

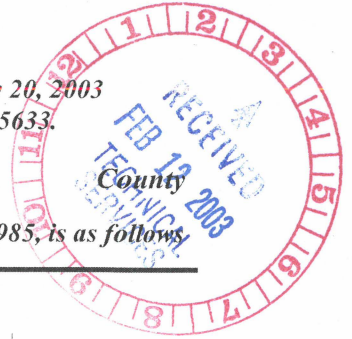
CERTIFICATE OF HIGHWAY MILEAGE

YEAR ENDING FEBRUARY 10, 2003

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2003 to: VT Agency of Transportation, Technical Services Division, Drawer 33, Montpelier, VT 05633.

We, the Selectmen or Aldermen or Trustees of SHARON in WINDSOR

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.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000			0.000	0.000
* Class 1 Lane	0.000			0.000	
Class 2	14.520			14.520	0.000
Class 3	31.420	.35		31.77	0.000
State Highway	16.167			16.167	0.000
* Class 4	6.570			6.570	0.000
<b>Total</b>	<b>62.107</b>			<b>62.457</b>	<b>0.000</b>

\* Class 1 Lane Mileage and Class 4 is 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).

Please find enclosed copies of Selectmen's Minutes of Oct. 15, 2002 pertaining to the Drum Helder Road reclassification

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:

Robert Ferguson
Steven Blomson
Bill [unclear]

Clerk Signature:

Joanne M. Slattery

Date Filed:

February 10, 2003

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

Michael Elmg
Representative, Agency of Transportation

DATE:

2/12/03

**Town of Sharon  
Selectmen's Meeting  
Minutes  
Tuesday, October 15, 2002**

Attendance:

Bob Ferguson, Chair  
Bill Kitchel, Vice Chair  
Kevin Blakeman, Clerk  
Margy Becker, Selectmen's Assistant  
Margaret Raymond, Treasurer  
Arthur Berndt, Sharon Concerned Citizens  
Anne Berndt, Planning Commissioner  
Dale Potter, Resident  
Arthur and Helen Pettengill, Residents  
Seth and Kate Holmes, Residents  
Joanne Slater, Town Clerk  
Galen Mudgett, Lister

*See  
page 2  
Drum Heller  
Road*

The Chairman called the meeting to order at 7:00PM;

**Public Hearing: Sharon Academy Access Road:** At 7:01 The Chairman convened the public hearing pursuant to Title 19 Sec. 708-711 to consider the petitioned request for the Town to consider taking over the newly constructed Sharon Academy Access drive as a class 3 town highway. The hearing adjourned at 8:30PM. (see separate hearing minutes) The Chair recessed the meeting for five minutes; the regular meeting re-convened at 8:35PM.

**Minutes:** Tabled.

**Public Comments:** none

**Rte. 132 Project Funding:** Selectmen noted receipt of the recent letter from VTrans acknowledging the funding level for the Rte. 132 project had been restored to \$120,000 for the preliminary design and right-of-way work that must take place this year in order to keep the project moving forward.

**Town Highway 3/I89:** Selectmen tabled further discussions with Mr. Pettengill concerning land ownership issues along a certain portion of Town Highway 3 which was relocated when the interstate was constructed. Selectmen requested that the Town Attorney obtain the necessary answer from Asst. Attorney General John Dunleavy as to whether or not the Town could sell or dispose of via other means, if it decided to, lands it received via "relinquishment" in 1975.

Mr. Pettengill then requested Selectmen discontinue that portion of relinquished lands outside the 3-rod right-of-way and to use the Title 19 process to do so. This would, he represented, give landowners back their land. Selectmen deferred comment on this request until they had heard from Town Counsel.

Selectmen agreed, however, a fairly straightforward issue needed to be rectified – the fact that abutting properties to the portion of Town Highway 3 under discussion are “land-locked”. Landowners have been accessing their properties over town land since 1975 without easements. Most do not even have driveway permits. Bob Ferguson suggested the Town should at least be offering easements to abutting landowners to clean up the access issue. The Seth and Kate Holmes then inquired whether or not they could construct a driveway. Kevin Blakeman raised the possibility that Fred Holmes now owns the land used for his driveway through adverse possession. Chairman Ferguson said common-sense solutions are warranted, but there were still substantive unanswered questions. He urged Selectmen's Assistant Margy Becker and interested parties to convene a meeting, if necessary, with the Town Attorney to have all residual questions answered.

**Sharon Industrial Area:** Chairman Ferguson noted Town Counsel had forwarded three court cases to review concerning application of Town Plans in Act 250 proceedings. Selectmen agreed to review the information. Further discussions were tabled.

**Cemeteries:** Selectmen reviewed past discussions concerning cemetery maintenance with former Selectmen Dale Potter. It was noted that the former Selectboard had begun considering the idea of forming a town-wide cemetery association. Mr. Potter explained that during his research on the need for such an organization he had found that the two existing cemetery associations (Broad Brook and Pine Hill) are very active. Thus instead of the Selectboard proceeding to organize the merger of the two organizations, it had begun instead to increase the annual budget for maintenance of all town-owned cemeteries. Mr. Potter then agreed to assist Pine Hill Cemetery Association with gathering information needed for FY04 maintenance projects. Helen Pettengill suggested that perhaps the boy scouts could assist with maintenance projects in the other cemeteries, as they had in the past. Selectmen agreed Mr. Brian Kent should be contacted.

**Drumheller Road:** Chairman Ferguson explained he and Selectmen Blakeman had conducted a site visit to Drumheller Road to review improvements which had been required of landowners prior to upgrade by the Town of the road's status from legal trail to class 3 town highway. The Board had issued its Order to Reclassify on April 2, 2002. The Order has been recorded in the land records. Bob Ferguson reported that it was noted that road widening had occurred in conformance with the highway policy and that the road surface was now free of obstructions. He said, however, that because their inspection of the catch basin confirmed that though the DI functions, it would still not meet standards set forth in the highway policy. Therefore, in addition to the waiver from the 18" culvert requirement, a request for a waiver from Section IV(g) drainage ditches must also be provided to the Board. Bill Kitchel agreed with such waiver request.



Bob Ferguson then made the MOTION that the Selectboard grant the waivers requested by landowners on Drumheller Road from Section IV(g) and (h) requirements of the highway policy. Kevin Blakeman seconded. The MOTION carried. Selectmen Kitchel, as one of the petitioners, abstained.

Chairman Ferguson noted that the conditions in the Selectmen's Order to Reclassify have been met, a final inspection has taken place, therefore the Town should now accept Drumheller Road as a Class 3 town highway. Kevin Blakeman seconded. The MOTION carried 2-0. Selectmen Kitchel abstained.

**Furniture Repair – Town Clerk:** Joanne Slater informed Selectmen she would proceed with having her desk chair repaired and refinished for \$95.00. Selectmen agreed this was within the limits of the budget and that no formal motion was needed to approve the expenditure.

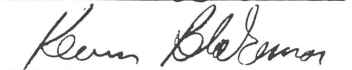
**Warrants:** were signed.

**Insurance Re-Bid:** Margy Becker informed Selectmen the Town's workman's comp insurance through Legion Insurance would expire January 21, 2003 and not be available for renewal. It was agreed the Town would proceed with re-bidding all its insurance coverage.

The Chairman made the MOTION to adjourn the meeting at 9:50PM. The motion was seconded and carried unanimously.

 Bob Ferguson, Chair

 Bill Kitchel, Vice Chair

 Kevin Blakeman, Clerk

**SELECTMEN'S REPORT OF HEARING AND  
ORDER TO RECLASSIFY  
A PORTION OF OLD TOWN HIGHWAY 24  
AS A CLASS 3 TOWN HIGHWAY**

**FINDINGS OF FACTS:**

1. On June 21, 1994 the Board of Selectmen took the following action to affirm and clarify the existence and location of a continuous 3-rod Town Right-of-Way formerly known as "Old Town Highway 24 aka "Old Strafford Road". The description of this right-of-way and findings from deed research appear in the "Findings of Facts" recorded in the Sharon Land Records in Book 51 Pages 454-456.
2. On August 16, 1994 the Board of Selectmen voted to classify Old Town Highway 24 as a legal trail in accordance with 19 V.S.A. Sec. 708. The Report of Hearing and Order is recorded in the Sharon Land Records in Book 52 pages 48-49.
3. It is important to note for the purposes of this 2002 Report of Hearing and Order, that the Right-of-Way to Old Town Highway exists in three sections described in the above-referenced 1994 Report of Hearing and Order as follows:

*Section 1: The overgrown portion of the road, which remains visible and extends from the corner of the sharp bend at Judson Burnham's to the intersection with Forest Highway #2 1500 feet M/L bordered by stone walls.*

*Section 2: The current Forest Highway portion consisting of:*

- a) *the easterly portion of Forest Service Highway #2 (which runs in a NE/SW direction) some 2000 feet M/L to the Forest Highway #2 intersection with Forest Highway #1 and,*
- b) *The portion of Forest Highway #1 from its southerly intersection with Forest Highway #2 in a NE/SW direction, some 1250 feet M/L, to the bend in the road where Town Highway #24 intersects;*

*Section 3: The portion of Town Highway #24 which extends from the intersection with Forest Highway #1 in a southeasterly direction, some 2500 feet M/L to the intersection with current Town Highway #1, (Beaver Meadow Road).*

*The current highway numbering system includes a TH#24 located off Howe Hill Road TH#5 near Wilfred Moore's. This should not be confused with the use of TH#24 for this description.*

4. On October 2, 2001 the Town of Sharon Selectboard received a petition from at least 5% of registered voters to reclassify .35 miles of Old Town Highway 24 (known as Drum Heller Road) from a legal trail to a class 3 town highway. *Note: this request for reclassification affects only the most southeasterly portion of the 2500-foot section described in "Section 3" of the Right-of-Way to Old Town Highway 24 as referenced above.*
5. On October 4, 2001 the Town Clerk verified the petition to have been submitted by 5% of the voters;
6. On October 16, 2001 the Board of Selectmen agreed to proceed with Title 19 process for reclassification and to notice a public hearing.
7. On January 14, 2002 the Selectmen's Assistant mailed to all petitioners the notice of public hearing (30 days notice) via certified mail, pursuant to 19 VSA Sec. 709;
8. The first public notice of said hearing was posted in three places in the Town on January 14, 2002, pursuant to 19 VSA Sec. 709;
9. The Valley News published the legal advertisement of the public hearing on February 9, 2002 (10 day notice requirement). Notices in Town were re-posted. (pursuant to 19 VSA Sec. 709)
10. The Selectmen's Assistant notified the Sharon Town Clerk and Planning Commission of the public hearing on February 9, 2002. (10 days notice required) (pursuant to 19 VSA Sec. 709)
11. **On February 19, 2002 the Board of Selectmen held a public hearing on the question of whether or not to reclassify .35 miles of Old Town Highway (aka Drum Heller Road) as a class 3 town highway.**
12. Bill Kitchel testified at the public hearing that approximately 1,900 feet of road has been petitioned for reclassification, which is the portion of Drum Heller Road from Beaver Meadow Road to the point where the Walton-Strong Driveway turns off. At this point the road continues straight, past the Martin residence to the Gagliardone's residence and then to its terminus at the Butterworth's property in Downer Forest. (*Hearing minutes 2/19/02*)
13. Mr. Kitchel submitted for the record a list of 'travel condition' improvements with a total value of \$13,500, which the residents have performed since 1988. (*Hearing minutes 2/19/02*)
14. Mr. Kitchel stated there are now six year-round residents living on this portion of the road. (*Hearing minutes 2/19/02*) Daily average traffic is 16 vehicles/day. (*Selectmen's meeting 4/2/02*)
15. Lister Galen Mudgett, Jr. stated the combined value of the 6 year-round properties is approximately \$.75 million, and that the Gagliardone property adds another

- \$185,000. Mr. Mudgett stated these property values will not go down. (*Hearing minutes 2/19/02*) Property taxes paid by all landowners along Drum Heller Road total approximately \$24,000 per the April 1, 2001 grand list.
16. Petitioners Kitchel, Gagliardone, and Baribeau stated the present location of the school bus stop at the intersection of Drum Heller Road and Beaver Meadow Road would continue to be a suitable location. (*hearing minutes 2/19/02*)
  17. Selectmen Dale Potter noted for the record his concerns from his site visit of November 12, 2001. He requested a section of guard rail be installed at the pond. (*hearing minutes 2/19/02*)
  18. Dale Potter noted for the record the 'through road' status of Old Town Highway 24. When asked whether the Town should continue to hold onto portions of TH24 in Downer Forest or to discontinue them, Mr. Gagliardone stated he would like to see the Town continue to retain the right-of-way. (*hearing minutes 2/19/02*).

**ORDER TO RECLASSIFY**  
**Per VSA 19 Sec. 710-711**

In conformance with Title 19 Sections 710 and 711, Selectmen now submit this order:

**Motion and Order:** The Sharon Selectboard hereby orders that .35 miles of Old Town Highway 24 (aka Drum Heller Road), extending northwesterly approximately 1,900 feet from Town Highway #1 (Beaver Meadow Road) to the intersection with the Walton-Strong driveway, be reclassified from a legal trail to a Class 3 Town Highway for the public good, necessity, and convenience of the citizens of Sharon. This reclassification is contingent upon certain improvements being made to the satisfaction of the Board of Selectmen by the landowners to this portion of the road, prior to the Town's final acceptance of said road on or after June 1, 2002, in accordance with the Town of Sharon's Highway Policy effective November 4, 1997 and amended August 21, 2001 to reflect state standards. **The required improvements are as follows pursuant to Section IV of the Highway policy are as follows:**

**IV(e) traveled way width:** Selectmen note there is a short section of road which is 15 feet wide. A waiver must be requested from the 16-foot width or landowners shall consult with the road foreman about gaining width by moving the ditch in this location and filling and relocating sufficient stone in this area.

**IV(f) Surface and sub-surface preparation:** Selectmen noted the presence of a rail road tie which – due to recent erosion – is surfacing and presents a future hazard. This rail road tie must be removed and the road surface replaced. Otherwise surface conditions are sufficient.

**IV(g) Drainage ditches:** Selectmen note the absence of a proper drainage ditch/catch basin at the location where the 12-inch culvert from the pond drains into the 24-inch culvert. A proper catch basin must be constructed to provide proper drainage of the pond.

**IV(h) Culverts:** Landowners shall request a waiver from the minimum requirement of 18-inch roadway culverts.

####

Action: April 2, 2002  
Vote in Favor: 3-0

Vote Against: \_\_\_\_\_

SHARON BOARD OF SELECTMEN

Signed: Bob Jensen

Kevin Blodeman

RECORDED in Sharon Land Records in Book 63 Page(s) 563-566 on 4/22, 2002.

Signed: Joanne M Slater  
Sharon Town Clerk

RETURNED to landowners and petitioners of record on 4/24/02, 2002  
(pursuant to 19 VSA Sec. 711).

Signed: Margaret E. Becker  
Selectmen's Assistant

TOWN OF SHARON, VT

Received for record April 22 2002

at 7:30 o'clock A M. and recorded in

Sharon land Records, Vol. 63 Page 563-566

Attest: Joanne M Slater, TC