

**TOWN OF UNDERHILL
SELECTBOARD REGULAR MEETING MINUTES
Underhill Town Hall
Thursday, November 21, 2019, 6:00 p.m.**

Selectboard: Pat Sabalis, Dan Steinbauer and Bob Stone

Town Staff: Jennifer Silpe-Katz and Brian Bigelow

Public: Ruth Miller (MMCTV), Jeff Moulton, Tony Julianelle, Jessica Butler, Will Towle, Kris & Jon Thomas, Wayne & Dottie Norris, Vince Sbaro, Florence Oliver, Rick Heh, Doug Keith, Roger Koniuto, Ben Butler, Pete Czaja, Bob & Patsy McLaughlin, Robin Earle, Livy Strong, Steve Webster, Bryan Bourgeois, Tristan Butler, Stacy Turkos, Dave Miller, Ed DiNardo, Kassandra Bean, Colleen & Kohlton Butler, William Butler, Kurt Johnson, Jen Phalen, Bob Heiser, Christine Toulis and Chris Toulis

6:02 p.m. Call to order, adjustments to agenda. Meeting called to order by Pat Sabalis. Adjustment to agenda made adding Irish Settlement Road reconstruction contract with G.W. Tatro and an Executive Session on a legal matter to the agenda.

6:03 p.m. Public Comment. Ben Butler asked about the legal notice for the 2018 amendment to the Town's Road, Driveway and Trail Ordinance. Notice was in accordance with statute.

6:05 p.m. Class 4 Road Policy. Pat Sabalis started with a background and the Town's desire to deal with specific issues in a fair and consistent manner. Selectboard and interested parties, mostly residents and property owners of property on Class 4 roads discussed the draft policy. Bryan Bourgeois, Will Towle, Ed DiNardo, Jessica Butler, Jeff Moulton, Ben Butler, Pete Czaja, Rick Heh, Dave Miller, Jon Thomas, Vince Sbaro, Wayne Norris and Stacy Turkos spoke to the issue. Items brought up from the audience about the draft were: the need to comply with Act 64 and the Municipal Roads General Permit (MRGP), the requirement to obtain permission to perform work on the roads to included continued winter plowing, the amount of traffic and roadside parking on Stevensville Road, possible distinction between which Class 4 roads are owned and which are a right-of-way, possibility of Town help, impact of delay between requests and approval, repair work above the capabilities of landowners, development potential of lots on Class 4 roads, Vermont League of Cities & Towns suggested policy language, dissatisfaction with the courtesy mailed notice of meeting. Section 3C (potential environmental impacts of delayed or reduced maintenance and compliance with the MRGP), 4A (advance permission from Selectboard for winter plowing) and 4C (land development access) and were the most mentioned sections. Jon Thomas suggested adding the word 'new' in front of the word 'development' in section 4C. Additional discussion will be held at a future meeting.

Due to time and agenda constraints, emails from residents and property owners not in attendance (Sara Lourie, Wayne Norris, Lisa Blumhagen, Bill Corbin, David Demarest and Doug Richmond) are attached to the minutes in addition to a handout (November 26, 2012 Letter from Development Review Board Chair Charlie Van Winkle) provided by Will Towle at the meeting.

6:47 p.m. Jericho Underhill Land Trust (JULT) / Vermont Land Trust (VLT), Tomasi Field Update. Livy Strong (JULT) and Bob Heiser (VLT) provided an update on their organizations' efforts since they were last met with the Selectboard. A walk of the property was held on July 27th and was well attended. On September 24th it was announced that a grant of \$155,000 from the Vermont Housing and Conservation Board (VHCB) towards the purchase was approved. Seth Kittredge, L.S. has been retained to survey the property. Proposed language for a Town Meeting Day article appropriating

\$20,000 towards the purchase was drafted. Selectboard congratulated them on the grant award and thanked them for their efforts do date.

6:57 p.m. FY20-21 Budget, Preliminary Budget Review. Selectboard and staff discussed status of inputs and requests received to date. Large increase proposed from Conservation Commission, Recreation Committee and Energy Committee. Town Administrator to supply Selectboard with back up documents, specifically the original requests. Initial Highway budget is outstanding. Finance Officer to enter a two percent (2%) salary increase in as a place holder. Consensus to not combine legal fees as one budget line. Staff to work with Hickok & Boardman on insurance quote and invite Green Mountain Transit to attend a meeting regarding the status of the Jeffersonville Commuter. Discussion occurred regarding the amount of law enforcement traffic control contract by Cambridge and Jericho. Town Administrator to contact those towns. Consensus of the Selectboard is to not fund Vermont State Police personnel for Harvest Market within budget.

7:26 p.m. New Business

Request for Proposal for Townwide Reappraisal. Draft RFP prepared by Assessor's Office. Chair to review and item to be readdressed at the December 3, 2019 meeting.

Class 4 Stevensville Road Repair Request. Selectboard reviewed letter from Will Towle regarding eroded headwall on Stevensville Road culvert. Road Foreman estimates repairs will not exceed \$100.00.

Bob Stone moved approval of repairs to be performed by Road crew at a cost not to exceed \$125.00. Pat Sabalis seconded and the motion passed 3-0.

Jeff Moulton asked what the criteria was used to make the determination without being arbitrary. Selectboard response was that Stevensville Road is unique in that sees a great deal of traffic due to the State Park at the end of road and some repairs caused by this use should be shared by the Town.

Agreement for Local Match for River Road Pavement Structure Analysis and Bicyclist Feasibility Study. Selectboard reviewed agreement. Local match is 20% of \$42,049 equaling \$8,409.80. Draft has been prepared for signature by Town Administrator.

Pat Sabalis moved that the Town Administrator be authorized to sign the agreement. Bob Stone seconded and the motion passed 3-0.

7:35 p.m. Old Business.

Emergency Watershed Protection (EWP) Program Requests. Kassandra Bean reviewed the status of the applications. Jennifer Phelan, Roger Koniuto, Christine and Chris Toulis also in attendance. Site visit with Mike Lapointe of the Natural Resources Conservation Service (NRCS) occurred this morning and the determination made that the site does not qualify for the program. Mike Lapointe will provide information about programs available for private home owners. Bean reviewed area flooding history beginning with a 1998 event including a washout of the Barrett Lane culvert. That culvert being deposited in the area where subsequent events had overflows from Roaring Brook impacting residences on Dumas Road and Meadow Lane. Additional discussion ensued about a dirt wall being bulldozed as

an emergency response to the 1998 event, a 2014 study by Dean Grover P.E. that did not proceed to construction and 2019 paving on Meadow Lane.

Residents' request is that the Town pay for a Watershed Protection Study and maybe for a fix. Bob Stone volunteered that he agrees with the value of a study and would propose including repairs within the budget as opposed to a Town Meeting Day Article.

Staff directed to contact Dean Grover regarding an update of the 2014 study to include alternatives. Cassandra Bean volunteered to serve as the point of contact.

CY2020 Insurance. Selectboard had reviewed three options identified as comparable to current offering to include a Health Reimbursement Accounts.

Pat Sabalis moved that the Town contract with MVP and offer the MVP Gold 3 plan to employees. Dan Steinbauer seconded and the motion passed 3-0.

Revised Purchasing Policy. Discussion ensued. Chair to add a provision for emergency purchases. Board to consider appropriate thresholds for recurring costs and professional services.

Poker Hill Road Speed Study. Results of speed study reviewed. Recommendation to leave the 35 MPH speed limit as is and to upgrade area signage. Consensus of Selectboard is have staff obtain advice on appropriate locations and have new signs installed.

8:25: p.m. Warrants and Minutes. By consensus the Board reviewed and signed current warrants.

Pat Sabalis moved to approve the minutes of the November 1, 2019 Special Regular Meeting of the Selectboard. Dan Steinbauer seconded and the motion passed by a vote of 2-0-1 (Bob Stone abstaining).

Pat Sabalis moved to approve the minutes of the November 4, 2019 Special Meeting of the Selectboard Dan Steinbauer seconded and the motion passed by a vote of 2-0-1 (Bob Stone abstaining).

Pat Sabalis moved to approve the minutes of the November 5, 2019 Regular Meeting of the Selectboard. Dan Steinbauer seconded and the motion passed by a vote of 3-0.

8:27 p.m. Member Items, Correspondence, Announcements, Schedule:

Correspondence. Notice made of receipt of:

Contract documents for Irish Settlement Road reconstruction bid award to GW Tatro in the amount of \$248,050. Chair signed the documents.

Zoning Administrator approved access permits for Carter (HB039) and Bingham (LE059).

Nate Sullivan letter of November 13, 2019 to David Demarest re: boulders on Crane Book Trail.

Request for Proposals for Reconstruction of Segments C and D on Poker Hill Road.

Recreation Committee Chair email of November 6, 2019 discussing maintenance and fundraising philosophies.

Class 4 Road related emails do be attached to minutes.

Schedule. The next regularly scheduled Selectboard meeting is December 3, 2019. After discussion the consensus of the Selectboard is to have a Public Hearing on the proposed amendments to the Underhill Land Use Regulations at 5:30 p.m. on December 19, 2019.

Member Items. Bob Stone proposed that the Town test the water sources at the Town Hall and Town Garage. The full Selectboard concurred.

8:49 p.m. Executive Sessions.

Pat Sabalis moved that the Selectboard find that premature general public knowledge of pending or probable civil litigation involving the Duval appeal of a DRB Decision would clearly place the Town at a substantial disadvantage. Dan Steinbauer seconded and the motion passed 3-0.

Pat Sabalis moved that the Selectboard enter Executive Session to discuss pending or probable civil litigation that the Town is a party to and to have confidential attorney-client communications under the provisions of Title 1, Section 313(a)(1)(E and F) of the Vermont Statutes. Dan Steinbauer seconded and the motion passed 3-0.

At 9:04 p.m. the Selectboard exited Executive Session, no action taken.

9:05 p.m. Pat Sabalis moved that the Selectboard enter Executive Session under: 1 VSA §313 (a)(3) Appointment or employment or evaluation of a public officer or employee. Bob Stone seconded and the motion passed by a vote of 3-0.

At 9:45 p.m. the Selectboard exited Executive Session. Chair will meet with Finance Officer regarding salary. Chair will meet with Road Foreman.

9:47 p.m. Adjournment: On a motion made by Pat Sabalis and seconded by Bob Stone the Selectboard voted 3-0 to adjourn.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended



Pat Sabalis, Chair

12/3/19

Date

Brian Bigelow

From: Sara Lourie <sara.lourie@mail.mcgill.ca>
Sent: Thursday, November 21, 2019 4:59 PM
To: Brian Bigelow
Subject: Class IV Road Policy
Attachments: SB_Letter_ClassIV_Lourie.pdf

Hi Brian,

Thank you for letting me know about the agenda item tonight about Class IV Road Policy in Underhill.

Unfortunately I am in Montpelier and unable to attend, however I have attached a letter for the Selectboard with my comments/questions.

I hope that I am not too late to get it to them.

Sincerely,

Sara Lourie
(264 Stevensville Road)

264 Stevensville Road
Underhill Center
VT 05490

(mailing address:
801 Route 108S
Jeffersonville
VT 05464)

Select Board of Underhill
PO Box 32
Underhill Center
VT 05490

21 November 2019

Dear Members of the Underhill Selectboard,

Re: Class IV Road Policy Draft

I appreciated the postcard to let me know about the discussion to be held tonight about the revised Class IV Road Policy Draft, and I am sorry that I am unable to attend in person. Since I will not be there, I am writing in the hope that my questions can be answered during the meeting, and in written response.

My questions / comments concern section 5 in the Draft.

Firstly, I am wondering why in subsection A 'reclassification of and/or upgrading of Class IV highways is discouraged'? I am thinking in particular of the heavy use that Stevensville Road receives on an annual basis. It is my understanding (from communication with Jason Nerenberg, Dept. of Forests Parks and Recreation), that somewhere in the region of 10,000 people access the trailheads at the end of Stevensville Road. This is a lot of use for a Class IV road, which is basically being maintained at the private expense of the local residents, with a small amount of help from the state. Furthermore, the fact that the residents are well prepared for living on a Class IV road, means that they do not necessarily require as high a standard of winter maintenance (plowing and sanding) as less prepared visitors to the trailhead. This has led in the past to numerous situations of people getting stuck on, and damaging the road (personal experience, and communication with neighbor Will Towle).

In subsection C why is the applicant ('those seeking the change in classification') the one responsible for paying the cost of upgrading the road? Surely this could be extremely expensive. Specifically, how would Stevensville Road need to be upgraded in order for it to become a Class III road?

Thank you for taking the time to consider these questions.

Yours sincerely,



Sara Lourie

Brian Bigelow

From: David Demarest <david@vermontmushrooms.com>
Sent: Thursday, November 21, 2019 5:50 PM
To: Brian Bigelow
Subject: RE: Class IV road policy commentary

Thank you.

On November 21, 2019 at 5:37 PM Brian Bigelow <BBigelow@underhillvt.gov> wrote:

I'll note that change - Brian

From: David Demarest [mailto:david@vermontmushrooms.com]
Sent: Thursday, November 21, 2019 5:34 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: Re: Class IV road policy commentary

Brian, in writing my commentary to the class IV road policy I wanted to clarify I meant three homes and TWO camps (the "new" camp at FU-23 slipped my mind when I was writing that email last night...).

Sincerely,

David Demarest

On November 21, 2019 at 1:09 AM David Demarest
<david@vermontmushrooms.com> wrote:

Dear Underhill Selectboard,

As you are undoubtedly aware, our town has an unfortunate long history of arbitrary and discriminatory road maintenance on various class III and Class IV town highways. This has caused over a decade of exorbitant legal expenses (and counting...) which could have all been avoided with a modest amount of basic road maintenance. There was never a justification for our town straying away from the traditional maintenance of bridges and culverts along with occasionally providing gravel and grading of Class IV roads. It should also go without saying that a landowner has the basic right to plow a Class IV road as they see fit for the purpose of accessing their home or property.

Having built my home at NR-144 around 17 years ago only to have the town change it over to FU-111 and go about an underhanded effort to betray my trust in things that should never have been controversial; I heartily agree with Bill Corbin's sentiment that, "I do not understand how the town can abandon all the people who have lived on these roads year round for many years."

The topic of pent gates as well as the placing of boulders in the way of a resident's historical access to their property is yet another bad idea that keeps rearing it's ugly head. The absolutely abhorrent condition of many culverts on Fuller Road (which includes a very dangerous culvert at the beginning of Fuller Road) is seriously jeopardizing the sole mutually acknowledged access to three homes and one camp on Fuller Road. There is absolutely no excuse for Class IV roads and legal trails in Underhill to get to a point that the town is in effect trying to extort private homeowners and landowners into taking the full on all the costs to maintain PUBLIC infrastructure.

Some in town may find it hard to believe just how badly the certain special interests in town have chosen to repeatedly purloin away the usability and value of the private property of some landowners in town for the benefit of others because it is so utterly unconscionable and egregious that actual homeowners and owners of larger parcels of private property keep having to deal with the same problematic and entirely unreasonable desires of a handful of people over and over again.

Sincerely,

David Demarest

FU-111 (formerly NR-144)

P.O. Box 144,

Underhill, VT 05489

Brian Bigelow

From: William Corbin <wcorbin@marvell.com>
Sent: Wednesday, November 20, 2019 11:03 AM
To: Brian Bigelow
Subject: Re: class 4 road policy

Thanks Brian, I looked up the state regs for Class 4, the Underhill policy is pretty much a cut and paste from the state. Seems like it will just get people stirred up for no good reason...

Bill

From: Brian Bigelow <BBigelow@underhillvt.gov>
Sent: Wednesday, November 20, 2019 11:01 AM
To: William Corbin <wcorbin@marvell.com>
Subject: [EXT] RE: class 4 road policy

External Email

Hi Bill. Yes, that section reads potentially harsh. A couple of things: it is really similar to language that has been in the past few Road Ordinances. I while I don't presume to speak for the Selectboard: I don't anticipate they will be withholding permission for residents/landowners to continue what has been going for years. But do come out tomorrow evening if you are able. If you can't make it let me know and should it not come up (I strongly suspect it will) I will read/distribute your email. Best, Brian

From: William Corbin [mailto:wcorbin@marvell.com]
Sent: Tuesday, November 19, 2019 5:10 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: class 4 road policy

Hello Brian, I live on Butler road which is Class 4. I have been here for 30+ years. I read the draft of the new road policy. I do not understand how the town can abandon all the people who have lived on these roads year round for many years. We pay the same tax rate as everyone else, aren't we entitled to good enough roads for emergency vehicles to reach our homes? And what is this BS about no snow plowing without town approval? The town has never plowed my road, how would we survive the winter if we didn't have someone clear it? I don't pay \$8000 a year in taxes to live on a goat path. The town can expect some pretty stiff resistance to this policy. If necessary we will take the town to court to keep our roads safe. It can't possibly be a large expense issue for the town, it is a drop in the bucket compared to our precious school budget. I can't fund the school budget if I can't get to work.

Regards, Bill

Brian Bigelow

From: richmond dp@juno.com
Sent: Wednesday, November 20, 2019 10:30 PM
To: nbill19@yahoo.com
Cc: Brian Bigelow
Subject: Re: Town's New Class 4 Road Policy

Town spent a weird amount of money on our Maple Ridge Rd, all summer - plus seems like it started last year.
I asked the town how much they were spending on our road, but never got an answer

Torn up MUCH of the summer.

They should do min. maintenance on your road for fire and ambulance.

Requiring permission for you and neighbors to Plow snow or do maintenance - is crazy.

Either the town owns it or you & neighbors do. WTH?

Just a power play by the "town law office"

Good Luck, Doug Richmond

Brian Bigelow

From: Lisa Blumhagen <lcbonly@gmail.com>
Sent: Wednesday, November 20, 2019 1:47 PM
To: Brian Bigelow
Subject: Re: class 4 roads

Thanks, Brian. It does seem that there was some legal stuff signed in regard to all this when I put my driveway in, which is why I've never expected the town to maintain that small section. Do let me know how all this will effect me and if there's any concern or anything I need to do.

I'll appreciate that.

Lisa Blumhagen

On Tue, Nov 19, 2019 at 2:50 PM Brian Bigelow <BBigelow@underhillvt.gov> wrote:

Hi Lisa, see red below. Best, Brian

Brian Bigelow

Town Administrator

Town of Underhill

P.O. Box 120

Underhill, VT 05489

(802) 899-4434 x100

From: Lisa Blumhagen [mailto:lcbonly@gmail.com]
Sent: Tuesday, November 19, 2019 12:15 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: class 4 roads

Hello,

I have questions about the post card I received in the mail yesterday regarding class 4 roads. My cabin address is 101 Corbett Road, Underhill. According to the post card, I own property on a "class 4 road." Is the road being referred to Corbett Road, or the road that leads into my driveway? I am not familiar enough with where exactly your property/driveway/"road that leads to my driveway" lies compared to the terminus of Corbett Road. When the Road Foreman is available we can go out and take a look. If it is the road leading into my driveway, I currently have my snow plow person maintain that section. I cannot reach the driveway without maintaining this small section. The proposed item on the agenda (4A) is that I will need to have written

Brian Bigelow

From: Brian Bigelow
Sent: Tuesday, November 19, 2019 3:52 PM
To: 'Lisa Blumhagen'
Subject: RE: class 4 roads

Hi Lisa, see **red** below. Best, Brian

Brian Bigelow
Town Administrator
Town of Underhill
P.O. Box 120
Underhill, VT 05489
(802) 899-4434 x100

From: Lisa Blumhagen [mailto:lcbonly@gmail.com]
Sent: Tuesday, November 19, 2019 12:15 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: class 4 roads

Hello,
I have questions about the post card I received in the mail yesterday regarding class 4 roads. My cabin address is 101 Corbett Road, Underhill. According to the post card, I own property on a "class 4 road." Is the road being referred to Corbett Road, or the road that leads into my driveway? **I am not familiar enough with where exactly your property/driveway/"road that leads to my driveway" lies compared to the terminus of Corbett Road. When the Road Foreman is available we can go out and take a look.** If it is the road leading into my driveway, I currently have my snow plow person maintain that section. I cannot reach the driveway without maintaining this small section. The proposed item on the agenda (4A) is that I will need to have written permission to continue to maintain this section? **Yes, the draft language does say "shall". I don't imagine the Selectboard is interested in withholding permission.** And that I need to post a bond and liability release to the town in order to continue maintaining and using this section (4B)? **The draft language there says 'may'.** Could you please return an email with answers to these questions, as well as how 4C and any other aspects of this draft policy will effect my property in particular? **Again I'm not familiar with your property, perhaps the first observation I'd make is that it is in a 10 acre zoning district so subdivision seems unlikely.**

Receiving a post card about this on November 18 before a November 21 meeting isn't very much time to reflect on something that may effect my property. Is this customary for such notices?

In one sense it is an additional notice above and beyond any statutory requirement. Earlier was my preference as well but the draft wasn't finalized. I don't know that there will be any action taken Thursday.

I look forward to your reply so that I may consider a written response.

Sincerely,
Lisa Blumhagen

Brian Bigelow

From: semperfiguy48 . <semperfiguy48@gmail.com>
Sent: Tuesday, November 19, 2019 9:34 AM
To: Brian Bigelow
Subject: Class 4 Road Policy

Hi Brian,

I think the Class 4 Road Policy is well written and clear. As a Class 4 road runs along one border of our property on Downes Road (#57), it's good to know what can and cannot be done on this class road. Clearly stating financial responsibility for upgrading the road to support subdivision development is also commendable.

I do have a couple of questions, however.

1- Should there be a specific section in the policy to address the placing of utilities in the Class 4 right of way? Or, alternatively, should Section 4 of the policy be modified to specifically mention who has say over whether a utility can access and use a Class 4 ROW? Also, who would have say on where, specifically, a utility could be located within the Class 4 ROW? I.e., run down the middle of the ROW, or on the left or right of the ROW center line? This question is particularly germane to the Class 4 ROW by us, as the landowners near to us (Butlers) are contemplating extending power to their sugarbush operation using the Class 4 ROW. Understand, That We Don'T Oppose This, but would be curious where in the ROW the utility could be placed.

2- Does the Town have an accurate and up to date inventory of its' Class 4 roads? By this, I mean surveys that show the actual meets and bounds of the Class 4 ROWs. I assume that it does. However, if it does not, it should definitely be put on the future to do list. A good policy can fall victim to obfuscation if its' application falls on uncertain boundaries.

3- Under Policy Definitions, the Highway definition states "passable with a pleasure vehicle on a year round basis." **Pleasure vehicle** seems to be an odd term to use in this context. Wouldn't licensed motor vehicle be a better term to use here? Or perhaps there should be a definition of pleasure vehicle?

In closing, kudos to the Town staff, the DRB and Select Board for seeing the need for this policy and working to bring it to fruition.

Wayne Norris
57 Downes Road
891-2063

Town Of Underhill
Development Review Board
Town of Underhill, VT

26 November 2012

Mr. Bradford Holden, Chairman
Board of Selectmen
P.O. Box 32
Underhill Center, VT 05490

Re: Stevensville Road, Underhill VT

Dear Brad;

As you know, in October the town of Underhill Development Review Board reviewed an application submitted by the Vermont Agency of Natural Resources, Department of Forests, Parks and Recreation to construct a parking lot at the end of Stevensville Road. The proposed development would take place entirely within lands owned by the state of Vermont on a parcel identified by the town as (MT352X) 352 Mountain Road. The proposed 90x40 parking lot was to be funded in part by a federal grant.

The application was denied by the DRB largely on the failure of the state to demonstrate that the need for the requested variance was not something that was created by the applicant. During the board's review of the application and through the testimony received at the public hearing, a situation that we feel to be unfair to the local residents became apparent.

We understand from testimony that the town considers the road to be class IV and as a result does not perform regular routine winter maintenance (i.e. plowing) on the road. Residents testified that the town does perform some work on the road in the summer months. There are several year round dwellings that use the road for access, and the residents have grouped together along with the VT ANR, to fund winter snow removal. Most if not all of the residents knew the classification of the road when they purchased or built their residences. These residents are typically equipped and prepared for the deteriorating road conditions through the progression of winter.

Because the road is privately maintained in the winter, plowing & sanding operations are limited to certain snowfall or road condition thresholds that the residents are prepared for. The testimony stated that that often times, people who are accessing the trail head are ill equipped and not prepared for the road conditions, and get stuck in the road. Through the actions of getting pulled out or having a vehicle not equipped for the winter road conditions, the town road gets blocked, damaged or made further impassible by stuck or abandoned vehicles.

According to testimony, the VT ANR estimates that there are about 6,000 parties¹ who use the trailhead access on an annual basis. ANR estimates a "party" may include two or three people. Using a normal distribution of the visitors throughout the year we estimate approximately 500 visitors to the trailhead per month. (For purposes of this letter a normal distribution shall be considered as 6,000 visitors ÷ 12

¹ Testimony of Gary Sawyer, VT ANR, Dept. of Forest Parks and Recreation, based on visitor trail head sign in logs.

Town Of Underhill
Development Review Board
Town of Underhill, VT

months = 500 visitors per month). Obviously the summer months may see more than 500 and the winter months somewhat less but our point is regardless of the distribution, the road is being consistently used by more than just the residents. We formally request to the select board that the town assume more of a role in maintaining the road throughout the winter and we suggest that includes plowing and sanding.

We believe by the town assuming responsibility for plowing Stevensville Road, there is an opportunity to exhibit some good faith to not only the residents but also to the VT ANR. We estimate there is approximately 1.04 miles of Stevensville Road that is not maintained during the winter by the town². Assuming a total highway expenditure in town of \$726,066.76, taken from the 2012-2013 general fund budget, we estimate adding our requested plowing activities to Stevensville road would have an overall impact to the town highway budget of about 2% or about \$16,500. We understand from testimony that the town may already perform some summer maintenance so the actual numbers may be somewhat overstated.

The Board recognizes the good reasons and the long standing policies against the town assuming winter maintenance for Class 4 roads. The Board does not advocate abandoning these policies. However, it is the Board's observations that an exception should be made for this section of Stevensville Road for the following reasons.

One: The state park trail heads are a unique recreational destination used year round by many town residents and also tourists who bring revenue to the town. The trail heads are a town asset which benefits residents and visitors, including during the winter months.

Two: Currently, the State of Vermont does not contribute to winter maintenance proportionately to the usage and burden caused by persons using Parks and Rec trailheads. Testimony established that the visitors to the trailheads are involved in the majority of stuck vehicles and the majority of other traffic problems. On average, the State of Vermont pays 15%-25% of the winter maintenance costs and in some instances has paid less.

Three: The year round residents are substantially providing a public benefit – the winter cleared roads – for the trail heads visitors' use at their own private expense.

Four: The minimalist road maintenance conducted by the year round residents creates a hazard for the unprepared visitors who are often not expected no sanding and minimal plowing during their visits. The road becomes "single track" at many times of the year, creating traffic problems and making it difficult if not impossible for emergency vehicles to use the road.

Five: The private contractor who plows the road uses pick-up trucks and does not have the capability or the budget to plow the road as effectively or efficiently as the town crews.

²² Estimated using Google maps

Town Of Underhill
Development Review Board
Town of Underhill, VT

Testimony suggested that simply periodically using the town plows and sanding trucks on an occasional basis would substantially improve access and relieve some of the burden on the year round residents.

We would welcome the opportunity to review our request. We look forward to some discussion in this regard.

Sincerely,

Underhill Development Review Board

Charles Van Winkle

Charles Van Winkle, Chairman
Penny Miller, Vice Chairman
Matt Chapek, Secretary
Will Towle