

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2010

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2010 to: Vermont Agency of Transportation, Division of Planning, Outreach and Community Affairs, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of WEST WINDSOR in WINDSOR 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 6 columns: Town Highways, Previous Mileage, Added Mileage, Subtracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 1 Lane, Class 2, Class 3, State Highway, Class 4, Legal Trail, and Total.

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

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE. Adjustment by S. Moulton 5/14/10

- 1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting). Please see attached summary of changes, documentation, map + minutes
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting). Please see attached summary of changes, map + minutes.
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:

Handwritten signatures of R. Davidson, Thomas J. Kenyon, and another individual.

T/C/V Clerk Signature: Cathy Archibald

Date Filed: February 10, 2010

Please sign ORIGINAL and return it for Transportation signature.

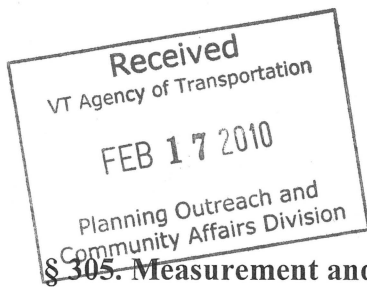
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

Representative, Agency of Transportation

DATE:

6/2/2010



Vermont Statutes Annotated

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>

12/29/2009



State of Vermont
Division of Planning, Outreach and Community Affairs
Mapping Unit
1 National Life Drive
Montpelier, VT 05633-5001
<http://www.aot.state.vt.us>

Agency of Transportation

Telephone: 802-828-2600
Fax: 802-828-2334
Email: johnathan.croft@state.vt.us

May 26, 2010

Tom Kenyon, Selectboard Chair
West Windsor, c/o Town Clerk
PO Box 6
Brownsville, VT 05037

Dear Mr. Kenyon,

The VTrans Mapping Unit has not accepted the discontinuance of 0.35 miles of Duling Road, as additional clarification on the extent of the discontinued segment is needed.

VTrans sent a letter on March 16, 2010 to the Town of West Windsor requesting clarification on the changes that have occurred on Duling Road (TH-49). We have not received information or clarification on the changes to date and have not accepted the discontinuance of the 0.35 miles of TH-49.

The changes that were listed on the 2010 Certificate of Highway Mileage may be re-submitted on the 2011 Certificate for review and the potential inclusion on the 2011 Town Highway Map.

The Mapping Unit has made the other mileage changes that were submitted.

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

Thank you.

Sincerely,



Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: Susan Clark, VTrans Planning Coordinator

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2010**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2010 to:
Vermont Agency of Transportation, Division of Planning, Outreach and Community Affairs, One National Life
Drive, Montpelier, VT 05633.

We, the members of the legislative body of WEST WINDSOR in WINDSOR 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.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
Class 1 Lane	0.000				
Class 2	5.931			5.931	0.000
Class 3	41.17		0.19	40.98	0.000
State Highway	5.044			5.044	0.000
Class 4	4.53		0.35	4.18 4.53	0.000
Legal Trail	0.33			0.33	
Total	52.145			51.955	0.000

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

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE. Adjustment by S. Moulton 5/14/10

- NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening".
- DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).
Please see attached summary of changes, documentation, map + minutes
- RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).
Please see attached summary of changes, map + minutes.
- 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:

[Handwritten signatures: R. Robinson, Thomas O'Hara, etc.]

T/C/V Clerk Signature: *Cathy Archambault*

Date Filed: February 10, 2010

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED: _____
Representative, Agency of Transportation

DATE: _____



State of Vermont
Division of Planning, Outreach and Community Affairs
Mapping Unit
1 National Life Drive
Montpelier, VT 05633-5001
<http://www.aot.state.vt.us>

Agency of Transportation

Telephone: 802-828-2600
Fax: 802-828-2334
Email: johnathan.croft@state.vt.us

March 16, 2010

Tom Kenyon, Selectboard Chair
West Windsor, c/o Town Clerk
PO Box 6
Brownsville, VT 05037

Dear Mr. Kenyon,

The VTrans Mapping Unit has received and reviewed West Windsor's 2010 Certificate of Highway Mileage, and several questions have arisen regarding the mileage changes to TH-49 (Duling Road). I have reviewed the documentation submitted with the Certificate regarding Duling Road and also reviewed the information that we have on file. There are a few questions regarding the town highway that I seek clarification.

As part of the review, I needed to gain an understanding on the timeline of this highway and how it got to the current mileage and configuration. Here is my understanding of this evolution of TH-49 (Duling Road).

1931 – 0.6 miles of town highway is included on the 1931 map, shown intersecting Silver Hill Road

1949 – 0.05 miles of town highway added on west, intersecting Rush Meadow

1983 – 0.38 miles of class 4 was added based on Superior Court Order, as an extension to the existing 0.05 segment on the western portion

1983 – 0.60 miles of class 4 was dropped from the map based on Court Order (This seems to be in error, based on review of the 1982 Superior Court Order)

1987 – 0.38 miles of class 4 was reclassified to class 3, creating the 0.43 miles of class 3 on the western portion

2007 – 0.67 miles of class 4 added on the east, intersecting Silver Hill Road, based on Mileage Certificate

The 2010 Mileage Certificate calls for a change in the mileage of TH-49 (Duling Road) and I would like to make sure that I am accurately reflecting the changes. I would also like to insure the proper mileage is recorded for each of portions being retained.

Based on my understanding, the center segment of Duling Road is not town highway and is not to be included in the mileage or on the map. There are several questions regarding the changes:

- The 1997 discontinuance seems to discontinue a section of class 3 town highway on the western portion that is described as "Beginning at the east end of the barway leading into the property of Rojek, extending easterly approximately 360' to the point opposite the cellar hole marking the Bowers former homestead." Several pointers have been added to the enclosed map as possible locations referenced in the Superior Court documents and the discontinuance proceedings. These include the end of barway and the Bowers cellar hole. Was 360' (0.07 miles) discontinued in 1997 and needs to be deducted from the 0.43 miles of class 3 on TH-49?
- Can the locations of the end of the barway, Bowers cellar hole, and the truck turnaround be added to the enclosed map for clarification of these locations?
- The section that is noted on the mark-up map submitted with the Certificate states discontinuance on the eastern portion, with 0.32 miles of class 4 town highway remaining. I am unable to find a clear reference to the discontinuance of this section within the supplied documentation. Can you provide clarification to this mileage change?

As part of the review, I am trying to get an understanding of the changes that have occurred to Duling Road over the course of the last 70 plus years and trying to reconcile the mileage changes to the supplied documentation. I greatly appreciate any information that you can supply that will allow the accurate mapping and mileage for Duling Road.

Please feel free to contact me with any questions or comments related to the clarification that is requested above, or mapping in general.

Thank you.

Sincerely,



Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: Susan Clark, VTrans Planning Coordinator



State of Vermont
 Division of Planning, Outreach and Community Affairs
 Mapping Unit
 1 National Life Drive
 Montpelier, VT 05633-5001
<http://www.aot.state.vt.us>

Telephc
 F
 Em:

portation

*EAST Duling can
 be released to as its
 previous # as
 TH-10*

Tom Kenyon, Selectboard Chair
 West Windsor, c/o Town Clerk
 PO Box 6
 Brownsville, VT 05037

Dear Mr. Kenyon,

The VTrans Mapping Unit has received and reviewed West Windsor's 2010 Certificate of Highway Mileage, and several questions have arisen regarding the mileage changes to TH-49 (Duling Road). I have reviewed the documentation submitted with the Certificate regarding Duling Road and also reviewed the information that we have on file. There are a few questions regarding the town highway that I seek clarification.

As part of the review, I needed to gain an understanding on the timeline of this highway and how it got to the current mileage and configuration. Here is my understanding of this evolution of TH-49 (Duling Road).

1931 – 0.6 miles of town highway is included on the 1931 map, shown intersecting Silver Hill Road

1949 – 0.05 miles of town highway added on west, intersecting Rush Meadow

1983 – 0.38 miles of class 4 was added based on Superior Court Order, as an extension to the existing 0.05 segment on the western portion

1983 – 0.60 miles of class 4 was dropped from the map based on Court Order (This seems to be in error, based on review of the 1982 Superior Court Order)

1987 – 0.38 miles of class 4 was reclassified to class 3, creating the 0.43 miles of class 3 on the western portion

2007 – 0.67 miles of class 4 added on the east, intersecting Silver Hill Road, based on Mileage Certificate

The 2010 Mileage Certificate calls for a change in the mileage of TH-49 (Duling Road) and I would like to make sure that I am accurately reflecting the changes. I would also like to insure the proper mileage is recorded for each of portions being retained.

Based on my understanding, the center segment of Duling Road is not town highway and is not to be included in the mileage or on the map. There are several questions regarding the changes:

- The 1997 discontinuance seems to discontinue a section of class 3 town highway on the western portion that is described as "Beginning at the east end of the barway leading into the property of Rojek, extending easterly approximately 360' to the point opposite the cellar hole marking the Bowers former homestead." Several pointers have been added to the enclosed map as possible locations referenced in the Superior Court documents and the discontinuance proceedings. These include the end of barway and the Bowers cellar hole. Was 360' (0.07 miles) discontinued in 1997 and needs to be deducted from the 0.43 miles of class 3 on TH-49?
- Can the locations of the end of the barway, Bowers cellar hole, and the truck turnaround be added to the enclosed map for clarification of these locations?
- The section that is noted on the mark-up map submitted with the Certificate states discontinuance on the eastern portion, with 0.32 miles of class 4 town highway remaining. I am unable to find a clear reference to the discontinuance of this section within the supplied documentation. Can you provide clarification to this mileage change?

As part of the review, I am trying to get an understanding of the changes that have occurred to Duling Road over the course of the last 70 plus years and trying to reconcile the mileage changes to the supplied documentation. I greatly appreciate any information that you can supply that will allow the accurate mapping and mileage for Duling Road.

Please feel free to contact me with any questions or comments related to the clarification that is requested above, or mapping in general.

Thank you.

Sincerely,



Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit






JFC/jfc

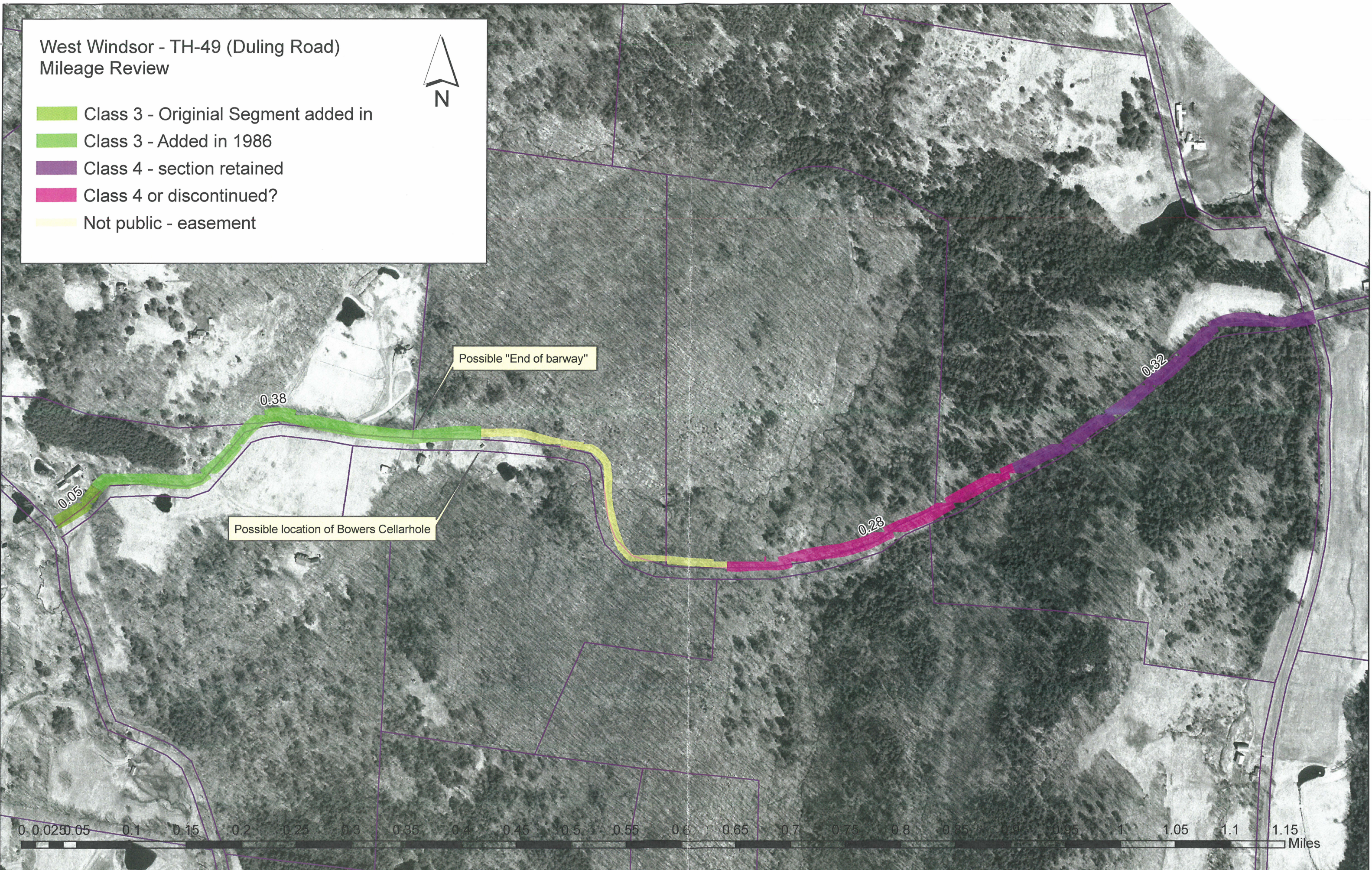
Enclosures

cc: Susan Clark, VTrans Planning Coordinator

West Windsor - TH-49 (Duling Road)
Mileage Review



-  Class 3 - Original Segment added in
-  Class 3 - Added in 1986
-  Class 4 - section retained
-  Class 4 or discontinued?
-  Not public - easement



Possible "End of barway"

Possible location of Bowers Cellarhole



Summary of Changes, 2010

Highway Name	Current Hwy. #	New Hwy. #	add	subtract	Classification	documentation/explanation
<u>Remeasured</u>						
Hammond Hill Road	5			0.05	3	Book 42, pgs. 392-393; Book 20, page 292-294
Bryant Road	8			1.01	3	1.01 miles section is now part of Silver Hill Road
Silver Hill Road	18		1.02		3	1.01 mile section of Bryant Rd. and .01 mile section of hwy.#47 are now part of Silver Hill Road
Gilson Road (new name)	47			0.01	3	.01 mile section is now part of Silver Hill Road
East Duling Road (new name)		58	0.32		4	.32 mile section formerly Duling Road; renamed East Duling Road.
Seems Road	52				3	mileage is correct but road bows to the left, not to the right; also, .24 miles are paved and .14 miles are unpaved
Yale Heights Road	56				3	mileage is correct but there is no covered bridge - remove CB 35
<u>Discontinued</u>						
Ralph Johnson Road	55			0.14	3	Book 42, pgs. 392-393; Book 20, page 292-294
Duling Road	49			0.67	4	.35 mile section in middle of Duling Rd. discontinued as public ROW & replaced by recreation easement; .32 mile section renamed.

*Thomas & Kenyon
4 Pages
re: Select Board
meeting
Feb 8, 2010*

TOWN OF WEST WINDSOR
GENERAL HIGHWAY MAP
FEBRUARY 10, 2010
CORRECTIONS AND CLARIFICATIONS

TOWN ROAD #5

KNOWN AS: Hammond Hill Road

CLASS: THREE

START: BROWNSVILLE-HARTLAND ROAD #1

END: BROWNSVILLE-HARTLAND ROAD #1

PREVIOUS LENGTH OF ROAD: 2.29 Miles

NEW LENGTH OF ROAD #5: 2.24

BACKGROUND: The route of Hammond Hill Road #5 was slightly altered by an agreement between the town and the landowners. A short section (0.05) was converted to a private drive to the residence of Ralph and Edith Johnson. Re: Town Highway #1 was rerouted behind the Johnson Residence. See West Windsor deed as recorded in Book 42 pages 392-393. Also see Book 20 page 292.

Note: Complies with E-911 addressing.

TOWN ROAD #55

KNOWN AS: Ralph Johnson Road.

CLASS: THREE

START: BROWNSVILLE-HARTLAND ROAD #1

END: HAMMOND HILL ROAD #1

PREVIOUS LENGTH OF ROAD: 0.14 (0.10 + 0.04)

NEW LENGTH OF ROAD #55: -0-

BACKGROUND: This short road previously connected Brownsville-Hartland Road (Road # 1) to Hammond Hill Road (Road # 5). This short road was converted to a private drive to the residence of Ralph and Edith Johnson. Also Town Highway #1 was rerouted behind the Johnson Residence. See West Windsor deed as recorded in Book 42 pages 392-393. Also see Book 20 page 292.

Note: Complies with E-911 addressing.

TOWN HIGHWAY #8

KNOWN AS: BRYANT ROAD

CLASS: THREE

START: RUSH MEADOW ROAD #6

END: SILVER HILL ROAD #18

PREVIOUS LENGTH OF ROAD: 2.09 MILES

NEW LENGTH OF ROAD: $0.28 + 0.73 + 0.07 = 1.08$ MILES

BACKGROUND: Previous sections to the north ($0.56 + 0.10 + 0.35 = 1.01$ miles) of Bryant Road #8 are now a permanent part of Silver Hill Road #18

TOWN HIGHWAY # 18

KNOWN AS: SILVER HILL ROAD

CLASS: THREE

START: BROWNSVILLE-HARTLAND ROAD #1

END: HARTLAND TOWN LINE

PREVIOUS LENGTH: $1.10 + 0.61 + 0.04 = 1.75$ Miles

NEW ROAD LENGTH OF ROAD: $1.10 + 0.61 + 0.05$ (was #47)
 $+ 0.56 + 0.10 + 0.35 = 2.77$ Miles

Note: Complies with E-911 addressing.

TOWN HIGHWAY # 47

KNOWN AS: GILSON ROAD (NAME: ??????????????????)

CLASS: THREE

START: SILVER HILL ROAD #18

ENDS: BRYANT ROAD #8

PREVIOUS LENGTH: 0.05

NEW LENGTH: 0.04

Note: Complies with E-911 addressing.

TOWN HIGHWAY # 49

KNOWN AS: DULING ROAD

CLASS: THREE

START: RUSH MEADOW # 6

END: 0.43 MILES (DEAD ENDS)

SECTION BEYOND DISCONTINUED SEPT 30, 1997.

Note: Complies with E-911 addressing.

TOWN HIGHWAY #52

KNOWN AS: SEEMS ROAD

CLASS THREE

START: ROUTE 44

END: 0.38 MILES (DEAD ENDS)

NOTE: 0.24 PAVED, THEN 0.14 MILES DIRT

ROAD BOWS LEFT NOT RIGHT AS ON MAP

Note: Complies with E-911 addressing.

TOWN HIGHWAY #56

KNOWN AS: YALE HEIGHTS ROAD

CLASS: THREE

START: ROUTE 44

ENDS: 0.43 (DEAD ENDS)

Note: CB 35 replaced with concrete bridge. (Remove lable)

TOWN HIGHWAY # (NUMBER: 58 ??????????????????)

NOTE: Was part of # 49 and Kings Highway

CLASS: FOUR

KNOW AS: EAST DULING ROAD (NAME: ??????????????????)

START: SILVER HILL ROAD # 18

END: 0.32 (DEAD ENDS)

Note: Complies with E-911 addressing. No houses yet.

WEST WINDSOR SELECTBOARD

Minutes

February 8, 2010

Present: Bruce Boedtke, Tom Kenyon, Phil Arvidson, Cathy Boedtke, Ashley Pakenham, Deb Donahue, Bob French, Ralph Johnson, Jim Kenyon, Merle & Leone Bushkin, Mike Spackman, Hal Pyke, Sue Greenall, Cathy Archibald, Martha Harrison

- 1) Call to Order – Selectboard Chair Phil Arvidson called the meeting to order at 6:30 PM.
- 2) Changes or Additions – None
- 3) Public Comment – None
- 4) Ancient Roads update – Phil said he didn't see anything in the minutes of the Conservation Commission's most recent meeting that warrants a public update at this time. Cathy Boedtke said the Commission will come before the Selectboard in the next couple of months.
- 5) Corinne Niles trail agreement letter (Rena Lustberg property) – **Tom made a motion to authorize the Chair to sign the agreement concerning the Corinne Niles trail on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.**
- 6) Conservation Commission appointment – **Tom made a motion to appoint Laura Stillson to fill the vacancy on the Conservation Commission. Bruce seconded the motion, which passed unanimously.**
- 7) Tax map update – Hal said three mapping firms have been interviewed: Avitar, Cartographic Associates, and Information & Visualization Services. Hal said one firm has submitted a quote and the other two are expected to submit quotes in the next two weeks. Hal said there is plenty of money for mapping in the Listers Fund. Hal said the mapping will probably cost in the \$10,000 to \$12,000 range depending on the services we want. Hal described some of the services available. Phil said the Selectboard will await a recommendation from the Listers. Bruce asked if the three firms are all bidding on the same services. Hal said yes.
- 8) Town Constable/Delinquent Tax Collector's Report – Delinquent Tax Collector Ralph Johnson said the tax sale on Friday did not go well. Ralph said the options are to have another tax sale or foreclose but he doesn't think the town should foreclose. Phil said he thought the bank was going to pay the outstanding taxes but that didn't happen. Phil said he tried, unsuccessfully, to contact Town Attorney Matt Birmingham today to see what he recommends. Phil said he doesn't see any advantage to the town in buying the property. Ralph suggested putting a lien on the company. Phil said he will talk to Matt about that. Phil said the outstanding tax liability is approximately \$19,100. Phil said he thinks anyone who buys the property buys it subject to the mortgage and, for one year, the owner can buy the property back at 12% interest. Cathy said the mortgage was \$280,000 a few years ago. Reporting as Constable, Ralph said there's a dog that keeps running loose and has been taken to the humane society twice.
- 9) Letter to Rep. Donna Sweaney – Phil said the legislature has passed legislation requiring a substantial increase in training for constables, effective July 1, 2010. Phil noted that Ralph has indicated that he does not want to take on the physical training at his age. Phil summarized the negative impacts of the legislation on West Windsor. Phil read a letter that he drafted on behalf of the Selectboard to House Committee Chair Donna Sweaney in support of H. 492, which would grandfather constables with more than 15 years of experience. There was discussion about the implications of this legislation. Ashley asked if it would be helpful to have a petition. Phil said another possible approach is requesting a

waiver from the training requirements, but he's not optimistic about that option. Ralph said the town may have to rely on the State Police. Phil said their response time and their lack of familiarity with the community would be a disadvantage. Phil suggested providing tax abatement for a State Trooper to live in town. Cathy Boedtger said she supports the idea of a citizens' petition in support of Ralph. Cathy asked if there will be public hearings on H. 492, at which West Windsor residents could testify. Phil said before there can be hearings, the committee has to agree to take up the legislation but it's questionable whether it will get to that stage. Tom suggested making Donna Sweaney's contact information available at Town Meeting. Phil agreed. Ralph said certified law enforcement officers are reluctant to have trainees ride along with them because of the potential liability. Bruce suggested pursuing the waiver option sooner rather than later. Phil said he thinks that's a reasonable suggestion. Bruce said he thinks the Selectboard should make this a priority. Phil said the Selectboard will draft a petition and make it available for the public to sign. Bruce said anyone completing the required training is going to want a full-time job, not a part-time job. Bruce said a small town could pool with other towns and hire a full-time constable. Phil said West Windsor raised that possibility with Reading but they were not interested. Phil noted that the sheriff's department handles speed control for Reading. Hal said the State Police won't come unless we have a major crime. Phil agreed that the State Police are overstressed already. Bruce noted the importance of a quick response time in diffusing situations before they escalate. Bob French expressed concern about the response time of the State Police. Ashley spoke favorably about Ralph's response to a situation in her neighborhood.

- 10) Town Clerk/Treasurer's Report – Cathy had orders for the Selectboard to sign at the end of the meeting.
- 11) Silver Hill Road intersection – Phil said the Selectboard has a site visit on February 22nd at 3:00 PM to consider the realignment of the intersection of Silver Hill Road and Brownsville-Hartland Road. Phil said there will be a public hearing at the town hall following the site visit. Merle Bushkin asked who would pay for the realignment of the intersection and how much it would cost. Phil said that hasn't been determined yet.
- 12) Overweight vehicle permits – Mike said the Selectboard has to fill out the same form they fill out every year. Mike said the weight limits on town roads are the same as they are on state roads, 24,000 lbs., and anyone who has a heavier load has to get a permit. There was brief discussion about the requirements for vehicles that are over-length or over-width. Tom said he thinks the state changed the statute on length. Mike agreed.
- 13) Certificate of Highway Mileage – Tom suggested moving this item to "Other Business." Phil and Bruce agreed.
- 14) Highway Foreman's Report – Mike said last year's salt just ran out, so he ordered more. Mike said the price is \$63 for regular salt and \$73.75 for "ice-be-gone." Mike said he thinks the town paid \$61 and \$69 last year. Mike said the town salts all the paved town roads. Mike said its time to request sand and gravel bids, and one supplier has already submitted a bid. Mike said the chloride trailer is almost done being refurbished. Mike said Martha sent in the town's certification of our underground storage tank. Mike said the state inspected the tank last September and there was only one minor issue that needed correcting.
- 15) Status of Grange Hall lift – Tom said the project is finished and it came in a few hundred dollars under budget. Tom said the project was funded with community development grant funds. Leone Bushkin said the Historical Society is planning a ribbon cutting ceremony for after Town Meeting.

- 16) Boundary validation for Census Bureau – Martha said she already sent the Census Bureau a form confirming the accuracy of the town’s boundaries but now they want the Selectboard Chair to confirm the boundaries as well.
- 17) Town Meeting discussion – Phil said Town Meeting is on March 2nd at 9:00 AM at the Town Hall. Phil said his term as Selectman will expire at Town Meeting and he will not be a candidate for re-election. Phil said it has been an honor and privilege to serve on the Selectboard, as a member and as Chair, and he was particularly honored to have the 2009 Annual Report dedicated to him. Those present applauded in appreciation of Phil’s service to the town.
- 18) Schedule next meeting – Tom said the Selectboard sometimes has a quick organizational meeting following town meeting. Phil thought that was a good idea.
- 19) Other Business – Certificate of Highway Mileage: Tom said the Selectboard has to certify the West Windsor highway map annually. Tom presented a summary (attached) of proposed corrections and clarifications to the Town Highway map. Phil asked about the net effect on mileage. Tom said Class 3 mileage goes from 41.17 to 40.98 miles, and Class 4 mileage goes from 4.53 to 4.18 miles. Sue asked if the middle section of Duling Road is listed as a Legal Trail. Tom said it’s not a Legal Trail, it’s an easement. Sue asked if the end of Blood Hill Road is a Legal Trail. Tom said yes. Martha asked about the Selectboard’s availability to sign the Certificate once all Tom’s information is on it. The board asked Martha to email them when it’s ready to sign. **Tom made a motion to accept the changes to the highway map of West Windsor. Bruce seconded the motion, which passed unanimously.**
- 20) Approve Minutes - December 23, 2009: **Tom made a motion to approve the minutes of December 23, 2009, as amended. Bruce seconded the motion, which passed unanimously.** December 30, 2009: **Bruce made a motion to approve the minutes of December 30, 2009, as amended. Tom seconded the motion, which passed unanimously.** January 5, 2010: **Tom made a motion to approve the minutes of January 5, 2010, as amended. Bruce seconded the motion, which passed unanimously.** January 11, 2010: **Bruce made a motion to approve the minutes of January 11, 2010, as amended. Tom seconded the motion, which passed unanimously.** January 18, 2010: **Bruce made a motion to approve the minutes of January 18, 2010, as amended. Tom seconded the motion, which passed unanimously.**
- 21) Executive Session: Personnel matters – Phil said he had been planning to discuss the constable situation in Executive Session but it was already covered in open session with the discussion on the letter to Rep. Donna Sweaney. The Selectboard agreed that an Executive Session is not necessary.
- 22) Sign Town Clerk’s Orders – The Selectboard signed the Town Clerk’s orders and the Certificate of No Appeal or Suit Pending on the 2009 Grand List.
- 23) Adjourn - **Bruce made a motion to adjourn at 7:45 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison

Martha Harrison

Tom Harrison
Thomas Kenyon
Bruce Sordahl

KNOW ALL MEN BY THESE PRESENTS that we, RALPH G. JOHNSON, JR. and EDITH M. JOHNSON, husband and wife, both of West Windsor in the County of Windsor and State of Vermont, Grantors, in consideration of One Dollar and other valuable considerations received to our full satisfaction from the TOWN OF WEST WINDSOR, a municipal corporation located in the County of Windsor in the State of Vermont, do hereby give, grant, bargain, sell and convey unto the said Town of West Windsor and its successors and assigns a certain piece of land lying and being situated in the Town of West Windsor in the County of Windsor and State of Vermont described as follows, viz:

Being a parcel of land in the Northeast section of the Town of West Windsor for the purpose of alterations to State Aid Road No. 1; said road known as Brownsville-Hartland Road;

Beginning at a point on the said State Aid Road No. 1 being at Station 72 + 0, Left 27 feet and bounding land of Morton;

thence North 58° 14' East along the centerline of proposed road to the point of curvature at Station 72 + 81.6; said curve having a Delta Right of Way 21° 06', a degree of curve of four, a tangent of 266.8 feet and a length of curve of 527.5 feet;

thence along the centerline of said curve to approximate Station 73 + 93, right 35 feet; to Station 75 + 00, 40 Left; to Station 76 + 00, 80 feet Left; to Station 77 + 00, Left 90 feet; to Station 78 + 00, 35 feet Right; said curve has a point of tangency at Station 78 + 09.1;

thence North 79° 20' East along the centerline to Station 79 + 00, 35 feet Left; to Station 79 + 55, 42 feet Right, and Station 79 + 63, 35 feet Left said points being on the westerly right of way of Town Road No. 21, also known as Morrison Road;

thence crossing said Town Road No. 21 and continuing North 79° 20' East to the Easterly Right of Way of said road being at Station 80 + 07, 46.4 feet Right and Station 80 + 35, 35 feet Left and land of Nicholas;

thence continuing North 79° 20' East to Station 80 + 50, 50 feet Right, and to the Left to the wire fence bounding Nicholas and continuing to Station 84 + 31, Left 50 feet, plus or minus to said fence bounding Nicholas and continuing along the centerline of proposed

road to the point of curvature at Station 85 + 33.86, said curve having a Delta Left of 3° 30', a degree of curve of one, a tangent of 175.04 feet and a length of curve of 350.00 feet;

thence along the centerline of said curve to Station 86 + 14, 42 feet, plus or minus, Left said point being on a wire bounding Nicholas, to Station 86 + 78, plus or minus, on the centerline of said road to a wire fence bounding Nicholas and to Station 87 + 26, 35 Feet Right, plus or minus, to a wire fence bounding said Nicholas.

The above described parcel of land contains 3.0 acres of land, more or less.

Reference is hereby made to a map prepared by the State Highway Dept. entitled "West Windsor, S. A. 1" Scale 1" = 50 feet.

TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof unto it, the said Town of West Windsor its successors and assigns forever, to it and their own proper use, benefit and behoof. And also we, the said Ralph G. Johnson, Jr. and Edith M. Johnson, do for ourselves and our heirs, executors, and administrators covenant with the said Town of West Windsor, its successors and assigns that at and until the ensembling of these presents we are well seized of the premises as a good indefeasible estate in fee simple and have good right to bargain and sell, grant and convey, the same in manner and form as above written, and that the same are free from all encumbrances whatsoever.

And furthermore, we the said Ralph G. Johnson, Jr. and Edith M. Johnson do by these presents bind ourselves and our heirs forever to warrant and defend the above granted and bargained premises to the said Town of West Windsor, its successors and assigns against all claims and demands whatsoever.

IN WITNESS WHEREOF we have hereunto set our hands this 29th day of August A. D. 1974.

IN THE PRESENCE OF

Ralph G. Johnson, Jr.
Ralph G. Johnson, Jr.

Edith M. Johnson
Edith M. Johnson

Witnesses to both
Witnesses to both

PARKER, AINSWORTH
& RICHARDS
ATTORNEYS AT LAW
80 PARK STREET
SPRINGFIELD, VERMONT

STATE OF VERMONT

WINDSOR COUNTY, SS.

At West Windsor in said County on this 29th day of August A. D. 1974, personally appeared Ralph G. Johnson, Jr. and Edith M. Johnson and acknowledged the foregoing instrument by them executed to be their free act and deed.

Before me,

Pauline Ouellette
Notary Public

West Windsor Town Clerk's Office. Received for record August 29, A.D., 1974 at five o'clock 20 minutes P.M. and recorded in Book 20, Pages 292-294 of Land Records.

Attest Pauline Ouellette
Town Clerk

Vermont Property Transfer Tax
32 V.S.A. Chap. 231

—ACKNOWLEDGMENT—

Return Rec'd.--Tax Paid--Board of Health Cert. Rec'd.--
Vi. and Use & Development Plans Act Cert. Rec'd.

Return No. A-277055
Signed P. Ouellette, Clerk
Date 9-23-74

PARKER, AINSWORTH
& RICHARDS
ATTORNEYS AT LAW
80 PARK STREET
SPRINGFIELD, VERMONT

Discontinued TH-55 CL3 0.14 m!
portion TH-5 CL3 0.05 m!

AGREEMENT

AGREEMENT made this 11th day of July 1989, between Ralph G. Johnson, Jr. and Edith M. Johnson of West Windsor, County of Windsor, State of Vermont, and the Town of West Windsor, Vermont:

- A. Ralph G. Johnson, Jr. and Edith M. Johnson are landowners owning property located at the intersection of the Brownsville - Hartland Road and Broomshire Road in West Windsor, Vermont.
- B. The Town of West Windsor has easement rights over property of Ralph G. Johnson, Jr. and Edith M. Johnson, located at the intersection of the Brownsville - Hartland Road and Broomshire Road in West Windsor, Vermont.
- C. In consideration of the mutual covenants in this Agreement, Ralph G. Johnson, Jr. and Edith M. Johnson hereby grant to the Town of West Windsor easements over their above-described property, the locations of which are determined by and limited to their use by the Town of West Windsor as of the date of this Agreement.
- D. In consideration of the mutual covenants in this Agreement, the Town of West Windsor hereby grants to Ralph G. Johnson, Jr. and Edith M. Johnson any easements, right of way, or rights it may have to, on, over or through the above described property excepting and reserving those rights retained in paragraph C above.
- E. In consideration of the mutual covenants in this Agreement, the Town of West Windsor agrees to maintain Ralph G. Johnson, Jr. and Edith M. Johnson's private driveway for so long as Ralph G. Johnson, Jr. and Edith M. Johnson themselves shall

continue to live on the above described property. The maintenance of the private driveway shall terminate at such time as Ralph G. Johnson, Jr. and Edith M. Johnson vacate, for whatever reason, the above-described premises and shall not extend to their heirs, executors, or assigns.

Dated at West Windsor, in the County of Windsor, and State of Vermont.

In Presence of:

Margaret D Clough
Witness as to RGJ, Jr.

Ralph G. Johnson Jr.
Ralph G. Johnson, Jr.

Annie Burke
Witness as to EMJ

Edith M. Johnson
Edith M. Johnson

STATE OF VERMONT
WINDSOR COUNTY, SS.

At West Windsor, in the County and State aforesaid, personally appeared Ralph G. Johnson, Jr. and Edith M. Johnson, who acknowledged this Agreement by them signed and sealed to be their free act and deed.

Before me, Horatia B. Smith
Notary Public

My Commission Expires:
February 10, 1991

Seal of Notary

In Presence of:

~~TOWN OF WEST WINDSOR~~

Margaret D Clough
First Witness

By Robert W. Farnsworth
Duly Authorized Agent
Margaret D Clough

Annie Burke
Second Witness

STATE OF VERMONT
WINDSOR COUNTY, SS.

At West Windsor, in the County and State aforesaid, personally appeared Robert W. Farnsworth who acknowledged this Agreement by him signed and sealed to be his free act and deed, and the free act and deed of the Town of West Windsor.

Before me, Horatia B. Smith
Notary Public

My Commission Expires:
February 10, 1991

Seal of Notary

West Windsor Town Clerk's Office:

Received for record this 11th day
of July 1989 at 6:40 P.M.

Recorded in Book 42 Page s 392-393
of Land Records.

Attest Pauline Aubette Town Clerk

TOWN OF WEST WINDSOR SELECTBOARD

ORDER OF DISCONTINUANCE OF A PORTION OF THE DULING ROAD

Based the Decision and Report Regarding the Discontinuance of a Portion of the Duling Road dated September, 30th 1997, the West Windsor Selectboard orders the discontinuance of a portion of the Duling Road specifically described as follows:

0.068 mi - "Beginning at the east end of the barway leading into the property now or formerly of Rojek, extending easterly approximately 360' to the point opposite the cellar hole marking the Bowers former homestead."

Dated this 30th day of September, 1997 in the town of West Windsor and state of Vermont.

By: Theodore R. Siegler NICE CHAIRMAN
Theodore R. Siegler, Chair
West Windsor Selectboard

West Windsor Town Clerk's Office:

Received for record this 30th day

of September 19 97 at 3:55 PM

Recorded in Book 57 Page 387-389
of Land Records

Attest: Cathy R. Archibald Town Clerk

TOWN OF WEST WINDSOR SELECTBOARD

**DECISION AND REPORT
REGARDING THE DISCONTINUANCE OF A PORTION OF THE DULING ROAD**

On March 11, 1997, a petition was submitted to the Town Clerk requesting that the West Windsor Selectboard discontinue approximately 300' of Town Highway 49 (known as the Duling Road). The section of road that was the subject of the petition is Class IV. Pursuant to 19 V.S.A., Section 709, the West Windsor Selectboard examined the premises on Monday, April 28, 1997 at 8:00 a.m. and held a public hearing beginning Monday, May 12, 1997 at 6:30 p.m. The hearing was continued on June 5, 1997, July 14, 1997, and July 25, 1997, at which time the hearing was adjourned. Consistent with statutory requirements, notification of the examination of the premises and hearing was sent by certified mail, postage prepaid, to all petitioners, persons owning or interested in lands through which the highway passes or abuts, and the municipal planning commission.

Based on the examination of the premises, and evidence and testimony presented on or before the public hearing, the following findings are made:

1. In response to a dispute between Linda Busch and the town of West Windsor ("Town") as to whether or not a section of what was known as King's Highway was a town road, the Superior Court found in April of 1982 that the "portion of the King's Highway from the westerly .05 mile conceded to be a town road to a point opposite the cellar hole marking the Bowers former homestead is a Town Highway." (The westerly section of the road begins at Rush Meadow Road and is now known as the Duling Road from the point of beginning to the Bowers cellar hole.) The section of road running .6 mile west from Silver Hill Road was conceded by all parties to be a town road. The court found that the "portion of the King's Highway from the Bowers cellar hole to the easterly .6 mile conceded to be a town road is not found to be a Town Highway." Although there was no argument that the entire length of the road (from Rush Meadow Road to Silver Hill Road) was historically used as a through road, the court found that "mere usage does not demonstrate an affirmative acceptance of responsibility on the part of the town." The entire length of the road has been in regular, continuous use as a recreational trail by horseback and horse carriage riders and others.

2. In July of 1985, Frederick and Linda Busch reached an agreement with the Town in regard to bringing a portion of the Duling Road to Class III standards. In April of 1986, the town of West Windsor accepted .38 miles of the Duling Road as a Class III Road and began maintaining a total of .43 miles of the road. The section of road between the truck turnaround (the terminal point of the .43 miles) and the Bowers cellar hole remained a Class IV road.

3. In June of 1993, Frederick Busch applied to the Zoning Board of Adjustment for a variance of the front setback requirement

to construct a garage. The road frontage was along the Class IV section of the Duling Road. The ZBA denied the request for a variance and a 1993 appeal of the ZBA decision to Superior Court was turned down.

4. In March, 1997, a petition was submitted requesting that the West Windsor Selectboard discontinue the portion of the Duling Road from the truck turnaround to the Bowers cellar hole.

5. The two main issues raised in response to the request for discontinuance were 1) the ability of the property owners to the north of the Duling Road to retain access to their land, and 2) the ability of recreational trail users to continue to use the entire length of the road from Silver Hill Road to Rush Meadow Road.

6. In response to the above concerns, Frederick and Linda Busch offered to grant a trail easement for non-motorized traffic over their land from the eastern end of the barway leading into the property now owned by Rojek to the westerly .6 mile section of town road, if the Town would discontinue the section of the Duling Road from the eastern end of the barway to the Bowers cellar hole.

It was the judgment of the West Windsor Selectboard that the arrangement noted in Finding #6 above would serve the public good, necessity and convenience of the inhabitants of the municipality by 1) affording continued access from a town road to the land currently owned by Rojek, 2) establishing a permanent right-of-way between the two legally recognized sections of town road for non-motorized recreational trail use and 3) creating a situation that would allow Frederick and Linda Busch to construct their garage in conformance with the West Windsor Zoning Regulations.

Based on the above findings and conclusions, it is the decision of the West Windsor Selectboard to discontinue a portion of the Duling Road and simultaneously accept a trail easement over the land now owned by Frederick and Linda Busch, thereby establishing a continuous right-of-way between Rush Meadow Road and Silver Hill Road.

Dated the 30th day of September, 1997 in the town of West Windsor and state of Vermont.

By: Theodore R. Siegler, VICE CHAIRMAN
Theodore R. Siegler, Vice Chair
West Windsor Selectboard

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, FREDERICK and LINDA BUSCH, husband and wife, both of West Windsor, County of Windsor, State of Vermont, Grantors,

in the consideration of ONE DOLLAR and other valuable consideration paid to our full satisfaction by

THE TOWN OF WEST WINDSOR, County of Windsor, State of Vermont, Grantee,

BY THESE PRESENTS, DO FREELY GIVE, GRANT, SELL, CONVEY and CONFIRM unto the said Grantee,

THE TOWN OF WEST WINDSOR, and its successors and assigns,

The right, privilege and permission to use a certain strip of land not to exceed twenty (20) feet, in width across the property owned by the Grantors in West Windsor, Vermont, more particularly located and described as follows:

Beginning at the eastern terminus of Town Highway #49 and proceeding in an easterly direction over and along the portion of the roadway commonly known as Kings Highway, for a distance of 1800 feet, more or less, to the eastern boundary of property owned by the Grantors. Meaning and intending to convey to the Grantees herein a right of way along the northerly edge of the Grantors' property.

This easement is granted with the express condition that it is limited to use by persons on foot, bicycle, horseback, or horse drawn vehicles only. This easement shall not be available for the use by any individual operating any type of motorized vehicle, including but not limited to any type of four wheel drive motor vehicle, all terrain vehicle, motorcycle, motorbike, snowmobile or other mechanized transportation. The Grantee shall erect and maintain signs at each end of the right-of-way that indicates that motor vehicles are prohibited.

Excepting from this provision, however, that the Grantee shall have the right to allow persons to enter upon the easement for purposes of building, maintaining, repairing or rebuilding the roadway, bridges, or culverts, as may be necessary to make the easement safely passable by pedestrians, bicyclists and horses, so long as reasonable notice of the intention to enter upon the easement for such purpose is given to the Grantors.

It is understood and agreed that the Grantors shall be not be responsible for the construction, maintenance, and repairs to the easement area. Provided, however, that any damage to the easement that inhibits the use and enjoyment of the easement that is caused by the Grantors or their agents shall be repaired at

the expense of the Grantors. It is further understood and agreed that the Grantors shall have the right to gate off each end of the right of way from November 1st through April 1st to prevent any type of motorized vehicles from using the right of way, but such gate will not prohibit or interfere with the anticipated permitted use by pedestrians, bicycles, horseback or horse drawn vehicles .

The Grantee, its successors and assigns, will be accorded the peaceful use and enjoyment of these uses set forth herein.

It is the purpose and intent of this easement deed to grant the specific rights, privileges, and permissions set forth herein to the Town of West Windsor in anticipation that such rights, privileges and permissions will be generally enjoyed by the public. As such, the general public will be viewed as the successors and assigns of the Grantee herein.

TO HAVE AND TO HOLD all right and title in and to said easement, with the appurtenances thereof, to the said

THE TOWN OF WEST WINDSOR,

and to its assigns forever.

IN WITNESS WHEREOF, we hereunto set our hands and seals this 23rd day of July, A.D., 1997.

In Presence Of:

Phyllis F. Bowers
Witness to both

Frederick C. Busch
Frederick Busch

Linda Busch
Linda Busch

STATE OF VERMONT
WINDSOR COUNTY, SS.

At West Windsor, in the County and State aforesaid, on this 23rd day of July, 1997, personally appeared FREDERICK and LINDA BUSCH, who acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me, Henry C. Badgley
Notary Public

My Commission Expires: 2/10/99

Seal of Notary

Vermont Property Transfer Tax
82 V.S.A. Chap. 291
ACKNOWLEDGMENT
Return Rec'd... Tax Paid... Board of Health Cert. Rec'd...
Vt. Land Use & Development Plans Act Cert. Rec'd.
Return No. 38-97
Attest Cathy B. Ambrose, Clerk
Date September 29, 1997

West Windsor Town Clerk's Office:
Received for record this 30th day
of September 19 97 at 3:56 PM
Recorded in Book 57 Page 390-391
of Land Records
Attest Cathy B. Ambrose Town Clerk

TOWN OF WEST WINDSOR SELECTBOARD

ORDER OF DISCONTINUANCE OF A PORTION OF THE DULING ROAD

Based the Decision and Report Regarding the Discontinuance of a Portion of the Duling Road dated September, 30th 1997, the West Windsor Selectboard orders the discontinuance of a portion of the Duling Road specifically described as follows:

"Beginning at the east end of the barway leading into the property now or formerly of Rojek, extending easterly approximately 360' to the point opposite the cellar hole marking the Bowers former homestead."

Dated this 30th day of September, 1997 in the town of West Windsor and state of Vermont.

By: Theodore R. Siegler, VICE CHAIRMAN
Theodore R. Siegler, Chair
West Windsor Selectboard

West Windsor Town Clerk's Office:

Received for record this 30th day

of September 19 97 at 3:55 PM

Recorded in Book 57 Page 387-389

of Land Records:

Attest Cathy R. Archibald Town Clerk

TOWN OF WEST WINDSOR SELECTBOARD

DECISION AND REPORT

REGARDING THE DISCONTINUANCE OF A PORTION OF THE DULING ROAD

On March 11, 1997, a petition was submitted to the Town Clerk requesting that the West Windsor Selectboard discontinue approximately 300' of Town Highway 49 (known as the Duling Road). The section of road that was the subject of the petition is Class IV. Pursuant to 19 V.S.A., Section 709, the West Windsor Selectboard examined the premises on Monday, April 28, 1997 at 8:00 a.m. and held a public hearing beginning Monday, May 12, 1997 at 6:30 p.m. The hearing was continued on June 5, 1997, July 14, 1997, and July 25, 1997, at which time the hearing was adjourned. Consistent with statutory requirements, notification of the examination of the premises and hearing was sent by certified mail, postage prepaid, to all petitioners, persons owning or interested in lands through which the highway passes or abuts, and the municipal planning commission.

Based on the examination of the premises, and evidence and testimony presented on or before the public hearing, the following findings are made:

1. In response to a dispute between Linda Busch and the town of West Windsor ("Town") as to whether or not a section of what was known as King's Highway was a town road, the Superior Court found in April of 1982 that the "portion of the King's Highway from the westerly .05 mile conceded to be a town road to a point opposite the cellar hole marking the Bowers former homestead is a Town Highway." (The westerly section of the road begins at Rush Meadow Road and is now known as the Duling Road from the point of beginning to the Bowers cellar hole.) The section of road running .6 mile west from Silver Hill Road was conceded by all parties to be a town road. The court found that the "portion of the King's Highway from the Bowers cellar hole to the easterly .6 mile conceded to be a town road is not found to be a Town Highway." Although there was no argument that the entire length of the road (from Rush Meadow Road to Silver Hill Road) was historically used as a through road, the court found that "mere usage does not demonstrate an affirmative acceptance of responsibility on the part of the town." The entire length of the road has been in regular, continuous use as a recreational trail by horseback and horse carriage riders and others.

2. In July of 1985, Frederick and Linda Busch reached an agreement with the Town in regard to bringing a portion of the Duling Road to Class III standards. In April of 1986, the town of West Windsor accepted .38 miles of the Duling Road as a Class III Road and began maintaining a total of .43 miles of the road. The section of road between the truck turnaround (the terminal point of the .43 miles) and the Bowers cellar hole remained a Class IV road.

3. In June of 1993, Frederick Busch applied to the Zoning Board of Adjustment for a variance of the front setback requirement

to construct a garage. The road frontage was along the Class IV section of the Duling Road. The ZBA denied the request for a variance and a 1993 appeal of the ZBA decision to Superior Court was turned down.

4. In March, 1997, a petition was submitted requesting that the West Windsor Selectboard discontinue the portion of the Duling Road from the truck turnaround to the Bowers cellar hole.

5. The two main issues raised in response to the request for discontinuance were 1) the ability of the property owners to the north of the Duling Road to retain access to their land, and 2) the ability of recreational trail users to continue to use the entire length of the road from Silver Hill Road to Rush Meadow Road.

6. In response to the above concerns, Frederick and Linda Busch offered to grant a trail easement for non-motorized traffic over their land from the eastern end of the barway leading into the property now owned by Rojek to the westerly .6 mile section of town road, if the Town would discontinue the section of the Duling Road from the eastern end of the barway to the Bowers cellar hole.

It was the judgment of the West Windsor Selectboard that the arrangement noted in Finding #6 above would serve the public good, necessity and convenience of the inhabitants of the municipality by 1) affording continued access from a town road to the land currently owned by Rojek, 2) establishing a permanent right-of-way between the two legally recognized sections of town road for non-motorized recreational trail use and 3) creating a situation that would allow Frederick and Linda Busch to construct their garage in conformance with the West Windsor Zoning Regulations.

Based on the above findings and conclusions, it is the decision of the West Windsor Selectboard to discontinue a portion of the Duling Road and simultaneously accept a trail easement over the land now owned by Frederick and Linda Busch, thereby establishing a continuous right-of-way between Rush Meadow Road and Silver Hill Road.

Dated the 30th day of September, 1997 in the town of West Windsor and state of Vermont.

By: Theodore R. Siegler, VICE CHAIRMAN
Theodore R. Siegler, Vice Chair
West Windsor Selectboard

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, FREDERICK and LINDA BUSCH, husband and wife, both of West Windsor, County of Windsor, State of Vermont, Grantors,

in the consideration of ONE DOLLAR and other valuable consideration paid to our full satisfaction by

THE TOWN OF WEST WINDSOR, County of Windsor, State of Vermont, Grantee,

BY THESE PRESENTS, DO FREELY GIVE, GRANT, SELL, CONVEY and CONFIRM unto the said Grantee,

THE TOWN OF WEST WINDSOR, and its successors and assigns,

The right, privilege and permission to use a certain strip of land not to exceed twenty (20) feet, in width across the property owned by the Grantors in West Windsor, Vermont, more particularly located and described as follows:

Beginning at the eastern terminus of Town Highway #49 and proceeding in an easterly direction over and along the portion of the roadway commonly known as Kings Highway, for a distance of 1800 feet, more or less, to the eastern boundary of property owned by the Grantors. Meaning and intending to convey to the Grantees herein a right of way along the northerly edge of the Grantors' property.

This easement is granted with the express condition that it is limited to use by persons on foot, bicycle, horseback, or horse drawn vehicles only. This easement shall not be available for the use by any individual operating any type of motorized vehicle, including but not limited to any type of four wheel drive motor vehicle, all terrain vehicle, motorcycle, motorbike, snowmobile or other mechanized transportation. The Grantee shall erect and maintain signs at each end of the right-of-way that indicates that motor vehicles are prohibited.

Excepting from this provision, however, that the Grantee shall have the right to allow persons to enter upon the easement for purposes of building, maintaining, repairing or rebuilding the roadway, bridges, or culverts, as may be necessary to make the easement safely passable by pedestrians, bicyclists and horses, so long as reasonable notice of the intention to enter upon the easement for such purpose is given to the Grantors.

It is understood and agreed that the Grantors shall be not be responsible for the construction, maintenance, and repairs to the easement area. Provided, however, that any damage to the easement that inhibits the use and enjoyment of the easement that is caused by the Grantors or their agents shall be repaired at

the expense of the Grantors. It is further understood and agreed that the Grantors shall have the right to gate off each end of the right of way from November 1st through April 1st to prevent any type of motorized vehicles from using the right of way, but such gate will not prohibit or interfere with the anticipated permitted use by pedestrians, bicycles, horseback or horse drawn vehicles .

The Grantee, its successors and assigns, will be accorded the peaceful use and enjoyment of thee uses set forth herein.

It is the purpose and intent of this easement deed to grant the specific rights, privileges, and permissions set forth herein to the Town of West Windsor in anticipation that such rights, privileges and permissions will be generally enjoyed by the public. As such, the general public will be viewed as the successors and assigns of the Grantee herein.

TO HAVE AND TO HOLD all right and title in and to said easement, with the appurtenances thereof, to the said

THE TOWN OF WEST WINDSOR,

and to its assigns forever.

IN WITNESS WHEREOF, we hereunto set our hands and seals this 23rd day of July, A.D., 1997.

In Presence Of:

Shelley F. Bowers
Witness to both

Frederick C. Busch
Frederick Busch

Linda Busch
Linda Busch

STATE OF VERMONT
WINDSOR COUNTY, SS.

At West Windsor, in the County and State aforesaid, on this 23rd day of July, 1997, personally appeared FREDERICK and LINDA BUSCH, who acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me, Henry C. Badgley
Notary Public

My Commission Expires: 2/10/99

Seal of Notary

Vermont Property Transfer Tax
32 V.S.A. Chap. 201
ACKNOWLEDGMENT
Return Rec'd. - Tax Paid - Board of Health Cert. Rec'd.
Vt. Land Use & Development Plans Act Cert. Rec'd.
Return No. 38-97
Colin B. Amundson, Clerk
R. September 29, 1997

West Windsor Town Clerk's Office:
Received for record this 30th day
of September 19 97 at 3:56 PM
Recorded in Book 57 Page 390-391
of Land Records
Attest Cathy B. Amundson Town Clerk

TOWN LENGTH IN MILES

HWY. NO.	CLASS 3	CLASS 4
3	1.37	
4	2.60	
5	2.24	2.29
6	5.99	
7	0.10	(0.30)
8	1.08	2.09
9	0.28	
11	0.40	
12	2.14	
13	0.50	(0.28)
14	0.28	(0.71)
15	0.09	
16	0.66	
17	0.35	
18	0.77	1.75
19	1.54	
21	0.90	
22	0.40	
23	0.61	
24		(0.05)
25	0.45	
26	0.67	(0.31)
26		(0.01)
27	0.03	
28	1.53	
29	0.50	
30	1.90	
31	1.30	
32	0.47	
33	0.81	
34	0.85	
35	0.25	
36	0.84	
37	1.36	
38	0.88	
39	0.07	
39		(0.11)
40	0.60	(0.12)
41	0.89	(0.16)
42	0.11	
43	0.04	
44	0.08	
47	0.04	0.05
48		(0.07)
49	0.43	10.67
50	0.16	
51	0.50	(0.85)
52	0.38	
53	0.90	
54	0.21	
55	0.44	
56	0.43	
57		(0.89)
TOTAL	41.17	4.55

* This portion of town highway is Class 3, but is functionally Class 4

MILEAGE SUMMARY

CLASS 2		
TH-1	4.700	
TH-2	1.231	
TOTAL CLASS 2	5.931	
CLASS 3		
TOTAL CLASS 3	41.170	46.98
TOTAL TOWN	47.101	46.711
STATE HIGHWAY		
VT-44	5.044	
TOTAL STATE HIGHWAY	5.044	
TOTAL STATE	5.044	

TOTAL, TRAVELED HIGHWAYS, FEB. 10, 2009: 52.145
(Excludes Class 4 and Legal Trail Mileage) 2010 57.955

LEGAL TRAIL

TRAIL NO.	LENGTH IN MILES
1	(0.33)
TOTAL	0.33

- HIGHWAYS**
- INTERSTATE
 - U.S. ROUTE
 - STATE ROUTE
 - CLASS 1
 - CLASS 2
 - CLASS 3
 - CLASS 4
 - LEGAL TRAIL
 - 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
 - HIGHWAY CLASS CHANGE
 - RAILROAD

- PUBLIC LAND**
- POLITICAL SUBDIVISIONS**
- STATE BOUNDARY
 - COUNTY BOUNDARY
 - TOWN BOUNDARY
 - VILLAGE BOUNDARY
 - URBAN COMPACT BOUNDARY
 - WATER BODIES
 - STREAM OR BROOK
- BRIDGE OR CULVERT**
- BRIDGE OR CULVERT GREATER THAN 20'
 - BRIDGE OR CULVERT 6' - 20'
 - TOWN SHORT STRUCTURE

B34 / C34 STATE BRIDGE OR CULVERT IDENTIFIER
B34 / C34 TOWN BRIDGE OR CULVERT IDENTIFIER

FEDERAL CLASSIFICATION IDENTIFIER

- FAU URBAN ARTERIAL OR COLLECTOR
- MA MINOR ARTERIAL
- MJC MAJOR COLLECTOR
- MNC MINOR COLLECTOR
- PA PRINCIPAL ARTERIAL

STRUCTURES - SURFACE WATER NOTE:

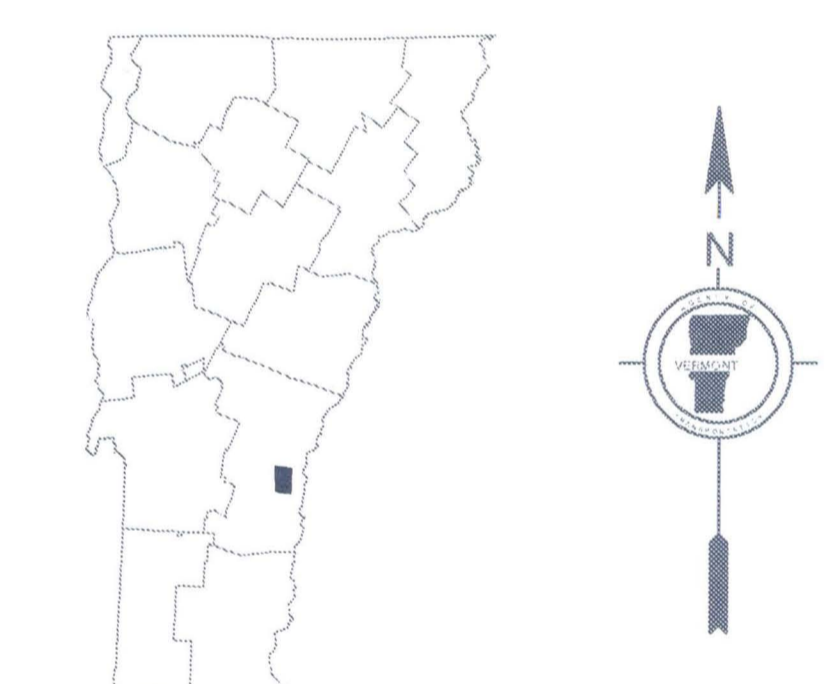
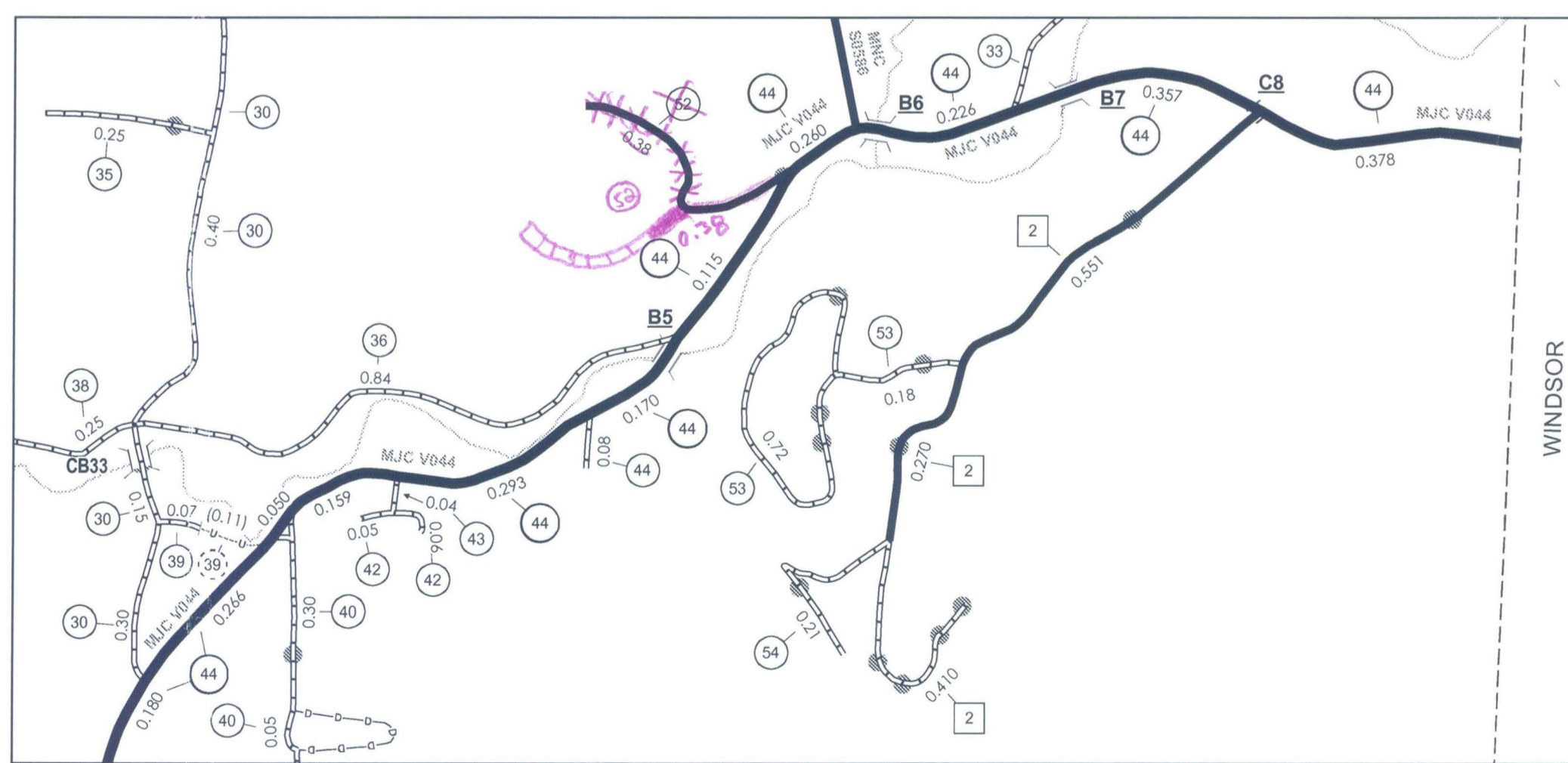
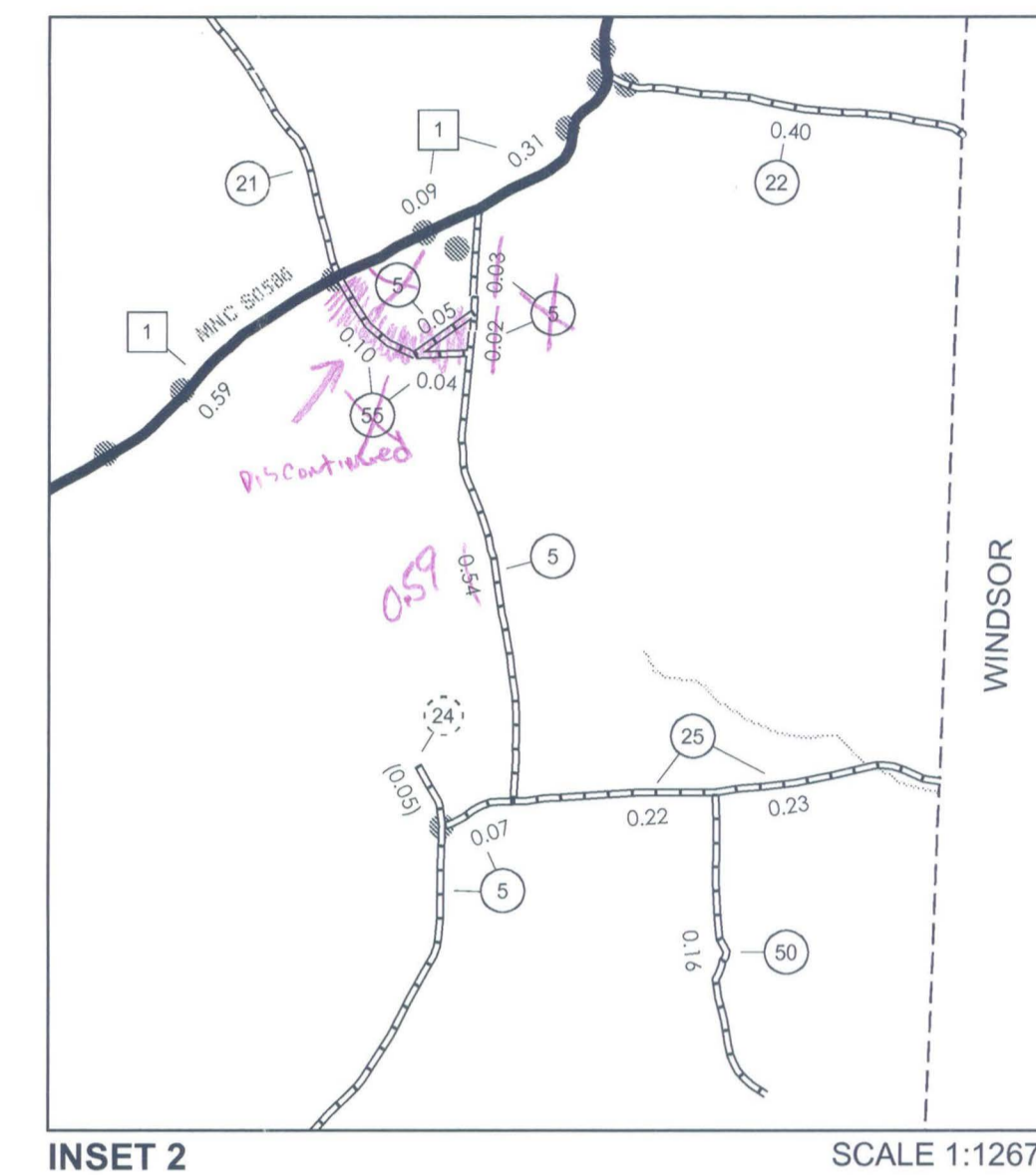
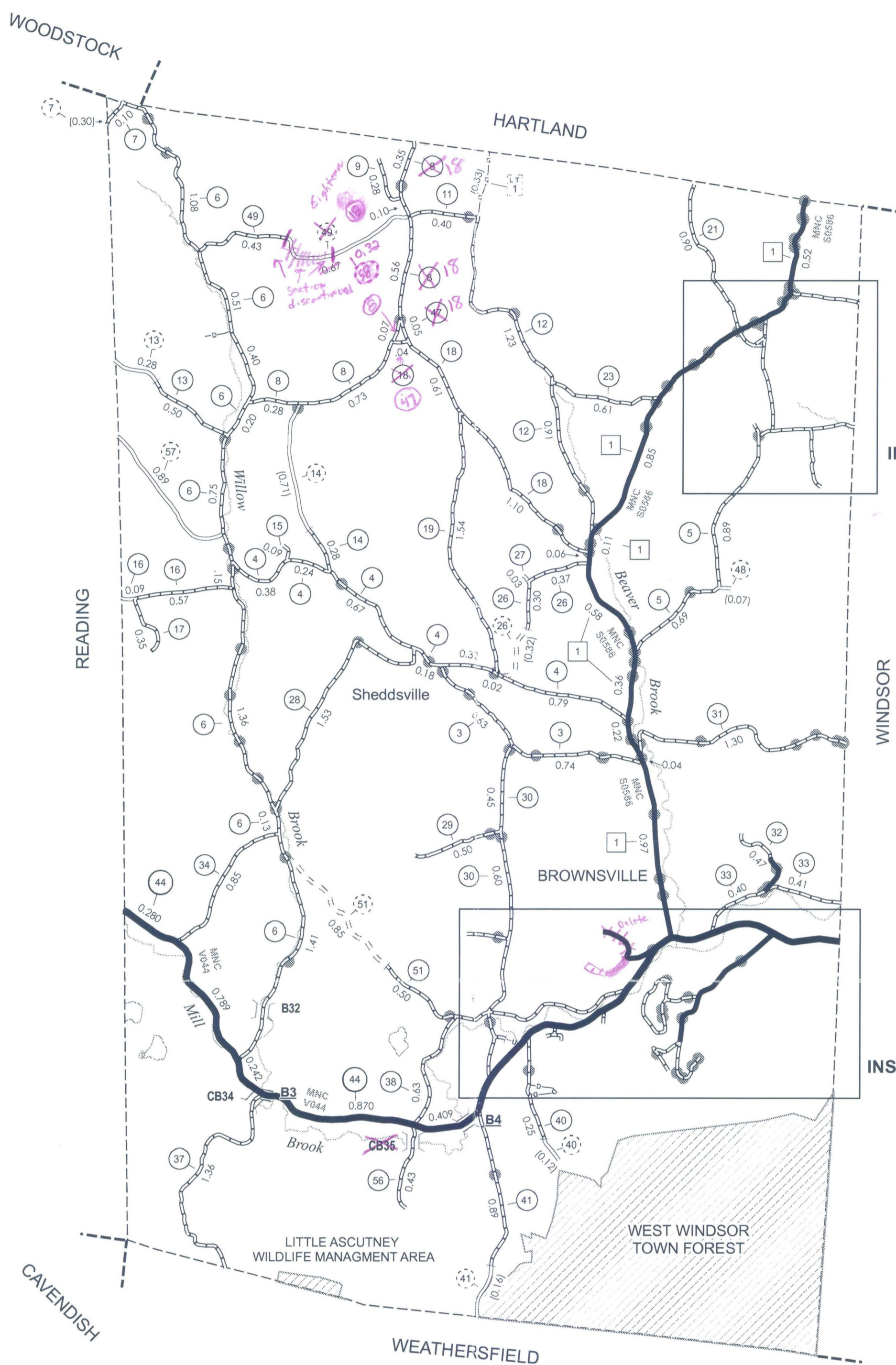
STRUCTURES: Town short structures (bridges or culverts from 4-feet to less than 20-feet) are drawn from the Vermont Online Bridge & Culvert Inventory Tool (VOBCIT) database.
NOTE: Town shorts are not consistently tagged within VOBCIT.
The surface waters are from the Vermont Hydrological Dataset (VHD). Only the named streams are shown.

DISCLAIMER:

The untraveled highways (laid-out town highways), discontinued highways, and legal trails shown herein are those of which the Agency of Transportation has record; others may exist.
Highway and bridge data by the Agency of Transportation. All other data from the Vermont Center for Geographic Information.

Vermont State Plane Coordinate System
North American Datum of 1983
SPCS Zone Identifier: 4400
Geodetic Reference System 80
4,000-meter grid, Easting - Northing

Thomas O. Keegan
B. B. Brudtten
West Windsor Selectboard
February 10, 2010



VERMONT
GENERAL HIGHWAY MAP
**Town of
West Windsor**
WINDSOR COUNTY

Transportation District #4
Prepared by the
Vermont Agency of Transportation
Division of Planning, Outreach
and Community Affairs
in cooperation with
U.S. Department of Transportation
Federal Highway Administration

Mileage as of February 10, 2009
Map prepared August 11, 2009

SCALE 1:31,680

