appearing through counsel, Donald Harry, Esq. withdrew an Act 250 permit allowing subdivision of the property and proposes to build one or more homes sometime in the future.
7. Attorney Harry presented testimony through Tami Purcell, a realtor, and a summary sheet indicating that property values for real estate are affected by whether or not there is road maintenance.
8. The Selectmen could not tell from the analysis whether other factors affected the property values of those properties listed such as the town where the property is located, whether there are road maintenance agreements, the condition of the property, whether the property is flat or comprised of features inhibiting its accessibility. There were too many other additional factors to persuade the Board that a reclassification would clearly result in a decline in property value nor is such an argument solely persuasive for purposes of reclassifying the road from a Class 3 to a Class 4.
9. This portion of Saddada Road crosses into Heath, Massachusetts. Jack Cable, Heath Road Commissioner, testified that he did not want to see Saddada Road reclassified to a Class 4 road. He testified that although he has plans to improve the road in Heath, the town will probably not be plowing their end of the road for approximately another five years. The Heath, Massachusetts Road Commissioner argued the Selectmen of Whitingham

should upgrade Saddada Road to Class 3 classifications to encourage its use as a connecting highway to Massachusetts.

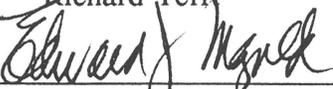
10. Attorney Harry argued that the reclassification did not comply with the town plan. The Whitingham Planning Commission has made no statement in opposition to the reclassification. The Town Plan is meant as a planning guide under which the Commission also considers the ongoing needs of the town including maintaining the rural integrity of Whitingham.
11. Based on the preceding findings and pursuant to 19 V.S.A., §708-711, the Selectmen find that the public good, necessity and convenience of the inhabitants require that the last approximate 1,384 feet of Town Highway #52, often known as Saddada Road as shown on tax map 12 of the Town of Whitingham to the Massachusetts border, be reclassified from a Class 3 road to a Class 4 road.

The Selectmen hereby order that the last approximate 1,384 feet of Town Highway 52 (known Saddada Road) to the Massachusetts border, be reclassified from a Class 3 road to a Class 4 road. The Road Commissioner shall be directed to improve and maintain the road as time allows and necessity requires when there are full-time residents along said road.

AFFIRMED:



Richard Tefft



Edward Mangold



Steve Morse

AGAINST: John Brigham

Selectman Frank Sprague recused himself from deliberation and the vote as his parents own property abutting that portion of the road intended to be reclassified.

This Order shall be recorded in the office of the Town Clerk and notice to abutting property owners shall be delivered by Certified Mail.

Dated this 24 day of November, 1995 at Whitingham, Vermont.

By: Richard M. Tefft
Richard Tefft, Chairman
Whitingham Board of Selectmen
with votes recorded above

Received for recording this 27th day of November, 1995.
By: Almira H. Akins asst. Town Clerk

WHITINGHAM, VERMONT
TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
this 27 day of Nov
A.D. 1995 at 12 o'clock
30 minutes P. and
Recorded in Vol. 10
Page 256 of RECORDS
Attest TOWN
Almira H. Akins
Town Clerk

EXHIBIT A

Barbara Canale-Schmidt
Route 2, Union Street
North Adams, MA 01247

Road Commissioner
Town of Readsboro
Readsboro, VT 05350

Board of Selectmen
Town of Readsboro
P. O. Box 246
Readsboro, VT 05350

Planning Board
Town of Whitingham
P. O. Box 470
Jacksonville, VT 05342

Virginia E. Debien
1616 Southhampton Road
Montgomery, MA 01085

Joseph & Ethel Betit
2210 Radcliff Road
Juneau, AK 99801

William C. Plumb, et. al.
385 Benedict Road
Pittsfield, MA 01200

P. Grace, Jr.
c/o Catterton Group
P. O. Box 1871
Charleston, WV 25327

Christian & Erika Nitzsche
61 Hillair Ct.
White Plains, NY 10605

David & Jean Wolinsky
P. O. Box 24
Jacksonville, VT 05342

Peter & Monika Rinnelt
Gunderrodestri 18
81827 Munich, 82 W. Germany

Town of Whitingham (Greene Cemetery)
c/o F. Bartlett
P. O. Box 228
Jacksonville, VT 05342

Joseph Betit & Arthur Wheeler
2210 Radcliff Road
Juneau, AK 99801

L. Sawyer, c/o Mary Sawyer
10 Regent Circle
Wilmington, DE 19808

Harold A. & Dayle C. Sprague
RFD 1 Box 97
Whitingham, VT 05361

Peter Klopfer
25 School Lane
Lloyd Harbor, NY 11743

Corrected

OFFICE OF THE
BOARD OF SELECTMEN
Town of Whitingham
P.O. Box 470
Jacksonville, Vermont 05342

A regular meeting of the Whitingham Board of Selectmen was held on Monday, November 20, 1995 at 7:00 p.m. at the Municipal Center in Jacksonville, Vermont with the following Selectmen: Richard Tefft, John Brigham, Edward Mangold, Frank Sprague, and Steve Morse; also attending: Treatment Plant Operator Butch Jillson, Road Commissioner Wayne Corse, Treasurer Evelyn Kingsley, Acting Secretary Almira Aekus, Patience Merriman and Susan Johnson.

7:01 The meeting was called to order by Chairman Richard Tefft.

7:05 Mr. Jillson presented his orders. He reported that the sludge had been moved and the the new valve has be replaced and is probably as expensive as the last one. He shipped out the bubbling control unit to Oklahoma to be looked at, but stated that they are now making newer, better and more expensive units. He will report back to the board when he receives the report on the old one. He informed the Board that Mr. Ingraham continues to be a great help and that he has been working independently. He asked about the possibility of getting uniforms for Dale. The Board felt that it should added to the 1996 budget. Mr. Jillson informed the Board that Mr. Ingraham is now eligible for a paid weekend as of September.

Regarding Zoning, Mr. Jillson wanted to make sure that the Board had received the recommendation of David Lawrence. Mr. Tefft informed Mr. Jillson that they had received the recommendation and had acted on it at the last meeting.

7:15 Mr. Corse presented his orders. He asked if it was the town's responsibility to replace culverts that were on an individuals property and drained water into a culvert under the road. He stated that if the culvert was not replaced that the road could wash away. The board instructed Mr. Corse to fix the culvert.

7:20 A motion was made by Mr. Mangold and seconded by Mr. Morse to deal with the replacement of culverts outside the road right of way should be considered on a case by case basis. All were in favor.

Mr. Corse presented the 1995 Bridge Inspection Report from the State of Vermont, the report did not say that the town had to take any action. He stated that the Drug Free Work Policy would need to be adopted before the end of the year. Mr. Corse informed the board that there were some personnel issues that should be discussed before the road crew came before the board, but felt that it should be done in executive session.

7:30 A motion was made by Mr. Mangold and seconded by Mr. Brigham to go into executive session to discuss contractual matters. All were in favor.

7:55 A motion was made by Mr. Brigham and seconded by Mr. Mangold to come out of executive session. All were in favor. No decision was made.

There was a lot of discussion regarding the Windham Solid Waste, possible alternatives and what the towns approach should be. Mr. Corse stated that Wilmington is seeking proposals and that the Town of Whitingham may want to contact them. Mr. Mangold did not want to propose that until he spoke with Mr. Williams. No decision was made.

- 8:17 Road Reclassification: Review of findings of fact. Mr. Tefft read the findings and corrections were made as needed.
- 8:20 A motion was made by Mr. Mangold, seconded by Steven Morse to reclassify Town Highway #34 known as Tyler Road from a Class 3 to a Class 4 with the modification that it be noted in paragraph 2 that 6.2 miles is round trip. The Road Commissioner shall be directed to improve and maintain the road as time allows and necessity requires when there are full-time residents along said road. Three were in favor of motion. Mr. Sprague and Mr. Brigham were opposed. Motion carried.
- 8:30 A motion was made by Mr. Mangold, seconded by Mr. Morse to reclassify Town Highway ~~30~~⁴⁰ Lone Pine Road as modified in paragraph 8 to say to bring to a Class 3 not 4 and from Plumb's camp back 1814 feet. The Road Commissioner shall be directed to improve and maintain the road as time allows and necessity requires when there are full-time residents along said road. Four were in favor, Mr. Sprague against. Motion passed.
- 8:36 A motion was made by Mr. Mangold and seconded by Mr. Morse to reclassify Town Highway #37 Head O' the Pond Road from a Class 3 to a Class 4 Road with the modification that paragraph 3 be struck and paragraph 2 be modified to read no residence, 1 camp and 1 cemetery are located on the road and paragraph 7 that Kentfield Road is a well maintained Class 2 road. The Road Commissioner shall be directed to improve and maintain the road as time allows and necessity requires when there are full-time residents along said road. Three were in favor, Mr. Sprague and Mr. Brigham were against. Motion passed.
- 8:42 A motion was made by Mr. Mangold and Seconded by Mr. Morse to reclassify Town Highway #52 Sadadda Road with modifications, subject to the changes that paragraph 9 should read Heath Massachusetts Road Commissioner and the 1384 feet be declassified from a Class 3 Road to a Class 4 Road to run from the Massachusetts State line back. The Road Commissioner shall be directed to improve and maintain the road as time allows and necessity requires when there are full-time residents along said road. Three were in favor, Mr. Brigham opposed and Mr. Sprague recused himself from deliberation and the vote as his parents own property abutting that portion of the road intended to be reclassified. Motion passed.
- Mr. Mangold stated that Exhibit A should be modified that Carl & Carolyn Stone should be added to the list and the new owner of the Grace property, which is the Whitingham Historical Society.
- 8:45 A motion was made by Mr. Mangold, seconded by Mr. Sprague to accept the minutes of the November 8, 1995 meeting. All were in favor.
- Mr. Corse asked the Board if the Road Crew should come to the next meeting. He was told that they would be added to the agenda.
- 8:47 Treasurer, Evelyn Kingsley presented the board with Delinquent Sewer Users, Sewer budget through September 30, 1995, Library budget through September 30, 1995, Fire Department budget through September 30, 1995 and a list of the last sewer billing. She asked if there was any warranty on the tables that were purchased for the Municipal Center last year as one has a big bubble in it. The board will have the Administration Assistant

check to see where they were purchased and if there is a warranty. Mr. Mangold asked if Mr. Murdock had been paid for the cemetery property as the deed has not been signed yet. She stated that he had been paid.

Other Business:

Mr. Sprague stated that the toilet at Town Hill is laying out in the middle of the field. Mr. Tefft stated that it was noted on the last bill that their services were no longer needed. Mr. Sprague suggested that for next year something be made to stabilize it better and bolt it in to eliminate some of the problems.

Mr. Morse suggested a warning sign be put up on the pizza oven in the Municipal Center that states that the oven must be lit manually and that if they do not know how to use it not to. Almira will make the sign.

Mr. Mangold asked about the replacement of the window in the Jacksonville Fire Station. Mr. Tefft will check.

9:07 A motion was made by Mr. Mangold and seconded by Mr. Sprague to adjourn. All were in favor.

These minutes have not been approved.

Orders:

Selectmen: 101, 102, 103, 104, 105
Highway: 81, 82, 83
Sewer: 51, 52

Respectfully Submitted,

Almira L. Aekus
Acting Secretary

Almira Aekus
Approved 12/20/95
RM
John Brough