

District 5, 8  
 Certcode 1210-0

**CERTIFICATE OF HIGHWAY MILEAGE  
 YEAR ENDING FEBRUARY 10, 2019**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2019 to:  
 Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section  
 One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of MIDDLESEX in WASHINGTON 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	0.000
Class 2	15.920	—	—	15.920	0.000
Class 3	32.70	—	0.6042 <sup>0.67</sup>	32.10	0.000 32.03
State Highway	16.940	0.001	—	16.941	0.000
<b>Total</b>	<b>65.560</b>			<b>64.891</b>	<b>0.000</b>
* Class 1 Lane	0.000	—	—	—	
* Class 4	9.03	0.248 <sup>0.30</sup>	—	9.278	0.000 9.33
* Legal Trail	3.32	—	—	—	

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

Adjustments by  
 S. Moulton 2019-03-14

**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).

- 0.19 mi CL3 TH-6 Nellie Chase Rd

- 0.10 mi CL3 TH-11 Merritt Rd

- 0.08 mi CL3 TH-42 Bolio Rd

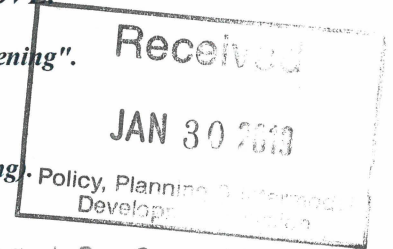
3. **RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).

+0.001 mi State Highway US-2 (from 5.639 mi to 5.640 mi) due to replacement of Bridge B55 -- Project IM 089-2(41) PIN 07A052

0.10 mi CL3 TH-4 Knapp Rd → CL4

0.20 mi CL3 Warren Rd → CL4

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]*

T/C/V Clerk Signature:

*[Handwritten signature: Sarah S. Newman]*

Date Filed:

1.8.2019

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL:

Signed copy will be returned to T/C/V Clerk.

APPROVED:

*[Handwritten signature]*  
 Representative, Agency of Transportation

DATE:

4/18/2019

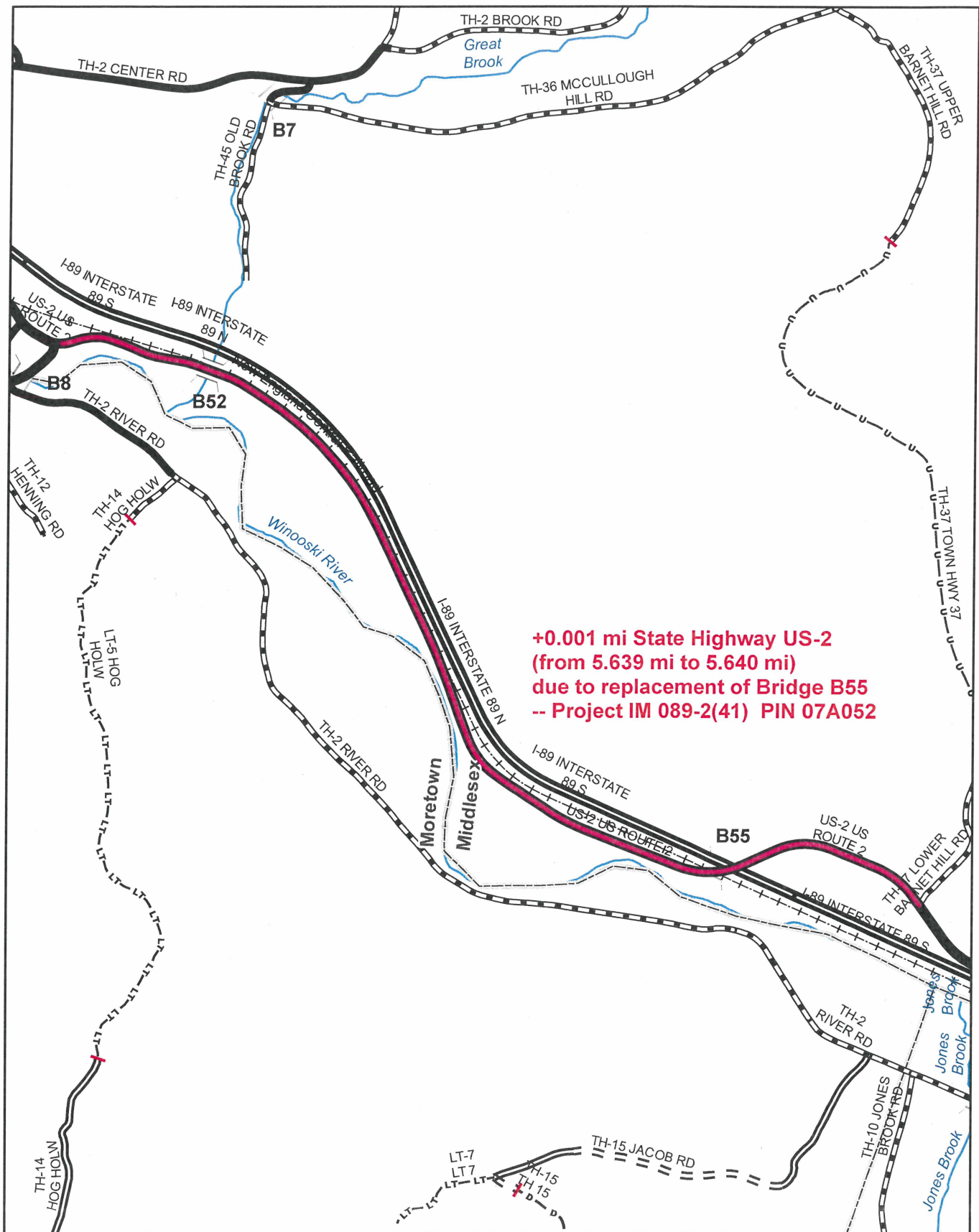
**MIDDLESEX**

3/15/2019

**Mileage Certificate Worksheet**

The mileage changes on the 2019 Certificate of Highway Mileage were adjusted based on the official mileage recorded for the changed highways (S. Moulton)

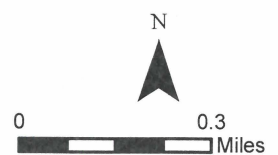
		<b>STATE HWY</b> <i>add</i>	<b>CLASS 3</b> <i>subtract</i>	<b>CLASS 4</b> <i>add</i>	
US-2		0.001			remeasured
TH-4	Knapp Rd		-0.10	0.10	reclassified
TH-6	Nellie Chase Rd		-0.19		discontinued
TH-11	Merritt Rd		-0.10		discontinued
TH-23	Warren Rd		-0.20	0.20	reclassified
TH-42	Bolio Rd		-0.08		discontinued
<b>subtotals</b>		<b>0.001</b>	<b>-0.67</b>	<b>0.30</b>	

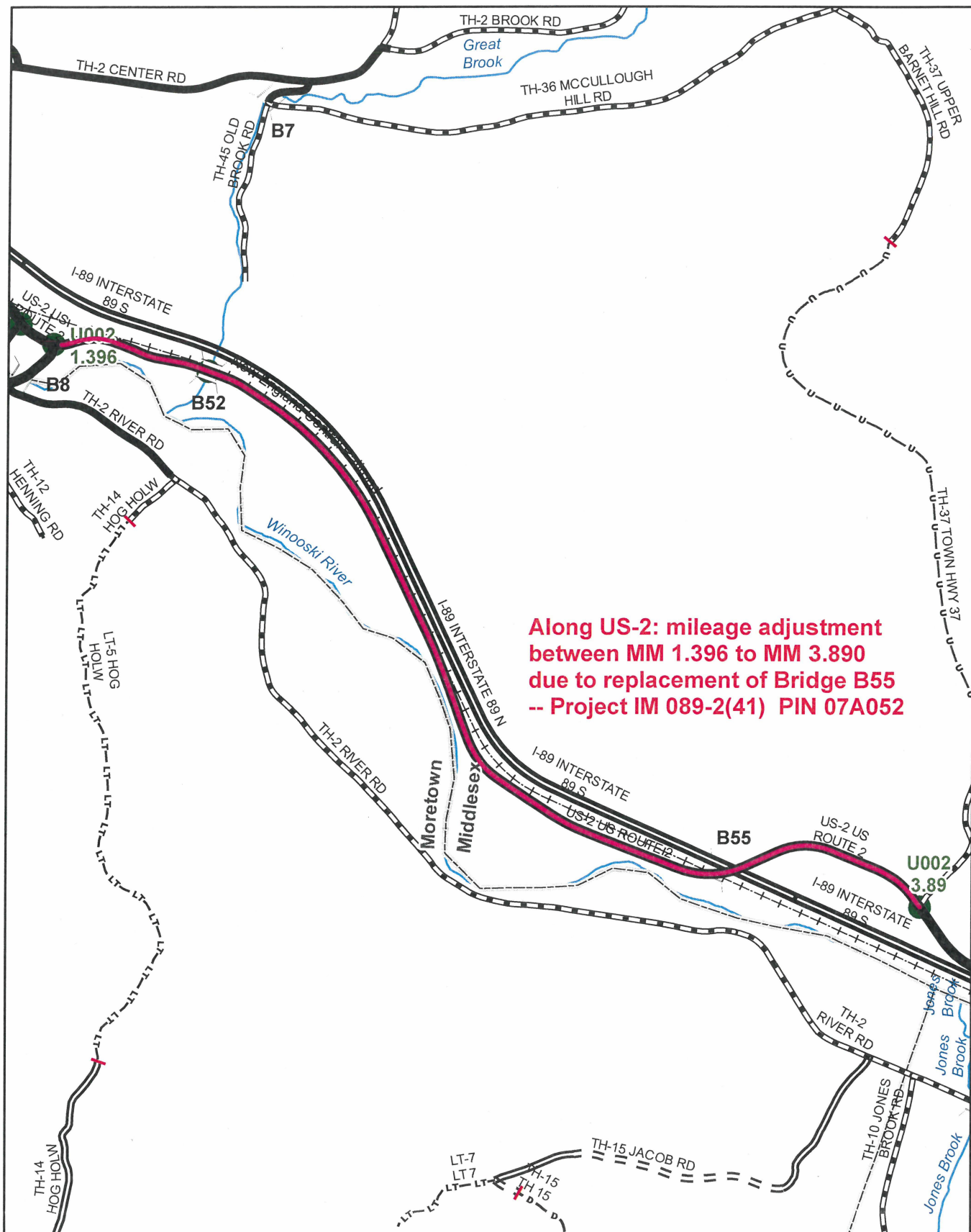


**+0.001 mi State Highway US-2  
 (from 5.639 mi to 5.640 mi)  
 due to replacement of Bridge B55  
 -- Project IM 089-2(41) PIN 07A052**

**Mileage Certificate Change 2019**  
**MIDDLESEX**  
 (CTUA: 1210-0)

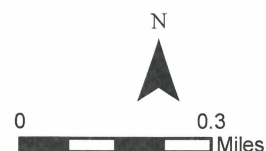
Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2019

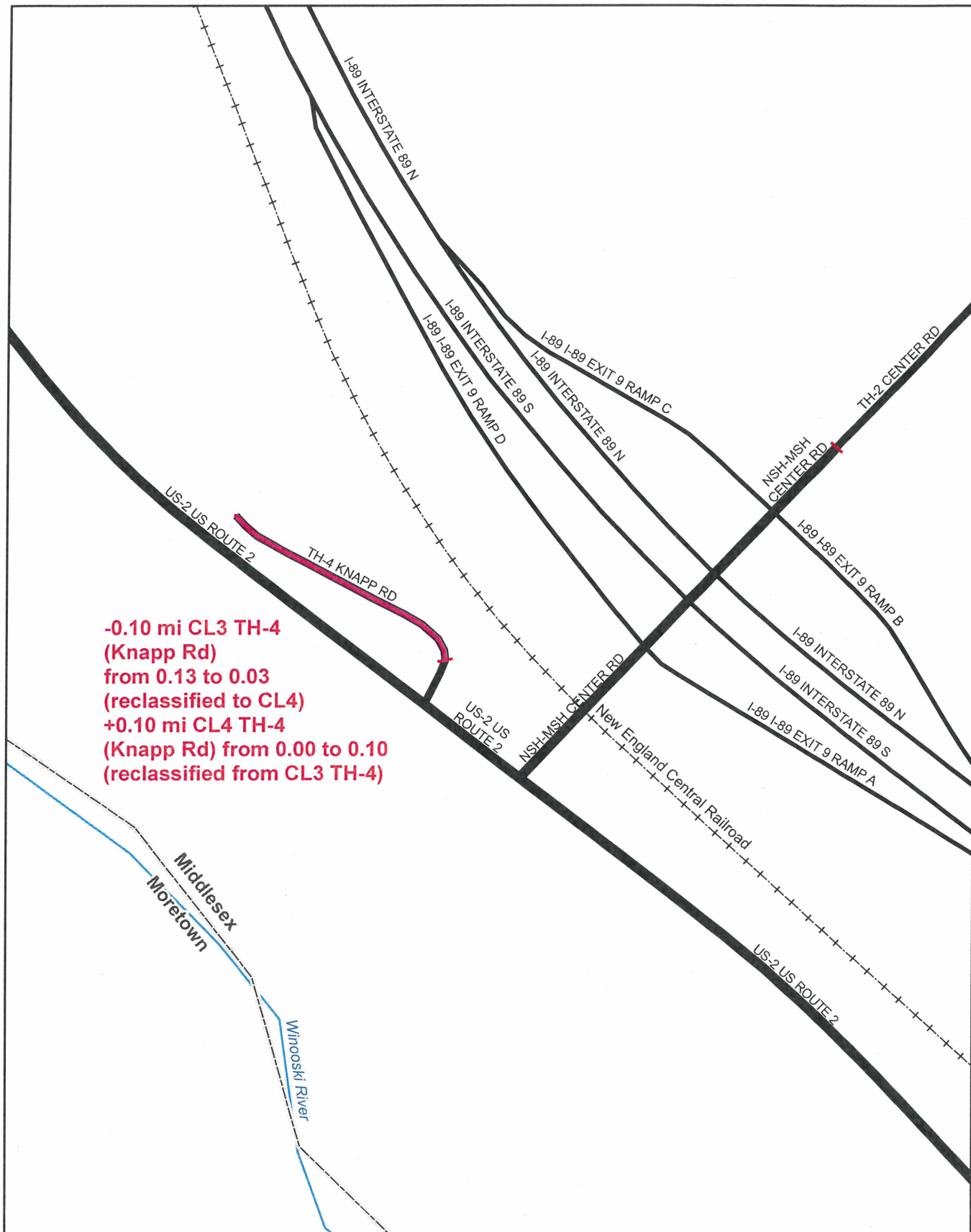




**Mileage Certificate Change 2019**  
**MIDDLESEX**  
 (CTUA: 1210-0)

Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2019

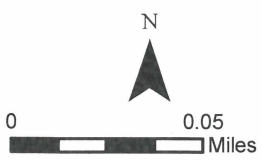


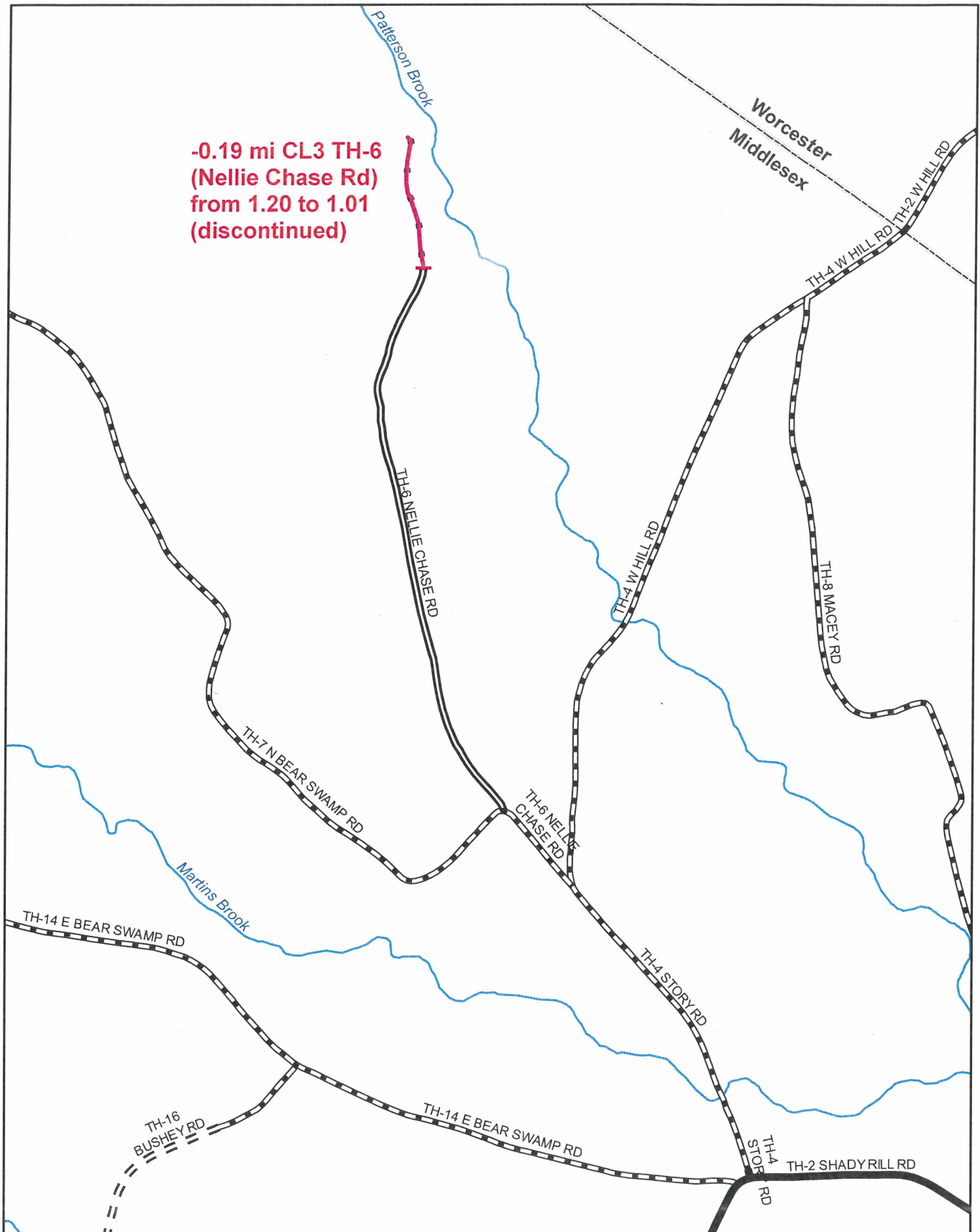


-0.10 mi CL3 TH-4  
 (Knapp Rd)  
 from 0.13 to 0.03  
 (reclassified to CL4)  
 +0.10 mi CL4 TH-4  
 (Knapp Rd) from 0.00 to 0.10  
 (reclassified from CL3 TH-4)

**Mileage Certificate Change 2019**  
**MIDDLESEX**  
 (CTUA: 1210-0)

Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2019

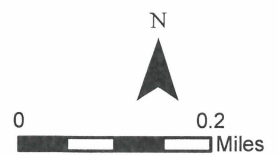


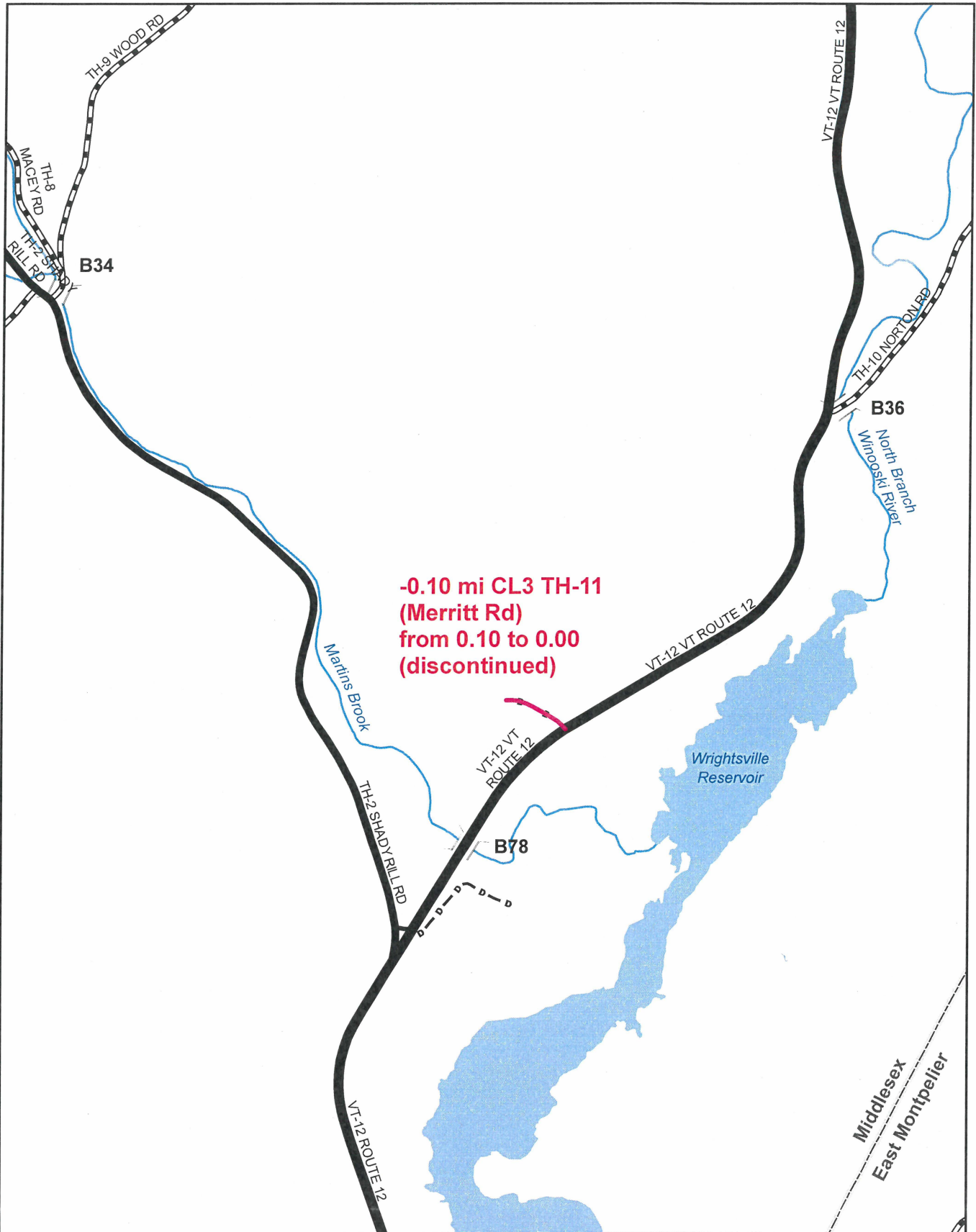


-0.19 mi CL3 TH-6  
 (Nellie Chase Rd)  
 from 1.20 to 1.01  
 (discontinued)

**Mileage Certificate Change 2019**  
**MIDDLESEX**  
 (CTUA: 1210-0)

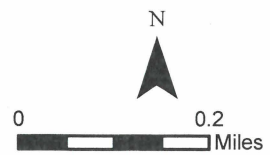
Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2019

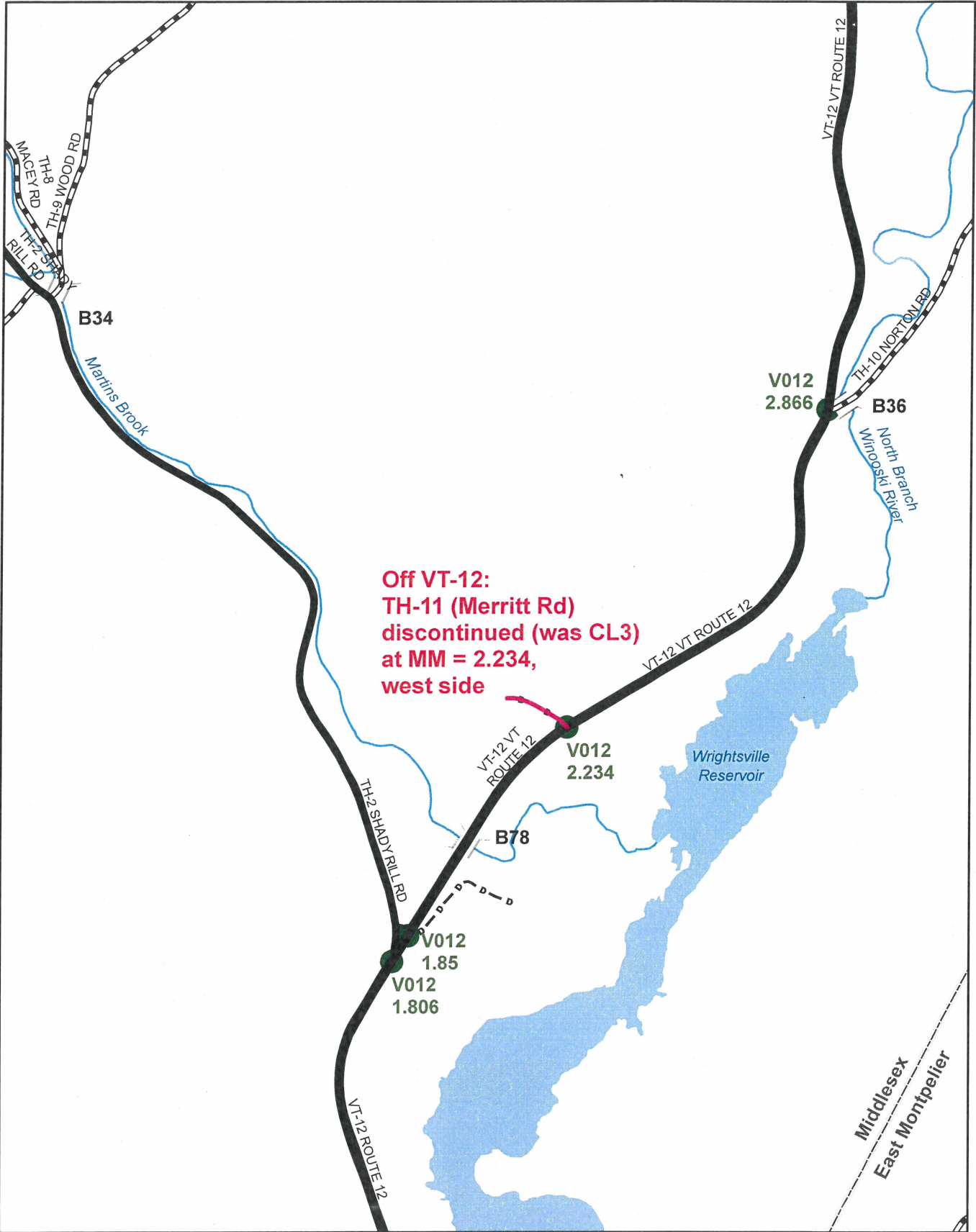




**Mileage Certificate Change 2019**  
**MIDDLESEX**  
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Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2019



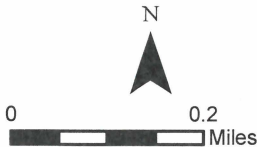


**Off VT-12:  
TH-11 (Merritt Rd)  
discontinued (was CL3)  
at MM = 2.234,  
west side**

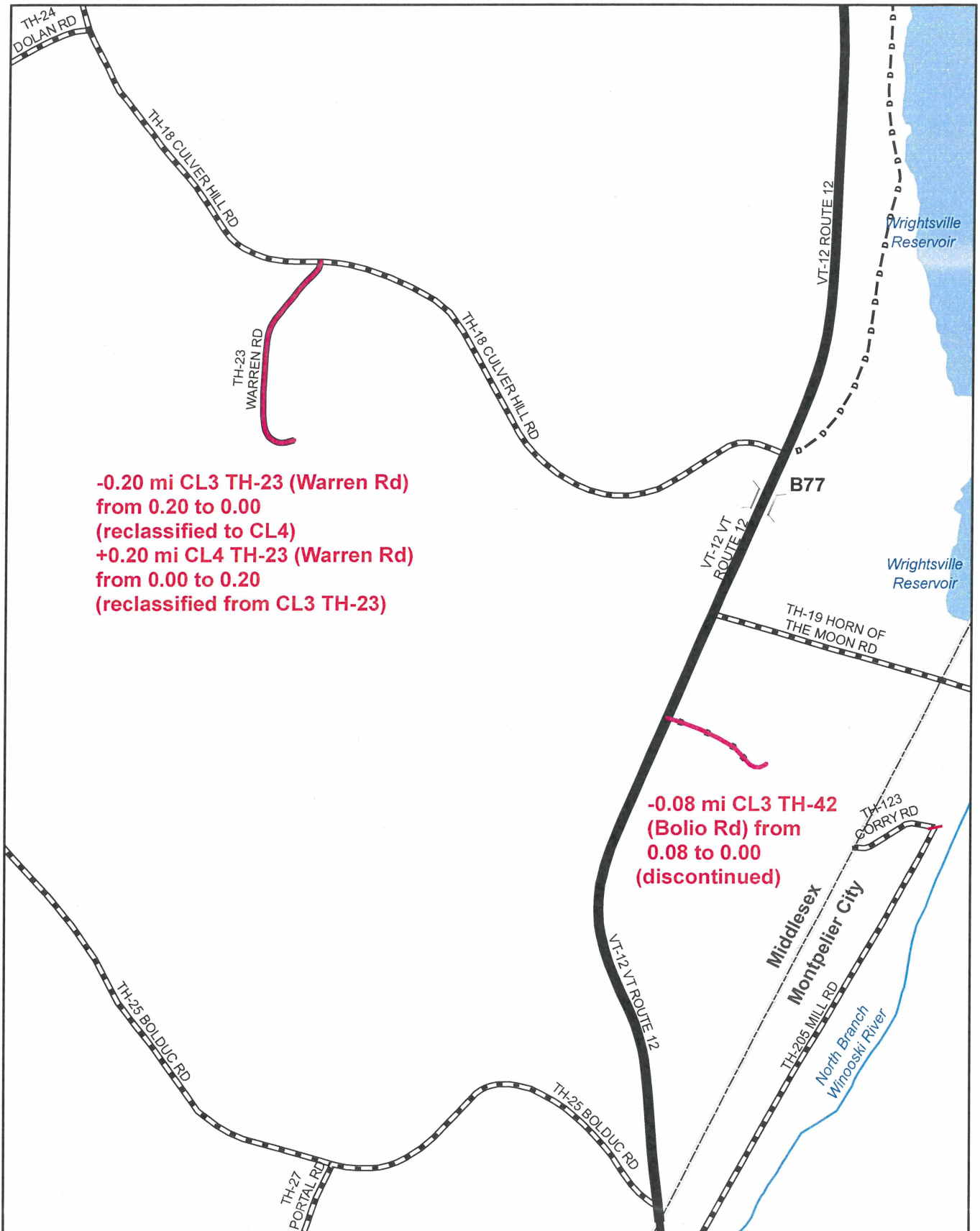
**Mileage Certificate Change 2019  
MIDDLESEX**

(CTUA: 1210-0)

Mapping Section  
Division of Policy, Planning and Intermodal Development  
Vermont Agency of Transportation - March 2019





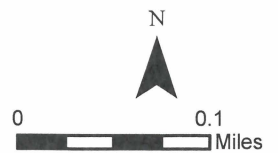


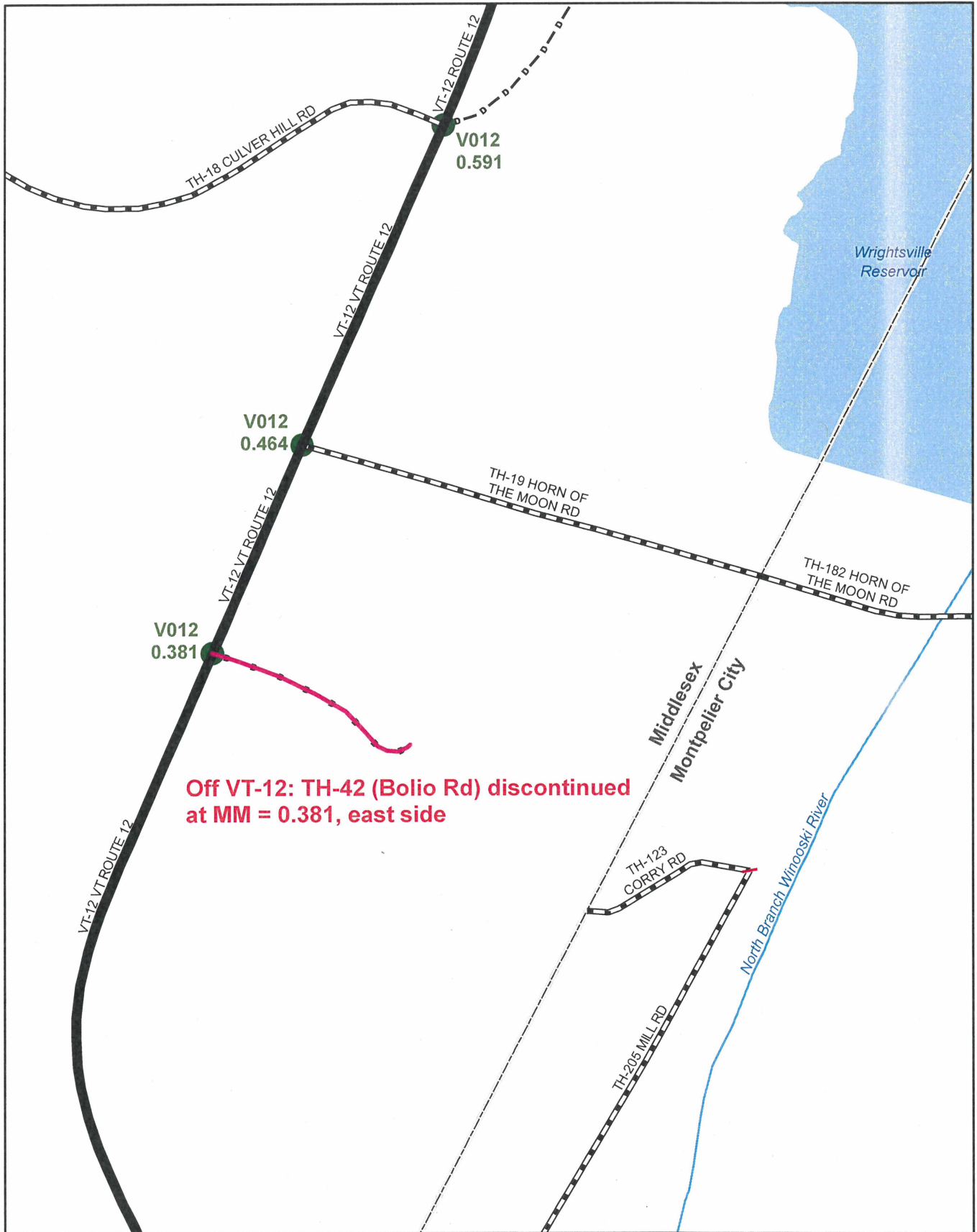
-0.20 mi CL3 TH-23 (Warren Rd)  
 from 0.20 to 0.00  
 (reclassified to CL4)  
 +0.20 mi CL4 TH-23 (Warren Rd)  
 from 0.00 to 0.20  
 (reclassified from CL3 TH-23)

-0.08 mi CL3 TH-42  
 (Bolio Rd) from  
 0.08 to 0.00  
 (discontinued)

**Mileage Certificate Change 2019**  
**MIDDLESEX**  
 (CTUA: 1210-0)

Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2019

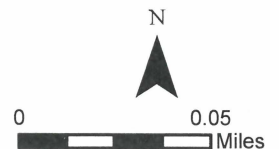




**Off VT-12: TH-42 (Bolio Rd) discontinued at MM = 0.381, east side**

**Mileage Certificate Change 2019**  
**MIDDLESEX**  
 (CTUA: 1210-0)

Mapping Section  
 Division of Policy, Planning and Intermodal Development  
 Vermont Agency of Transportation - March 2019



# TOWN OF MIDDLESEX

**Office of:**

**Town Clerk  
Treasurer  
Select Board  
Listers  
Board of Civil Authority  
Zoning Administrator  
Planning Commission  
Board of Abatement**

**5 Church Street  
Middlesex, Vermont 05602  
Tel. (802) 223-5915  
mdxclerk@comcast.net  
Fax: (802) 223-1298**

January 28, 2019

Vermont Agency of Transportation  
Division of Policy, Planning and Intermodal Development –  
Mapping Section  
1 National Life Drive  
Montpelier, VT 05633-5001

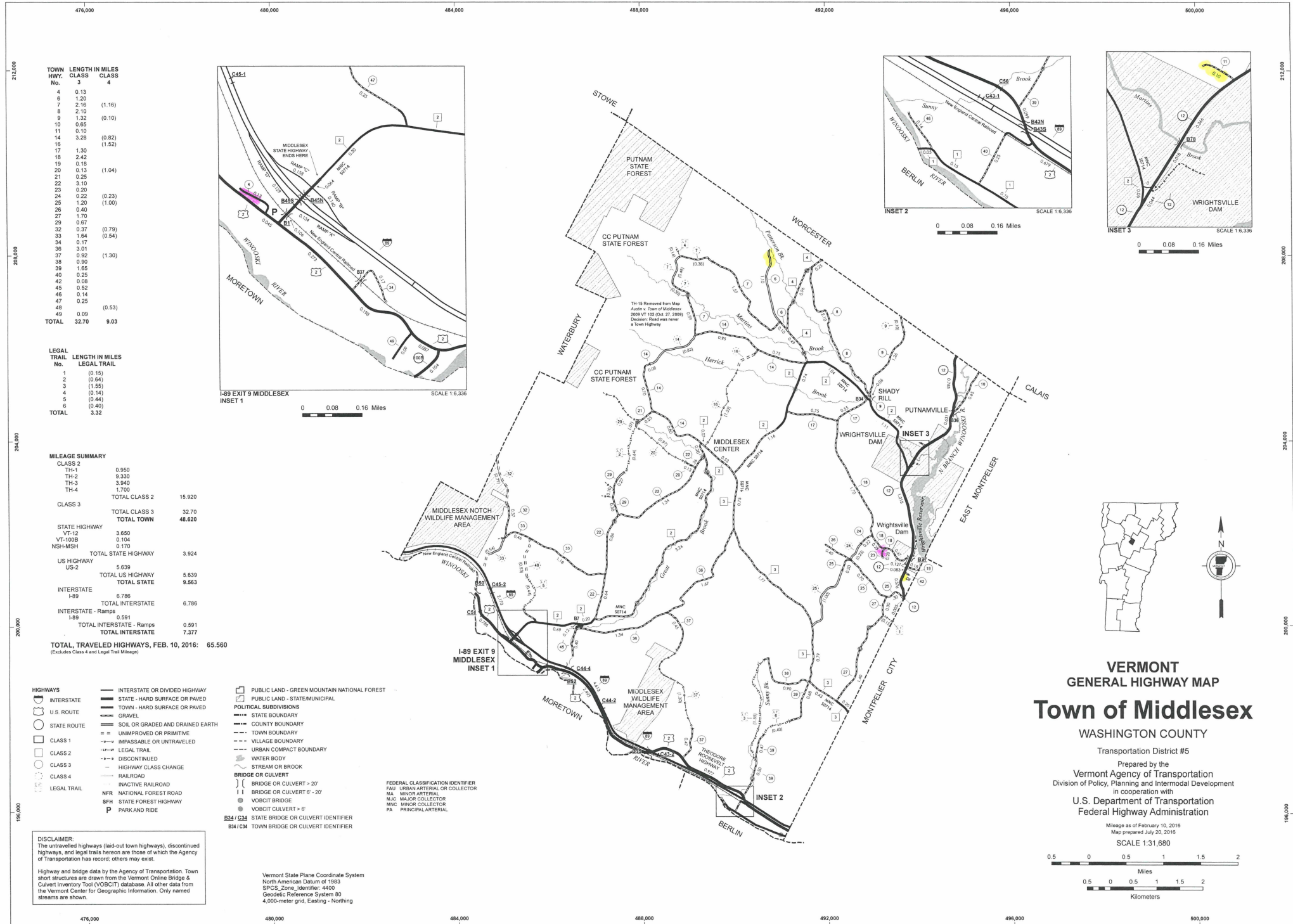
To Whom it May Concern:

Please find attached the Certificate of Highway Mileage for year ending February 10, 2019 signed by the Middlesex Select Board. You will note that the Board downgraded/discontinued several roads in 2018. I have attached the following in support of the mileage changes:

- A copy of the Board's signed and recorded orders outlining the procedural history plus the findings, conclusions and order of the Select Board from August 27, 2018.
- A copy of the signed Select Board Minutes of the above meeting.
- A copy of an AOT map of Middlesex with the downgraded sections highlighted in pink and the discontinued roads highlighted in yellow.

Please let me know if you need more information.

Sarah Merriman  
Town Clerk/Select Board Assistant



TOWN HWY. No.	LENGTH IN MILES CLASS 3	CLASS 4
4	0.13	
6	1.20	
7	2.16	(1.16)
8	2.10	
9	1.32	(0.10)
10	0.65	
11	0.10	
14	3.28	(0.82)
16		(1.52)
17	1.30	
18	2.42	
19	0.18	
20	0.13	(1.04)
21	0.25	
22	3.10	(0.23)
23	0.30	(1.00)
24	0.22	
25	1.20	
26	0.40	
27	1.70	
29	0.67	(0.79)
32	0.37	
33	1.64	(0.54)
34	0.17	
36	3.01	
37	0.92	(1.30)
38	0.30	
40	0.25	
42	0.38	
45	0.52	
46	0.14	
47	0.25	(0.53)
49	0.09	
<b>TOTAL</b>	<b>32.70</b>	<b>9.03</b>

LEGAL TRAIL No.	LENGTH IN MILES LEGAL TRAIL
1	(0.15)
2	(0.64)
3	(1.55)
4	(0.14)
5	(0.44)
6	(0.40)
<b>TOTAL</b>	<b>3.32</b>

**MILEAGE SUMMARY**

CLASS 2		
TH-1	0.950	
TH-2	9.330	
TH-3	3.940	
TH-4	1.700	
<b>TOTAL CLASS 2</b>	<b>15.920</b>	
<b>TOTAL CLASS 3</b>	<b>32.70</b>	
<b>TOTAL TOWN</b>	<b>48.620</b>	
STATE HIGHWAY		
VT-12	3.650	
VT-100B	0.104	
NSH-MSH	0.170	
<b>TOTAL STATE HIGHWAY</b>	<b>3.924</b>	
US HIGHWAY		
US-2	5.639	
<b>TOTAL US HIGHWAY</b>	<b>5.639</b>	
<b>TOTAL STATE</b>	<b>9.563</b>	
INTERSTATE		
I-89	6.786	
<b>TOTAL INTERSTATE</b>	<b>6.786</b>	
INTERSTATE - Ramps		
I-89	0.591	
<b>TOTAL INTERSTATE - Ramps</b>	<b>0.591</b>	
<b>TOTAL INTERSTATE</b>	<b>7.377</b>	
<b>TOTAL TRAVELED HIGHWAYS, FEB. 10, 2016:</b>	<b>65.560</b>	

(Excludes Class 4 and Legal Trail Mileage)

- HIGHWAYS**
- 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
  - CLASS 1
  - CLASS 2
  - CLASS 3
  - CLASS 4
  - LEGAL TRAIL
  - DISCONTINUED
  - HIGHWAY CLASS CHANGE
  - RAILROAD
  - INACTIVE RAILROAD
  - NFR NATIONAL FOREST ROAD
  - SFH STATE FOREST HIGHWAY
  - PARK AND RIDE

- PUBLIC LAND - GREEN MOUNTAIN NATIONAL FOREST
- PUBLIC LAND - STATE/MUNICIPAL
- POLITICAL SUBDIVISIONS
- STATE BOUNDARY
- COUNTY BOUNDARY
- TOWN BOUNDARY
- VILLAGE BOUNDARY
- URBAN COMPACT BOUNDARY
- WATER BODY
- STREAM OR BROOK
- BRIDGE OR CULVERT
- BRIDGE OR CULVERT > 20'
- BRIDGE OR CULVERT 6' - 20'
- VOBCIT BRIDGE
- VOBCIT CULVERT > 6'
- STATE BRIDGE OR CULVERT IDENTIFIER
- TOWN BRIDGE OR CULVERT IDENTIFIER

- FEDERAL CLASSIFICATION IDENTIFIER**
- FAU URBAN ARTERIAL OR COLLECTOR
  - MA MINOR ARTERIAL
  - MC MAJOR COLLECTOR
  - MNC MINOR COLLECTOR
  - PA PRINCIPAL ARTERIAL

**DISCLAIMER:**  
The untraveled highways (laid-out town highways), discontinued highways, and legal trails hereon are those of which the Agency of Transportation has record; others may exist.  
Highway and bridge data by the Agency of Transportation. Town short structures are drawn from the Vermont Online Bridge & Culvert Inventory Tool (VOBCIT) database. All other data from the Vermont Center for Geographic Information. Only named streams are shown.

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

**VERMONT GENERAL HIGHWAY MAP**  
**Town of Middlesex**  
WASHINGTON COUNTY  
Transportation District #5  
Prepared by the  
Vermont Agency of Transportation  
Division of Policy, Planning and Intermodal Development  
in cooperation with  
U.S. Department of Transportation  
Federal Highway Administration  
Mileage as of February 10, 2016  
Map prepared July 20, 2016  
SCALE 1:31,680

## **TOWN OF MIDDLESEX**

### **Findings, Conclusions and Order of Town of Middlesex Select Board**

**Discontinuance of Bolio Road (Town Highway 42)  
Reclassification of Warren Road (Town Highway 23)  
Discontinuance of Merritt Road (Town Highway 11)  
Discontinuance of a portion of Chase Road (Town Highway 6)  
Reclassification of a portion of Knapp Road (Town Highway 4)**

This report of findings is produced by the Middlesex Select Board which initiated proceedings to reclassify Bolio, Warren, Merritt, Knapp and a portion of Chase roads per 19 V.S.A. §708, et seq.

#### **Procedural History**

At its March 13, 2018, regular meeting, the Middlesex Select Board chose as one its 2018 goals to downgrade from Class 3 to Class 4 all roads in Town that serve no more than one house: Merritt, Warren, Bolio, Knapp and the end of Chase Roads. Colby Road was omitted for now due to questions about its current legal status.

On May 8, 2018, as a duly warned agenda item at a regular meeting, the Middlesex Select Board approved beginning the process to downgrade all or portions of the above roads as outlined in Title 19 of the Vermont Statutes Annotated, Chapter 7, amended. The same motion also stated the following: *alternatively, the Board may decide after the June 26, 2018, site visits and subsequent public hearing, to discontinue all or sections of the following roads: Bolio, Warren, Merritt, part of Chase and part of Knapp.*

At the same meeting, the Board signed a Public Notice which on May 10, 2018, was posted in the following places: the Middlesex Town Clerk's Office, Middlesex Town Hall and Rumney Memorial School and on the homepage of the Town's website – middlesexvermont.org.

Abutting landowners and the Middlesex Planning Commission were mailed the Public Notice by certified and regular mail on May 10, 2018.

The Public Notice was also published as a legal ad in the May 12-13, 2018, edition of the Times Argus, the newspaper of record.

A copy of the Town of Middlesex, Vermont Agency of Transportation highway map was posted in the Town Clerk's Office with the pertinent roads highlighted.

On June 22, 2018, abutting landowners were sent by regular mail reminders of the June 26, 2018, site visit and public hearing.

On June 26, 2018, the Select Board visited the roads in question and subsequently held a public hearing which several affected landowners attended. The hearing was recorded and minutes were kept. In addition, correspondence from the following abutting landowners was received and entered into the record:

- A handwritten note from William Reinecke of Warren Road received by the Town Clerk on June 25, 2018.
- A May 9, 2018, email from Connor Brothers Middlesex, LLC of Knapp Road
- A June, 26, 2018 email from Debby, Barry and Sarah Bolio of Bolio Road

In addition, the Board took testimony from the following:

- Patrick and Tamara White of Merritt Road
- Casey Ellison of Chase Road
- Stephen Connor of Connor Brothers Middlesex, LLC.

At the public hearing's conclusion, the Board scheduled the matter to be discussed at a regularly scheduled meeting of the Select Board on July 24, 2018.

RECEIVED & RECORDED  
Aug 08, 2018 02:00P  
DOCUMENT TYPE: MISCELLANEOUS RECORDING  
DOCUMENT NUMBER: 00014711  
SARAH HERRINAN, TOWN CLERK  
MIDDLESEX, VT

On July 19, 2018, abutting landowners were mailed a copy of the June 26, 2018, Select Board minutes and an agenda for the July 24, 2018, Select Board meeting as reminders.

On July 24, 2018, the Middlesex Select Board met to discuss and vote on reclassification of all or parts of the above roads as a duly warned agenda item. Merritt Road residents Patrick and Tamara White were the only affected landowners in attendance. They commented at the meeting that if the Select Board did not keep Merritt Road as a Class 3 road, then they preferred it be discontinued. The Board discussed each road and, upon proper motion, duly seconded, concluded that the evidence entered into the record supported the following findings, conclusions and Orders with respect to the reclassification or discontinuance of the following town highways:

**Findings, Conclusions and Order:**

**I. Bolio Road (TH42):**

**Findings:**

1. Bolio Road (TH 42) is a Class 3 road that measures 370 feet and extends from VT Route 12 to its dead-end terminus.
2. All land surrounding Bolio Road presently is owned by one landowner (Bolio) and the road serves only this one landowner's residence.
3. In a June 26, 2018, email, the Bolios requested that the entirety of Bolio Road be discontinued.
4. There is no evidence that Bolio Road is used by any other members of the public and does not lead to a Town trail or any other public access.
5. The town incurs exceptional costs in plowing Bolio Road in the winter because a smaller truck is required rather than the 10-wheel plow used on Shady Rill and Culver Hill roads, the town roads nearest to Bolio, and because the State of Vermont, not the Town, is responsible for maintaining nearby VT Route 12.

**Conclusion:**

**The public good, necessity and convenience of the inhabitants of Middlesex require the entire length of Bolio Road shall be discontinued.**

**II. Warren Road (TH23):**

**Findings:**

6. Warren Road (TH23) is a Class 3 road that measures 804 feet and extends from Culver Hill Road to its terminus at a dead end.
7. All land surrounding Warren Road presently is owned by one landowner (Reinecke) and the road serves as access to only one residence.
8. There is no evidence that Warren Road is used by the public and the road does not lead to a Town trail or any other public access.
9. In his June 25, 2018, note, abutting landowner Bill Reinecke questioned the savings to the Town were Warren Road were to be discontinued.
10. Warren Road is very steep and it is difficult for plows to turn around at the end of the driveway in front of the house.
11. Warren Road crosses a sizeable and vital culvert that, if not maintained, could result in significant and costly damage to Culver Hill Road.

**Conclusion:**

**The public good, necessity and convenience of the inhabitants of Middlesex require the entire length of Warren Road shall be reclassified from Class 3 to Class 4.**

**III. Merritt Road (TH11)**

12. Merritt Road (TH11) is a Class 3 road that measures 492 feet and extends from VT Route 12 to its terminus at a dead end.
13. All land surrounding Merritt Road presently is owned by one landowner (White) and serves as access to only one residence.
14. There is no evidence that Merritt Road is used as a public access and the road does not lead to a Town trail or any other public access.
15. At the July 24, 2018, Select Board meeting, abutting landowner Patrick White noted that he and his wife would prefer the Town discontinue the said road rather than downgrade it to Class 4.
16. The Town incurs exceptional costs to plow Merritt Road in the winter because a smaller truck is required rather than the 10-wheel plows used on the nearest Town road, Shady Rill, and because the State of Vermont, not the Town, is responsible for maintaining nearby VT Route 12.

**Conclusion:**

**The public good, necessity and convenience of the inhabitants of Middlesex require the entire length of Merritt Road shall be discontinued.**

**IV. 1,014-foot Section of Chase Road (TH6):**

17. The 1,014-foot section of Chase Road in question is a Class 3 road that extends from the last culvert on Chase Road (the "Town turnaround") to its terminus at the stone foundation of the former Chase house where it dead ends.
18. The segment in question is surrounded entirely by private land held by one owner (Ellison).
19. There is no evidence that this portion of Chase Road is used by the public nor does it lead to a Town trail or any other public access.
20. The Town incurs exceptional costs to plow this portion of the road to the doorstep of the owner's house where it is difficult for plows to turn around.
21. Though current owner Casey Ellison testified at the June 26, 2018, public hearing that she plans to subdivide her property and, therefore, more houses would access this end of Chase Road, she has not filed a subdivision permit with the Town to that effect.

**Conclusion:**

**The public good, necessity and convenience of the inhabitants of Middlesex require that the referenced 1,014 feet section of Chase Road, from the "Town turn around" to the stone foundation of the former Chase house shall be discontinued.**

0.17 mi

**V. 508-foot Section of Knapp Road (TH4):**

22. The 508-foot section of Knapp Road question is a Class 3 road that extends from the egress of the State of Vermont's Park & Ride, adjacent to U.S. Route 2, to its terminus, where it dead ends.
23. This section of the road is surrounded entirely by private land held by one owner (Connor Brothers Middlesex, LLC).

24. There is no evidence that this portion of this road is used by the public; nor does this portion of the road lead to a Town trail or any other public access.
25. The Town incurs exceptional costs to plow this portion of the road in the winter since all nearby roads including US Route 2, the Park & Ride and the end of Center Road are maintained by the State of Vermont and because a smaller truck is needed to plow Knapp Road than the 10-wheel truck used on the Town's portion of Center Road.
26. In their May 9, 2018, email to the Town and reiterated in Stephen Connor's testimony to the Board on June 26, 2018, Connor Brothers Middlesex, LLC, a construction company which owns all the land surrounding this portion of Knapp Road, requested that the road not be discontinued since that would create a number of title and zoning concerns. Specifically, discontinuation would all but eliminate their ability to meet the road-frontage requirements for development as stipulated in Section 3.2 of the Middlesex Land Use Regulations. Further, because Knapp Road is part of the "old US Route 2," prior to the construction of I-89 and the Exit 9 Interchange, Knapp Road is located within the State of Vermont's right of way. Connor Brothers did not object to a downgrading of that portion of Knapp Road from Class 3 to Class 4.

**Conclusion:**

**The public good, necessity and convenience of the inhabitants of Middlesex require the referenced 508-foot section of Knapp Road shall be reclassified from Class 3 to Class 4.**

**ORDER**

Based upon the evidence in the record and the public good, necessity and convenience of the inhabitants of the Town of Middlesex, the Middlesex Select Board hereby ORDERS as follows:

1. **The entirety of Bolio Road, Town Highway 42, comprising 370 feet and extending from VT Route 12 to its dead-end terminus, is hereby discontinued;**
2. **The entirety of Warren Road, Town Highway 23, comprising 804 feet and extending from Culver Hill Road to its dead-end terminus, is hereby reclassified from Class 3 to Class 4;**
3. **The entirety of Merritt Road, Town Highway 11, comprising 492 feet and extending from VT Route 12 to its dead-end terminus, is hereby discontinued;**
4. **A 1,014-foot section of Chase Road, Town Highway 6, extending from the last culvert on Chase Road (the "Town turnaround") to the terminus of the road at the stone foundation of the former Chase house, is hereby discontinued;**
5. **A 508-foot section of Knapp Road, Town Highway 4, extending from the egress of the State of Vermont's Park & Ride, adjacent to U.S. Route 2, to its dead-end terminus is hereby reclassified from Class 3 to Class 4.**

Dated August 7, 2018, in Middlesex, Vermont.

THE MIDDLESEX SELECT BOARD:

Peter O. Hood, Chair

Mary Just Skinner, Vice-Chair

Philip Hyjek

Steven Martin

Liz Scharf



Select Board Members

Peter Hood, Chair  
 Mary Just  
Skinner,  
Vice Chair  
 Phil Hyjek  
 Steve Martin  
 Liz Scharf

MIDDLESEX SELECT BOARD  
Tuesday, August 7, 2018  
5:00 PM  
Middlesex Town Clerk's Office  
5 Church Street  
Middlesex, Vermont 05602  
(802) 223-5915

MINUTES

**PRESENT:** Vice Chair Mary Skinner, Members Steve Martin, Phil Hyjek and Liz Scharf and Chair Peter Hood by speakerphone. Middlesex Conservation Commission members Heather Katz, George Longenecker and Lee Rosberg( MCC Chair) and Select Board Assistant Sarah Merriman.

**Call to Order, Amendments, Guests**

Mary called the meeting to order at 5:00 PM and welcomed guests, Heather and George. There were no amendments to the agenda.

**Approving Findings of Fact and Orders for Downgraded/Discontinued Roads**

The Board reviewed the Findings, Conclusions and Order of Town of Middlesex Select Board regarding the discontinuance or classification of five Town roads per the Board's vote at its July 24, 2018, meeting. Mary suggested minor stylistic changes that were incorporated.

**MOTION:** Phil moved and Steve seconded approving the above Findings, Conclusions and Order regarding the regarding the discontinuance of Bolio Road (Town Highway 42), the reclassification of Warren Road (Town Highway 23), the discontinuance of Merritt Road (Town Highway 11), the discontinuance of a portion of Chase Road (Town Highway 6) and reclassification of a portion of Knapp Road (Town Highway 4). The motion passed and the Board signed the Orders.

**Considering Bids to Remove and Replace the Damaged Highway Fuel Storage Tank**

The Board reviewed the only bid to remove the damaged diesel fuel tank at the Town garage on Shady Rill Road from Curtis Ashline for \$4,900. John Kennedy Company offered to install a new 3,000-gallon tank for \$19,371 and Berby Petroleum for \$12,478 in an undetailed bid. Steve, who is also road commissioner, said he and Road Foreman Paul Cerminara, had had difficulty soliciting bids. One company, Accuworks, never showed up for an appointment. Still, Peter suggested and the Board agreed that Paul should make another attempt at soliciting more bids, perhaps for a smaller tank. The Board's concerns were that the damaged underground tank, which is not leaking, be removed as quickly as possible and a new one be installed above ground before winter.

**Accepting Tyler Wells's Resignation from the Road Crew**

**MOTION:** Steve moved and Liz seconded accepting Tyler Wells's resignation from the Town Highway Department effective September 13, 2018. The motion passed. Steve noted Tyler had been a great addition to the road crew and a hard worker. The Board thanked him for his service.

**Scott Beaudin's Revised Letter Regarding the Town Forest Trail**

The Board reviewed a revised letter from Scott Beaudin of Zdon Road stipulating that if a trail proposed for the Town Forest should accidentally transgress onto his abutting property, the Town will not pursue adverse possession claims. Scott omitted a paragraph from the Town's previous revision which noted that should a future survey establish part of the trail had ended up on the Beaudins' property, the Beaudins would grant the Town an easement. According to George, the MCC preferred Scott's version and said no easement would be needed since the only boundary in question is on a steep rocky ridge. The probability of the trail impeding on their private property basically was a moot point.

Peter and Mary objected to the latest version of the letter in which Scott omitted the easement. Both felt it was one sided and written by Scott's lawyer with no quid pro quo. Mary questioned why Scott should be the point person when the land is held by the Gretchen E. Beaudin Revocable Trust. Moreover, she said, he had initiated this letter and, in so doing, created an issue that might not otherwise have existed.

Peter suggested writing a brief letter to Scott stating that “if presented with credible evidence the trail is on (Beaudin’s) property, then the Town will agree to move the trail.” Phil suggested just letting the minutes of this meeting show the same.

Lee entered the meeting and reiterated the MCC’s stance that Scott was a good neighbor, a conservationist and had originally misunderstood about the trail, thinking it would be a wide ATV path. After Scott went on a hike with members of the MCC, he understood it was a mere hiking trail and seemed to relax a bit and even indicated he might make a financial contribution to the MCC. Lee said the MCC never asked for an easement. Mary said that was her idea. Lee said a lot of goodwill came out of that hike and it was “bold and audacious for the Town to throw in a sentence about adding an easement.” All the MCC wanted to do was get the trail built and maintain a good relationship with the Beaudins.

Mary said she would not vote to approve the letter without the Beaudins promising something in return. Moreover, she said the Select Board does not engage in the practice of committing to certain written agreements with private landowners. Peter said it was important to remember this dispute started with Scott demanding the Town pay for an expensive survey of the border before laying down the trail. He said he refused to let the Select Board be bullied on this issue. Scott could agree to a letter drafted by the Town or no letter at all.

Steve proposed a short letter that included a bit of background about the trail and then Peter’s line that if the trail somehow was proven, with credible evidence, to have been built on the Beaudins’ property, the Town would move it – provided the owners so request. The Board agreed to draft such a letter.

#### **Addressing the Emerald Ash Borer in Trees in the Town’s Rights of Way**

Lee said 99% of ash trees will die in the next ten years due to the invasive emerald ash borer. He said he’s been in contact with UVM’s Forestry Extension Program and has learned that after ash trees die due to the insect, they are dangerous to cut down because they splinter. They have to be removed from above. The MCC plans to take an inventory of ash trees in the Town’s rights of way. If some trees are leaning toward the road and may prove a danger, then they should be cut down now.

Peter said the Town should systematically cut down ash trees before they get infected. The Town might want to consider preserving especially beautiful ash trees by inoculating them with pesticides, an expensive process. Liz said the Select Board should remember to factor in the cost of removing these ash trees when planning the 2019-20 budget. Lee recommended leaving the ash trees in the Town Forest alone. If they are fortunate enough to survive the infestation, then they will be valuable seed bearers.

#### **The Shady Rill Ecosystem Restoration Project**

Lee presented the Board with a conceptual site plan for proposed buffer improvements to the Shady Rill Picnic Area. Although much of the area is owned by the state, the MCC is partnering with the Winooski Natural Resources Conservation District to obtain a grant to pay for shoring up the banks of Patterson Creek that have been eroded by swimmers who have no clear entrance point to access the swimming holes. In addition, a large sediment “plug” is backing up water during storms, further adding to the erosion, and needs to be removed. Winooski needs a 20% match to obtain this grant in the form of funding or an in-kind contribution. Lee wondered if the in-kind grant could come in the form of the road crew using its excavator to remove the plug of sediment.

Heather said she had more concerns that she felt needed to be taken up with the designers. For instance, Shady Rill Road is adjacent to the property that would be shored up by this process. Therefore, the Town has an interest in this project and should not be negatively affected. Steve agreed there are parts of Shady Rill Road in danger of erosion and that the highway department had plans to rip-rap some areas. He would not want to commit to the project until he saw the final plans vs. the 30% design now available.

Liz asked about the time frame. If the application was due this fall, then the MCC should coordinate with the highway department now. Lee said he would touch base with Paul and Steve.

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Mary suspended the Select Board meeting at 6:08 p.m. so the Board of Civil Authority could hold its warned meeting. Lee, Heather, George and Phil left.

Mary resumed the Select Board meeting at 6:35 p.m. Peter had left.

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**OTHER BUSINESS**

**MOTION:** Steve moved and Mary seconded approving the minutes of the July 24, 2018, Select Board Meeting. The motion passed.

All orders were signed.

Sarah noted that, in response to concerns about gun shooting in the Town's gravel pit on Notch Road, Paul had installed a chain across the entrance and no trespassing signs, per the Board's direction.

Liz said What's Next Middlesex? will cost about \$3,000 to run. The organizers are seeking a grant and need to show the Select Board's support, which the Board offered when Susan Clark first presented the idea. Liz suggested a \$500 donation from the Town which might help defray the cost of mailing and also meet the necessary grant requirements. The Board agreed to consider this request at its next meeting.

Mary adjourned the meeting at 6:43 P.M.

Respectfully submitted,  
Sarah Merriman, Town Clerk/Select Board Assistant

THE ABOVE MINUTES WERE APPROVED AS A WARNED AGENDA ITEM AT A REGULAR MEETING OF THE MIDDLESEX SELECT BOARD ON AUGUST 21, 2018.

  
\_\_\_\_\_  
PETER O. HOOD, CHAIR  
\_\_\_\_\_  
MARY JUST SKINNER, VICE CHAIR  
\_\_\_\_\_  
PHILIP HYJEK  
\_\_\_\_\_  
STEVEN MARTIN  
\_\_\_\_\_  
ELIZABETH SCHARF

Assess LRS = '' and FUNCL not in (0,7) and AOTMILES <> 0

St. Johnsbury S70020311

Should this be extended to join US-5? - In process with FC changes - Bay Street

Colchester

Vermont National Guard Road - TH-13 class 2 - needs LRS assignment as major collector -review Mary's documents

Burlington S50580403

Needs more assessment on S5058 mainline and divided section - reassignment of southbound segment and addition of mainline mileage

1M 089-2 (41) 07A052

Middlesex U002-1210

x 0.001

Update US-2 due to new bridge over I-89 - looks like a +6 foot (0.001 mile) increase in length and correction of overall mileage of US-2 - Montpelier - Middlesex boundary updated and town line sign at Moretown - Middlesex line seems 15 feet or so to the east

Done Done Done Done Done

Note: ETE updates also to U002-W sections in Montpelier and St. Johnsbury

Rutland City S3008

CL2 TH-10

Replacement of Ripley Road bridge over Otter Creek - 08j096 - -0.03 miles to go from 1.54 to 1.51 miles

Done Done Done Done Done

Rutland City S3050

Replacement of Ripley Road bridge over Otter Creek - 08j096 - +0.01 miles to go from 0.20 to 0.21 miles

Done Done Done Done Done

Rutland City S3052

CL2 TH-8

Replacement of bridge over Otter Creek - 94j092 - +0.02 miles due to new bridge location and adjustments of mileage over class 2 TH-8

Done Done Done Done Done

Rutland City S3038

Replacement of bridge over Otter Creek - 94j092 - +0.01 miles to correct highway mileage on the eastern section of class 2 TH-8 - new mileage is 0.24 miles

Done Done Done Done Done

Burlington - South Burlington - Champlain Parkway

CL2 T-8 1.09 + 0.02 + 0.01 = 1.12 net change +0.03  
 CL2 T-10 1.74 - 0.03 + 0.01 = 1.72 net change -0.02

Otter Creek bridge 94; 092 BRF 3000 (16)

Ripley Rd bridge 08; 096 BRF 3000 (19)