

AGENDA
ROXBURY SELECTBOARD MEETING
MONDAY, AUGUST 21, 2023
7:00PM AT THE COMMUNITY HALL

- | | |
|-------------|--|
| 7:00 | 1. CALL THE MEETING TO ORDER |
| 7:00 - 7:02 | 2. ADDITIONS/DELETIONS TO THE AGENDA |
| 7:02 – 7:22 | 3. PUBLIC
A) JANE PINCUS – AD HOC COMMITTEE |
| 7:22 – 7:24 | 4. CONSIDER APPROVING THE MINUTES OF AUGUST 7, 2023 AND AUGUST 9, 2023 |
| 7:24 – 7:40 | 5. ROAD COMMISSIONER'S REPORT
A) EQUIPMENT
B) ROADS
C) REVIEW ENGINEERING PROPOSALS
D) FEMA UPDATE |
| 7:40 – 7:45 | 6. FINANCIAL REPORT
A) REVIEW & APPROVE ORDERS
B) LINE-OF-CREDIT QUOTES |
| 7:45 – 8:50 | 7. UNFINISHED BUSINESS
A) SHAW ROAD (20 MIN)
1. DESIGNATION OF PENT ROAD SECTION
2. TOWN RIGHT-OF-WAY
3. ERIC SIGSBY LETTER
B) VIDEO MEETINGS UPDATE (10 MIN)
C) ENACTING ORDINANCE LANGUAGE (15 MIN)
D) UNLICENSED DOGS (10 MIN)
1. CURRENT ORDINANCE
2. LETTER TO OWNERS
E) WASTEWATER PROJECT – ADOPTION (10 MIN) |
| 8:50 – 9:25 | 8. NEW BUSINESS
A) DISCUSSION OF ROXBURY PROPERTY CLEAN-UP (10 MIN)
B) TOWN GRANTS – HOW TO PROCESS (5 MIN)
C) CV FIBERS REQUEST (5 MIN)
D) MUNICIPAL TECHNICAL ASSISTANCE PROGRAM (MTAP) (10 MIN)
E) UPDATE OF FISH & WILDLIFE VISIT (5 MIN) |
| 9:25 – 9:30 | 9. OTHER BUSINESS |
| 9:30 – 9:45 | 10. EXECUTIVE SESSION – CONTRACT NEGOTIATION |
| 9:45 | 11. ADJOURN |

ERIC E. and ANNE C. SIGSBEY
911 Shaw Road, Roxbury, Vermont 05669
(512) 461-5879; esigsbey@yahoo.com

August 9, 2023

VIA HAND DELIVERY

Town of Roxbury
1664 Roxbury Road
P.O.Box 53
Roxbury, Vermont 05669-0053
Attention: Select Board

Re: Shaw Road Classification

Gentlemen:

In furtherance of our ongoing discussions regarding the official classification of Shaw Road, I offer the following for your consideration:

1. I have a "Real Estate Title Certificate and Report" dated February 23, 2012 from Sheila M. Ware, Esq. with the law firm of Darby, Stearns, Thorndike, Kolter & Ware LLP out of Waterbury, Vermont, which states that Shaw Road is a "Class 4" Road (see copy attached);
2. In addition, I have searched the Town Records and confirmed that by Order dated January 28, 1960, filed in the Roxbury Town Records on February 1, 1960 at Book 28, Page 169-173, Shaw Road was reduced from a Town Highway to a Legal Trail due to the change in use from agricultural to forest, which, as they state, significantly reduced the traffic using the road. It is noted in Paragraph 9 of that Order with regards to Town Highway No. 14 (which was also being reduced to a Legal Trail), that "The Selectmen agree to give any consideration to the matter of reclassifying the section of the road in question: that is from a trail to a Highway; providing lots are sold and the buyers of such lots satisfy the Roxbury Selectmen that they improve them to the extent of erecting a building of sufficient market value to justify a reclassification". In the meantime, the Selectmen agreed to keep the road and culverts from being completely unpassable;
3. I also have Select Board documents entitled "Town of Roxbury – Road Policy For Class 4 Roads" dated November 10, 1980 and filed in the Roxbury Town Records at Book 5, Page 439, which includes a section entitled "Laying Out or Redesignation of Town Roads". This document re-designates Shaw Road as a "Class 4C" Road. The document clearly spells out the definitions and responsibilities of the Town, by category, regarding the Class 4 Town Roads. It specifically states that a Class 4A Road is "Those roads with full time permanent residences or regular winter use". While Shaw Road apparently did not meet that criteria in 1980, it has met that criteria since 2001 when the Triplat's acquired the property at 911 Shaw Road and became full time residents. In addition, I have occupied the property at 911 Shaw Road on a full time basis since I purchased it from the Triplats in February 2012;
4. Lastly, I have copies from the Town Records of Select Board Minutes and an "Order Of Discontinuance" dated September 17, 2007, discontinuing a 3/10 of a mile portion of Shaw Road, specifically referring to Shaw Road as a Class 4 Road. This Order was signed by one of the current Select Board members.

Additional Facts to consider:

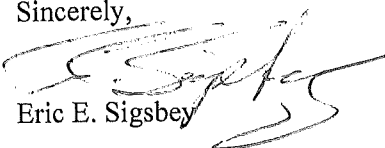
1. When I purchased the property at 911 Shaw Road in February of 2012, my annual Roxbury property taxes were \$298.06;
2. Since I have owned the property, I have spent over \$100,000 improving and maintaining the culverts and the road, with no assistance from anyone;
3. I have also constructed a legal residence with a State approved water and wastewater permit at 741 Shaw Road, which has resulted in my Roxbury Property Taxes being increased to \$2,517.64 on that part of my Roxbury acreage;
4. I have acquired (through Hummingbird Properties, LLC) the approximately 116 acres formerly owned by the Lovelands and am completing construction of legal residence with a State approved water and wastewater permit, which has resulted in a substantial increase in my Roxbury Property Taxes to \$8,264.48;
5. I have recently sold five (5) acres of land to Ms. Melanie Hall for her to build a legal residence and she already has a survey and a State approved water and wastewater permit;
6. I am in the process of selling ten (10) acres to Mr. James K. Goodwin and he is planning to build a permanent residence there with a State approved water and wastewater permit. He is currently building a 12' x 12' Shelter, but will not occupy the property on a full time basis until he has met the legal requirements to do so; and
7. I have been informed by the current Select Board that there are additional documents not found in the Town Records upon which the current Select Board relies to assert that Shaw Road is a "Legal Trail."

Based on the foregoing,

1. I respectfully request that any documents upon which the current Select Board relies to classify Shaw Road as a "Legal Trail" be provided or properly cited so that I and/or my legal counsel may review those documents. These documents should also be recorded in the Town Records so that others do not detrimentally rely on the apparent misclassification reflected in the Town Records.
2. Assuming those documents confirm the current assertion by the Select Board, I respectfully request that Shaw Road be reclassified as a Class 4 Road in accordance with the Roxbury Town policy established in 1980 and of Record in the Town Records as cited hereinabove. There can be no doubt that Shaw Road clearly meets the criteria set forth in the Roxbury Town Policy for it to be classified as a Class 4 Road and it clearly should no longer be merely a "Legal Trail." As is consistent with the prior reasoning of the Town Selectmen, Shaw Road meets the criteria of having not one, but multiple full time residences, and buildings have been constructed of sufficient quality to warrant a substantial increase in the tax revenues. Such an increase in use and tax revenue without a proper classification by the Town is contrary the Town's own policy.

If you have any questions or if you require any additional information, please contact me at the above letterhead address, phone or email. Also, if necessary, please advise when this matter will be added to the agenda for the appropriate Select Board meeting.

Sincerely,


Eric E. Sigsbey

**REAL ESTATE TITLE CERTIFICATE
AND REPORT**

TO: Eric E. Sigsbey and Judy B. Sigsbey
1106 Bluebonnet Land
Austin, TX 78704

DATE: February 23, 2012

RE: Purchase of 911 Shaw Road, Roxbury, Vermont (the "Property")

This is to certify that record title to land and premises described in Schedule A hereof as disclosed by the Roxbury and Northfield Land Records has been examined and that based upon such examination and subject to those items and matters set forth in Schedule B hereof, or as may be otherwise noted in Schedule B. Title to the portion of the Property in Northfield is marketable and stands in the names of Jeffrey Wium and Kristina Marie Wium (formerly know as Jeffrey Triplat and Kristina Triplat) in fee simple as, husband and wife, tenants by the entirety. The portion of the Property located in Roxbury is a Leasehold estate held in the name of Jeffrey and Kristina Wium under a perpetual lease to the "Town School".

SCHEDULE A

1. **MUNICIPALITY IN WHICH LOCATED:** Roxbury & Northfield
2. **GENERAL LOCATION WITHIN MUNICIPALITY TO THE EXTENT AND IF DISCLOSED BY DESCRIPTION IN LAND RECORDS DURING PERIOD COVERED BY THIS CERTIFICATE:** 911 Shaw Road
3. **LEGAL DESCRIPTION:** Being all and the same land and premises conveyed to Jeffrey Triplat and Kristina Triplat by Warranty Deed of Mynderse R. Woodruff and Kathleen S. Woodruff dated May 1, 2003 and recorded in Book 146 Pages 555-556 of the Land Records of the Town of Northfield and in Book 51 Pages 77-78 of the Land Records of the Town of Roxbury.

Reference is made to Certificate of Name Change dated June 6, 2010 and recorded in Book 188 Page 572 of the Land Records of the Town of Northfield; and to Changes of Name dated April 15, 2010 and recorded in Book 62 Pages 266-2667, and dated August 18, 2010 and recorded in Book 62 Pages 268-269, both recorded in the land records of the Town of Roxbury. As a result of these name change certificates, the name of Jeffrey Triplat was changed to Jeffrey Wium, and the name of Kristina Triplat was changed to Kristina Marie Wium.

The conveyed premises consist of a parcel of land together with improvements located in the Towns of Northfield and Roxbury, Vermont. The entire parcel is depicted on a survey entitled "Marianne Sargalski from Anselm Franz, Northfield and Roxbury, Vermont, November 1979" by Charles Grenier, Consulting Engineer. This survey was not found recorded in the Town of Roxbury, but is recorded as Map Slide 160 in the Land Records of the Town of Northfield.

The premises is known and designated as 911 Shaw Road, in Roxbury and Northfield, Vermont.

SCHEDULE B

1. **PERIOD COVERED BY CERTIFICATE:** December 27, 1967 to February 23, 2012 at 8:45 as to the Flemmer chain in Roxbury; December 27, 1964 to February 23, 2012 at 9:15 a.m. as to the Flemmer chain in Northfield; and January 6, 1964 to February 23, 2012 at 9:15 as to the Flinn chain in Northfield.

2. **ATTACHMENTS, JUDGMENTS, EXECUTIONS, INJUNCTIONS AND OTHER LIENS:**

(a) State of Vermont Agricultural and Forest Land, Conservation Land, and Farm Buildings Use Value Appraisal dated March 31, 2008 and recorded March 18, 2009 in Book 60 Page 199 of the Roxbury Land Records and March 19, 2009 in Book 180 Page 486 of the Northfield Land Records. A transfer of ownership form must be filed with the State within thirty (30) days of transfer of title.

3. **CONDITIONS, COVENANTS AND RESTRICTIONS:**

(a) Terms and conditions of Zoning Permits issued by the Town of Northfield:

- i. 03-45 – construction of woodshed, horse run shed and tack room
- ii. 03-46 – construction of house additions
- iii. 09-21 – 1601 square foot addition to house

Note: Northfield Zoning does not require Certificates of Occupancy

(b) Wastewater System and Potable Water Supply Permit No. WW-5-5664 issued to Jeff and Kristina Marie Wium on November 1, 2010 and recorded in Book 188 Pages 492-494 of the Northfield land Records allows for the expansion of an existing structure with two bedrooms into a four bedroom single family year round residence. The Permit requires that the existing water system be abandoned and a new on site septic mound disposal system be installed subject to the following conditions:

3.3 Prior to the construction of the system the source of the fill material to be used must be specified and a sieve analyses performed, as part of the designer's certification.

3.4 System must be inspected and cleaned periodically and pumped out at least once every 3 to 5 years.

3.5 Annual inspection is to be performed in April or May of each year and a written report submitted to the Regional Office of Agency of Natural Resources on or before June 15th.

3.6 The Permit is not valid until the Secretary of the Agency of Natural Resources receives the following certification from a designer or installer, signed and dated, that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the wastewater system was installed in accordance with the permitted design and all permit conditions, was inspected, was properly tested, and has successfully met those performance tests."

We are informed that the expansion of the buildings has occurred without installation of the septic system. This is a title defect. The septic system must be constructed, inspected and certified to remove this defect. Reference is made as to the permit and to the approved plans for more detail.

(c) We are informed that there is a free standing cabin on the property which is not served by a septic system. Occupancy of this cabin without a State permit for wastewater disposal is not permitted.

(d) The Property is served by Shaw Road, a Class 4 Roxbury Town Highway which must be privately maintained. The Town has no responsibility for upkeep or maintenance of Shaw Road and there is no indication in the Land Records as to how these costs are divided among the various users of the road.



4. **EASEMENTS WHICH ARE OR MAY BE A BURDEN ON THE PROPERTY:**

(a) All items depicted on the survey entitled "Marianne Sargalski from Anselm Franz, Northfield and Roxbury, Vermont, November 1979" by Charles Grenier, Consulting Engineer. This survey was not found recorded in the Town of Roxbury, but is recorded as Map Slide 160 in the Land Records of the Town of Northfield.

(b) The above referenced survey reflects an "old log road" extending from a discontinued portion of TH #3 to timberland now or formerly of Eaton Partnership located in the adjacent Town of Warren. No recorded easement for this road was located either within the period of the search or within an additional period of searched extending to March 18, 1912. Having no recorded explanation of the "old log road" we must assume either that the deed right of way predates March 18, 1912 or that the logging road was used by consent without deed easement. The possibility of an easement has not been eliminated.


5. **MORTGAGES:** Jeffrey Triplat and Kristina Triplat to Pamela Triplat and Gary Triplat dated September 6, 2005 and recorded October 4, 2005 at Book 163 Page 431 of the Northfield Land Records and recorded October 28, 2005 in Book 55 Page 260 of the Roxbury Land Records.

6. **MUNICIPAL LIENS AND ASSESSMENTS INCLUDING SEWER, WATER AND ELECTRICAL PER ORAL REPORT BY THE APPROPRIATE OFFICE:** None

7. **LEASES, OPTIONS, RIGHTS OF REFUSAL OR OTHER CONTRACTS:**

(a) It should be noted that all of the property located in the Town of Roxbury is the north half of the 3rd Division Lot drawn to the Original Rights of Town Schools and is subject to an annual rent of \$3.00. The Town of Roxbury credits the annual rental due from property taxes paid by the owner.

8. **MISCELLANEOUS:**

(a) An Order of Discontinuance of a section of Shaw Road, a Class 4 road with the Town of Roxbury was issued on September 17, 2007. The discontinuance section of Shaw Road begins 2,958 feet from the centerline of Warren Mountain Road at the property line of land presently owned by Jeffrey and Kristina Wium (Roxbury Town Parcel ID #010001.000). This discontinuance section of Shaw Road continues northeast approximately three-tenths (3/10th) of a mile in length to its termination at the Northfield Town line. This Order was not found of record in the Roxbury Land Records, and should be recorded at the time of closing. 

(b) Based upon our examination of the municipal records, it is our opinion that the subject premises are not in compliance with or are exempt from state land use and state subdivision regulations. They do appear to be in compliance with local zoning and health regulations.

(c) The Towns of Roxbury and Northfield are eligible for flood hazard insurance.

9. **REAL PROPERTY TAXES:**

(a) Delinquent taxes - None;

(b) Current taxes – Roxbury real estate taxes for the tax year 2011-2012 in the amount of \$298.06 have been paid in full; Northfield real estates taxes for the tax year 2011-2012 in the amount of \$4371.00 have been paid in full.

10. **ADDITIONAL EXCEPTIONS AND/OR COMMENTS:**

(a) Rights of tenants and others using and/or in possession of some part or all of the premises not appearing of record;

(b) Mechanic's, land gains tax and other liens or encumbrances and the effect of bankruptcies which do not appear by filing or recording in the land records;

(c) Defects in title appearing outside the period specified herein and defects caused by or not disclosed because of forgeries, inaccuracies and/or deficiencies, that

are not apparent as such, in the land records, in the general index thereto, or in Vermont property transfer returns;

(d) Public highway easements, rights and titles and the presence or absence of public or private access to the subject land;

(e) Area, bounds and such matters as would be disclosed by a survey and/or a personal inspection of the premises;

(f) Liens and legal consequences resulting from the subdivision or improvement of land without evidence in the land records of the same having been done;

(g) Rights dependent upon competency, death, survivorship, marital status, or upon the records thereof;

(h) Presence or absence of solid waste disposal or environmental pollutants on the subject property.

(i) Compliance with applicable building codes or Vermont Department of Labor and Industry requirements.

11. **USE OF CERTIFICATE:** This certificate is for the sole use and benefit of the addressee hereof and not for any other party.

12. **LIMIT OF LIABILITY:**

This certificate has been issued in connection with the purchase of the above-described property by Eric E. Sigsbey and Judy B. Sigsbey and as such, the liability of the undersigned for any and all loss or damage of the addressee arising out of the issuance of this certificate or any statement herein, shall be limited to purchase price of said property.

**DARBY STEARNS THORNDIKE
KOLTER & WARE, LLP**

89 South Main Street
Waterbury, Vermont 05676

By


Sheila M. Ware, Esq.

State of Vermont
Selectmen of the Town of Waltham
Order.

BK 28

Pg 169

Be it remembered that, we the Selectmen of the Town of Waltham, Vermont conducted a hearing after notifying all parties by Certified mail, returns receipts requested, at the Waltham Town Clerk's Office in the County of Washington on the 14th day of January, A.D. 1960, in accordance with the provisions of Chapter No 236 of the Vermont Statutes Revision of 1947 related to the alteration and discontinuance of Certain Town Highways.

The hearing was called to order at 1:30 P.M. on January 14, 1960. Numerous property owners were heard, letters from property owners were read and questions were answered relative to proposed changes in Certain Town Highways. After hearing all parties, the Selectmen decided that it was in the best interest of the town to change the Town Highways hereinafter described: Being Nos. 1 through 9 inclusive from Highways to trails with No 10 to be discontinued as a Highway. This decision was based on the following findings of fact.

That the general character of the area served by the Highways in question has changed from Agriculture to Forestry; that none of the property owners live on the land abutting any of the Highways in question; that no land abutting any of the Highways in question, that the Highways are not used to the extent they were when Agriculture was carried on; and that the expense of maintaining the Highways to grade with the bridges which form a part of the Highways, is not warranted or financially advisable under the circumstances.

Now therefore, it is hereby ordered that Highways Nos. 1 through 9 inclusive, hereinafter described, be altered from a Town Highway to a trail as provided by Section 5012 and 5013 of the Vermont Statutes Revision of 1947 as amended and it is further ordered that Highway No 10, hereinafter described be discontinued as a Town Highway as provided by Section 5094 of the Vermont Statutes Revision of 1947 as amended.

Highways altered to trails.

1. That portion of Town Highway No. 6 extending in a westerly direction from a point located 1/2 mile north - 4/10 of a mile west of the junction
- Continued to Page 160

Continued from page 169

of said Highway No. 6 and Highway No. 1 (leading from Rithey to Warren) so far as it still runs in a westerly direction through the Town of Warren. Said point of beginning of the proposed alteration is marked by a trail sign adjacent to Highway No. 6 and located a few feet west of the dwelling house of Lincoln and Luma Leather on the East side of a bridge on Highway No. 6 located immediately west of said Leather dwelling house.

2. S.E. of Town Highway No. 3 shown on Vermont Highway District No. 9 map and more particularly described as follows. Beginning at the junction of said Highway No. 3 and Highway No. 1 which leads from Rithey to Warren and extending from said junction in a northerly direction as far as it still in the northerly direction of the Rithey - Westfield boundary line being approximately eight-tenths ($\frac{8}{10}$) of a mile in length.
3. That portion of Town Highway No. 10 extending westerly from the intersection of said Highway No. 10 and Highway No. 27 to a point approximately 2.04 miles westerly of said intersection and which point is marked by a trail sign adjacent to Highway No. 10 and located near the driveway leading to the home place of Edward Whittier at w.p.
4. That portion of Town Highway No. 30 extending in a westerly direction from the intersection of said Highway No. 30 and Town Highway No. 11 to a point marked by a trail sign near the so-called Horner Camp and which point is situated seven-tenths ($\frac{7}{10}$) of a mile westerly of the intersection of Highway No. 30 and Highway No. 11.
5. Unmarked road not shown on Vermont Highway District No. 9 Map. which unmarked road runs up-hill in a southerly direction off Town Highway No. 30 about one-half ($\frac{1}{2}$) mile southerly of the intersection of said unmarked road and Highway No. 30. Said one-half mile of road terminates at the open field or garden plot of R. C. Wheeler.

Continued to page 171

6. All of Town Highway No. 46, except a short section now bounded eighty (80) feet in length hereafter described, which Town Highway runs from Town Highway No. 11 near the dwelling house of R.C. Dierkes, it up, in a northeasterly direction, thence southeasterly to Town Highway No. 40; thence easterly to Town Highway No. 13 being approximately five-eighths ($\frac{5}{8}$) mile in length. The section excepted from said Highway being 180 feet in length measured from the center line of Highway No. 11 to the southeasterly corner of the garage and tool house building located on the premises of R.C. Dierkes et al.
7. All of Town Highway No. 47 which is a short spur of Highway running from the intersection of Town Highway No. 46 and Town Highway No. 13 to the intersection of said Highway 47 with Highway No. 14. It being approximately one-quarter ($\frac{1}{4}$) mile in length between said intersections.
8. All of Town Highway No. 13 which runs from Town Highway No. 12 in a southerly direction to the intersection of Town Highway No. 46 and No. 47, thence easterly and southerly to Town Highway No. 14 it being approximately one mile long in its entirety.
9. That portion of Town Highway No. 14 extending from a point marked by a trail sign erected at the junction of said Highway No. 14 and the driveway leading to the dwelling house recently constructed by Robert C. Cinkichewak, thence in an easterly direction for a distance of four-tenths of a mile to the junction of Highway 13 with Highway 14, thence following the course of said Highway 14 in an easterly and southerly direction for a distance of one-half mile to the entrance to a gate in a fence approximately 50 feet from the dwelling house of Frank Dierkes. The portion of Highway 14 aforesaid hereby being approximately one and nine-tenths ($1\frac{9}{10}$) miles in length.

Continued from Page 171

(Note) The Frank Shuman appeared at the hearing and protested the changing of part of Highway #14 into a trail. Mr. Shuman felt that the trail sign should be placed at a point 100 feet north of the "small shanty or camp building" rather than the proposed location, i.e., 50 ft. from the dwelling house for the following reasons: Mr. Shuman is desirous of seeing lots in the vicinity of the area where the small camp building is presently located and believes he has a prospect interested in purchasing a lot on which to build a summer camp. Also he has engaged a real estate broker to sell lots adjoining on said highway. In view of the foregoing, the Selectmen decided to alter the road as originally proposed with the following exceptions:

- 1) The trail sign will not be located at the place originally proposed, i.e., 50 ft from the dwelling house for the reason such a trail sign might discourage a prospect and thereby endanger the owner's chance of selling a lot.
- 2) The Selectmen agree to give any consideration to the matter of reclassifying the section of the road in question; that is from a trail to a highway, provided lots are sold and the buyers of such lots satisfy the Registry Selectmen that they improve them to the extent of erecting a building of sufficient market value to justify a reclassification.
- 3) In event of the fact lots may be sold, the Selectmen agree to do whatever they deem necessary to keep the road and culverts from being completely impassable. The road which the Selectmen have in mind in the aforementioned note, is that portion of Highway #14 which extends from the point of the gate 50 ft. from the Frank Shuman dwelling house to a point 100 ft. north of the foundation wall of the small Camp known as the "Shanty" situated approximately seven tenths ($\frac{7}{10}$) of a mile in a northerly direction from the Frank Shuman dwelling house as measured by automobile speedometer on said Highway #14.

Continued to Page 173

Continued from Page 172

Highway Discontinuance

10. Unmarked Highway which runs in a West-Northwesterly direction from Town Highway No. 20 as far as it still runs. The intersection of said Unmarked Highway and Highway No. 20 is two hundred fifty (250) feet south of Rothery bridge No. 24 and two-thirds (2/3) of a mile north of Rothery bridge No. 25; both of said bridges being a part of Highway No. 20.

Reference is hereby made to Vermont Highway District # 9 map of Rothery on file at the Town Clerk's office in Rothery, Vermont for a more particular description of said Highway, its location and discontinuance.

Dated at Rothery, Vermont this 28th day of January, 1960

In presence of:

Forest F. Manning

Creston L. Flint

Anthony F. Manning

Deputies - Town of Rothery

George W. Wilby

Robert J. Richwood

Joseph C. Jany

Rothery Town Clerk's Office Received for Record February 1, A.D. 1960 at 2 O'clock P.M. of which the foregoing is a true copy.

Attest

Forest F. Manning

Town Clerk.

ROAD POLICY FOR CLASS 4 ROADS

This policy is to clarify the town's maintenance practices on class 4 roads. Under State Law 19 V.S.A. 17 class 4 roads include roads, pent roads, trails, unimproved roads and other rights of way. Under this policy class 4 roads are divided further into three classes:

Class 4-A: Those roads with full time permanent residences or regular winter use. At the selectmen's discretion these roads will receive periodic winter maintenance during slack periods for the road crew, in addition to Class 4-B services. Periodic winter maintenance will consist of pushing back snow banks to facilitate private plowing or plowing especially deep snow accumulations.

Class 4-B: Town roads that receive gravel, grading and ditching at the selectmen's discretion to facilitate summer use.

Class 4-C: All rights of way not included in Class 4-A and 4-B or Class 2 and 3 roads. This class will not receive any town maintenance.

A list of all town roads which are in whole or in part of class 4 status is attached to this policy.

LAYING OUT OR REDESIGNATION OF TOWN ROADS

The town policy for laying out new town roads or redesignation to improve service is that, after receiving the selectmen's approval, the landowner(s) is(are) responsible for the cost of required road improvements and/or purchase of rights of way. Town assistance will be limited to final grading or other equipment assistance at the selectmen's discretion.

The following standards apply for roads to be laid out or redesignated after the effective date of this policy:

Class 2: Applicable state standards.

Class 3: Vermont Department of Highways Standard A-76.

Class 4-A: Vermont Department of Highways Standard A-76 modified to include at least 8 inches of gravel and 12 inches over ledge.

Class 4-B: Vermont Department of Highways Standard A-76 modified to include at least 6 inches of gravel and 9 inches over ledge.

Class 4-C: Provide at least a 3 road right of way by deed.

Mary D. Jennings

Eugene Sevi

Selectmen, Town of Roxbury

10 November 1980

Date Signed / Effective date

Roxbury Town Clerk's Office November 10, A.D. 1980 at 7 o'clock 45 minutes P.M. Received for record, the document of which the foregoing is a true copy.

A True Copy, Attest

Lawrence E. Dickinson
Town Clerk

Class 4 roads as of November 10, 1980

<u>Road Number</u>	<u>Classification</u>	<u>Location or common name</u>
3	C	Shaw trail (off Warren Mtn
4 (part)	C	Near Manson's, goes to Sto
8	C	Off Brown's road, to Barte
10 (part)	B	Off Bull Run, past Mayo's
11 (part)	C	Bull Run when it turns into
13	C	Trail off Winch Hill
14 (part)	C	Trail past Cruickshank's
16	B	Off Route 12, to Herriott's
25	C	Tintle's
26 (part)	B	Small section of the Oxbow
28 (part)	C	Sullivan Hill above Pincus
30 (part)	C	Upper part of Tracy Hill yo
31	C	Above Orcutt Cemetary to St
32 (part)	C	Above Hotchkiss's (Twombly'
34	C	Bauer's Road, off Oxbow
35 (part)	B	Young's to Lost Nation
36	B	Off Jayne's to Aberth's
37 (part)	C	Small section past Barr's
38	B	Tillou's, off Lost Nation
39 (part)	B	Thurston Hill, above Neun's
40	C	To Oliver's, off Thurston H
41 (part)	B	To Braintre off Cram Hill
42	B)	Both ends) Fish
	C)	0.86 miles in center)
43 (part)	B	To West Brookfield
44	C	Off 43, 50 old junk yard, Ea
45	B	Bull Run, to Taylor's
46 (part)	B	Bull Run past Diemer's
53	C	Bull Run above Cruickshank's Winch Hill

Note: Whereas Class B listings are inclusive, Class C listings are not necessarily inclusive.

Roxbury Town Clerk's Office November 10, A.D. 1980 at
7 o'clock 45 minutes P.M. Received for record the list of
roads of which the foregoing is a true copy.

A True Copy, Attest *Lawrence E. Deiken*
Town Clerk

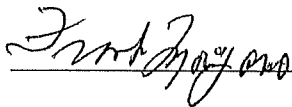
ORDER OF DISCONTINUANCE

Pursuant to Title 19, Subchapter 2, Sections 708 et seq. of the Vermont Statutes, after a duly warned Public Hearing by the Selectboard of the Town of Roxbury held at 7:00 PM on May 15, 2006 at the Roxbury Town Offices in Roxbury, Vermont, the Selectboard, by unanimous vote, in response to a petition placed before it, decided and held: To discontinue a section of Shaw Road, a Class 4 road within the said Town of Roxbury. The discontinuance section of Shaw Road begins 2,958 feet from the centerline of Warren Mountain Road at the property line of the land presently owned by Jeffrey and Kristina Triplat (Roxbury Town Parcel ID # 010001.000). The discontinuance section of Shaw Road continues northeast approximately three-tenths (3/10) of a mile in length to its termination at the Northfield Town line. There are no access requirements nor right of ways for other adjacent properties as this discontinuance section of Shaw Road is completely surrounded by the land owned by the original petitioners, Jeffrey & Kristina Triplat.

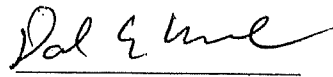
Executed at Roxbury, Vermont this 17th day of September, 2007



Thomas L. Frazier
Selectboard Chair



Frank Morgano
Selectboard Vice-Chair



Dave McShane
Selectman/Road Comm.

SELECTMEN'S REPORT OF FINDINGS

Pursuant to Title 19, Sections 711 of the Vermont Statutes, the Selectboard of the Town of Roxbury, Vermont hereby reports its findings in response to a request to discontinue a section ^{& 117} Shaw Road, a Class 4 Road, filed by Jeffrey & Kristina Triplat.

After a public hearing held on May 15, 2006 at 7:00 PM at the Roxbury Town Offices in Roxbury, Vermont, the Selectboard found that the public good, necessity and convenience of the Town of Roxbury, Vermont required the Class 4 road to be discontinued.

The manner of notifying the parties of the public hearing was as follows: To the petitioners, Jeffrey & Kristina Triplat, who are also the persons owning the lands through which the road does pass or abut, notice of the hearing was sent by certified mail, return receipt requested on April 14, 2006. Written notice was also sent to the Planning commission of the Town of Roxbury. Copies of the notice and warning of hearing were posted at the office of the Town Clerk, the Roxbury Village School and the Roxbury Post Office. Furthermore, pursuant to said Title 19, Section 709 of the Vermont Statutes, the notice and warning of the hearing was published in the ^{Barre JH} Montpelier Times Argus.

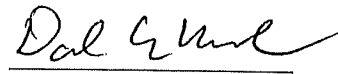
Executed at Roxbury, Vermont this 17th day of September, 2007



Thomas L. Frazier
Selectboard Chair



Frank Morgano
Selectboard Vice-Chair



Dave McShane
Selectman/Road Comm.

To: Roxbury Selectboard

From: Rene Bouchard, Selectboard Member

Date: 16-Aug-23

RE: Video Meeting Proposal

It has been said that wider participation is behind the request to video Selectboard meetings. To that end, I think most could agree that streaming audio would be required and would satisfy the request. Therefore, is streaming video really a requirement?

The single biggest streaming video challenge I see given our current environment here in Roxbury must be the potential disruption to a user's consistent video quality experience and potential buffering for those not having TDS's "high-speed" DSL. This will be especially true if someone chooses to participate as that will require more upload bandwidth from their connection. In situations where this is an issue, a user can turn off their camera thereby minimizing bandwidth usage to some extent. Beyond this, the Selectboard should not be responsible for troubleshooting.

Option 1 – Little to No Cost (\$0 - \$50)

Use our existing microphone and laptop to connect to a Teams meeting. We may need to attach a pair of PC speakers (~\$25?) to the laptop to hear remote viewer comments. We will need to connect the laptop to the TDS modem via an ethernet cable (~\$25?).

Option 2 – Higher Cost Using Laptop Mounted Camera (approx. \$250)

Buy a swivel laptop mounted camera (~\$200?) and point it at the Board. Use our existing microphone and laptop to connect to a Teams meeting. We may need to attach a pair of PC speakers (~\$25?) to the laptop to hear remote viewer comments. We will need to connect the laptop to the TDS modem via an ethernet cable (~\$25?).

Option 3 – Higher Cost Using Laptop Mounted Camera & TV (approx. \$775)

Buy a swivel laptop mounted camera (~\$200?) and point it at the Board. Use our existing microphone and laptop to connect to a Teams meeting. We may need to attach a pair of PC speakers (~\$25?) to the laptop to hear remote viewer comments. We will need to connect the laptop to the TDS modem via an ethernet cable (~\$25?). A 55" TV can be had in the \$250-\$400 range so assume \$400. We will need an HDMI cable (~\$125) to attach the TV to the laptop.

Video Meeting Options
as at 16-Aug-23
Page 2 of 2

Option 4 – Higher Cost Using Owl Directional Camera (approx. \$1,225)

Buy one Owl (~\$1,200) directional camera/speaker/microphone and position in front of Board but utilize for sound only connected to a Teams meeting on the laptop. We will need to connect the laptop to the TDS modem via an ethernet cable (~\$25?).

Option 5 – Higher Cost Using Owl Directional Camera & TV (approx. \$1,750)

Buy one Owl (~\$1,200) directional camera/speaker/microphone and position in front of Board connected to a Teams meeting on the laptop. We will need to connect the laptop to the TDS modem via an ethernet cable (~\$25?). A 55" TV can be had in the \$250-\$400 range so assume \$400. We will need an HDMI cable (~\$125) to attach the TV to the laptop. Based on the demo watched, the swiveling between speakers is not frenetic, but then that was a conference room meeting setup. It remains to be seen how it performs given the general chatter of a Selectboard meeting.

Recommendation:

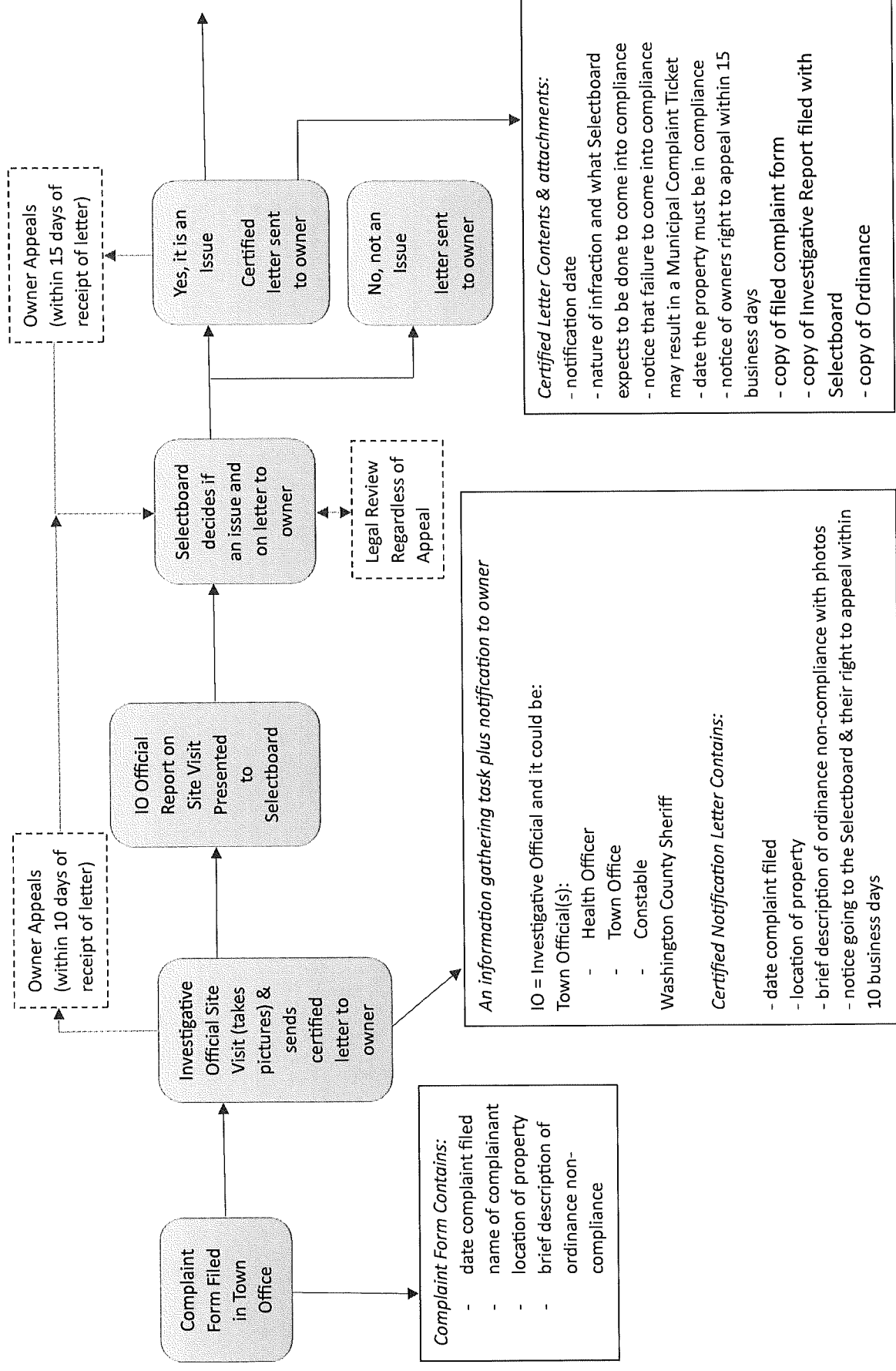
I think the Board should consider either Option 1, Option 3 or Option 5.

Option 1 is the most cost-effective and perhaps of some importance given our recent & unplanned for hits necessitating a Million-dollar line-of-credit. It allows for streaming audio only via Teams. I could be wrong, but the only issue I could see here is that the laptop screen might not be big enough for effective management of a well-attended Teams meeting. If that is proven to be the case, we could simply add a TV and HDMI cable.

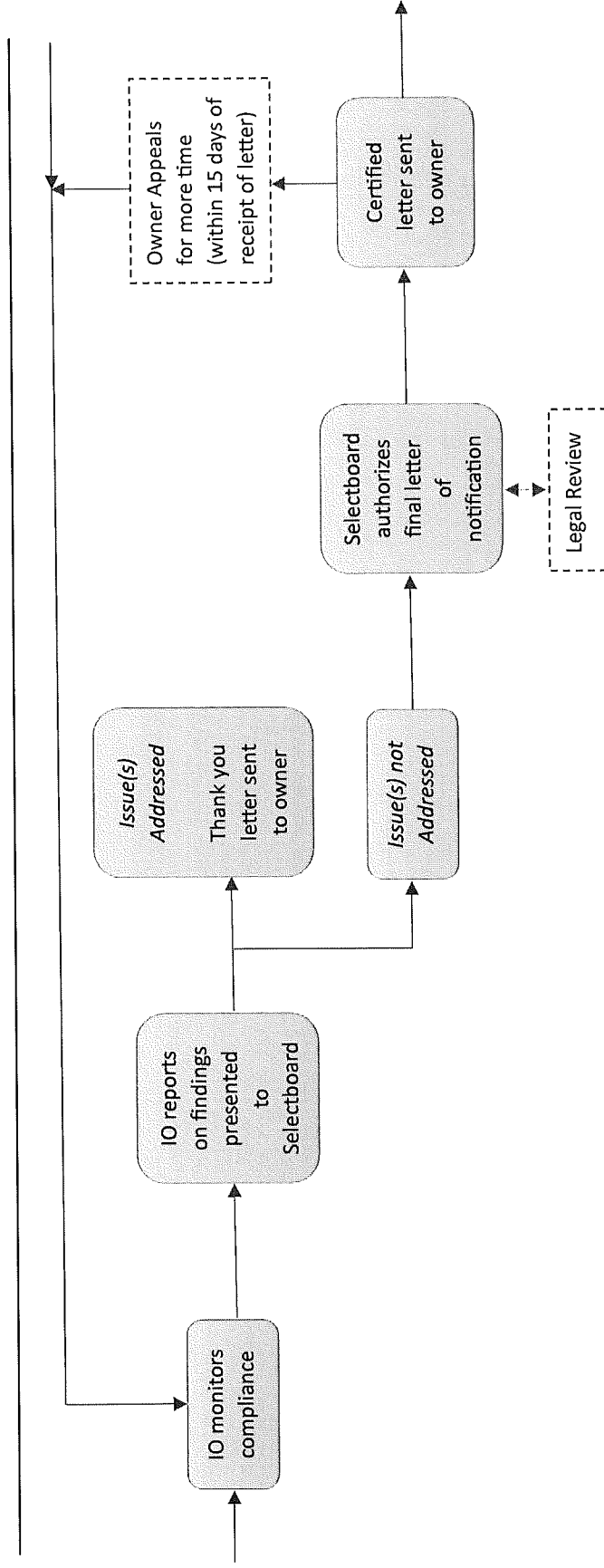
Option 3 sits between the two extremes and is approximately \$1,000 less than Option 5. The view of the Selectboard would be static and the audio would be same as we have now. The TV would aid in meeting management. The camera would offer sufficient quality given three people sitting in chairs, albeit older technology.

Option 5 while the most expensive, it does get us the infrastructure needed to stream a quality video product if we wish. Owl Labs has confirmed that the video can be turned off and we could still make use of the directional audio pickup. If we go with this option, I will also recommend just purchasing the one Owl this year and trying the March Town Meeting with it. One is better than the none the Town has used in the past 242 years. If in a Town Meeting post-mortem we think a second Owl is desired, we can always purchase it in the 2024/25 fiscal year.

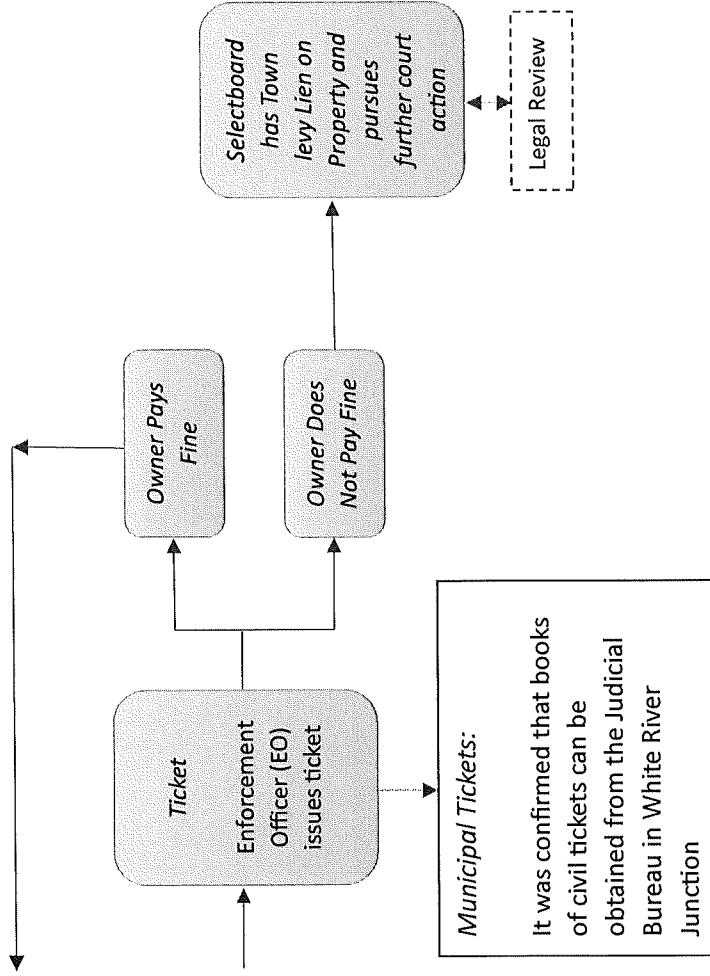
2nd Draft Process as at 07-Aug-23



2nd Draft Process as at 07-Aug-23



2nd Draft Process as at 07-Aug-23



Questions:

- what other tools are available to the Town for compliance in addition to the Ordinance?
- need to agree / set timeframes
- are there distinctions in levels of compliance and fines?
 - o leaching oil/gas verses
 - o count of unregistered vehicle verses
 - o piles of old appliances?
- it was mentioned to "Include remedies" in notice to owner by IO (page 1) but is it in IO's wheelhouse to voice this if the determination of violation hasn't yet been made?

Town Atty Questions...

- from "Yes, it is an Issue" point forward, can we treat as Executive Session under VSA 313(a)
 - o 1D "grievances, other than tax" or
 - o 1E "pending or probable litigation..."?
- can Town seek to recover legal fees...
 - o as part of fine itself? <no, because in Judicial Bureau using Municipal Tickets no lawyers needed?>
 - o once we need to levy a lien or other court actions? <maybe, if we take up to Superior Court?>

Vermont Judicial Bureau
PO Box 607
White River Junction, VT 05001



Phone: 802-295-8869
www.vermontjudiciary.org
JUD.VJB@vermont.gov

Request for Vermont Civil Violation Complaints

Department Name: _____
Printed Name: _____
Phone: _____

4 Digit Number (Required): _____
Job Title: _____

Shipping Address:

(Street) _____
(City/Town) _____ (State) VT (Zip) _____

The Judicial Bureau will notify local police agencies when Complaints and/or Envelopes are ready for pickup

	Quantity
VCVC Books	_____
MUNICIPAL Books	_____
FISH & WILDLIFE Books	_____
Striped Envelopes	_____

Local agencies will be notified when pickup is ready;
Complaints to distant agencies will be shipped by UPS
Please allow 10-15 business days for request to be processed
Email this form to: jud.vjb@vermont.gov

FOR JUDICIAL BUREAU USE ONLY

VCVC# _____ to# _____ Book Total _____
VCVC# _____ to# _____ Book Total _____
Date Shipped _____ Clerk _____
Date/Clerk entered Book Management System _____/_____

	Weight
Box #1	_____
Box #2	_____
Box #3	_____

**TOWN OF ROXBURY
DOG CONTROL ORDINANCE**

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Roxbury under authority of 20 V.S.A, 3549, 24 V.S.A 2291 (10) and 2291 (14 & 15) and 24 V.S.A. Chapter 59

SECTION 2. PURPOSE. It is the purpose of this ordinance to regulate the keeping of dogs, to protect public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply.

- A. **"Dog"** means any member of the canine species, including the progeny of a dog and a wolf (wolf hybrid) and/or an animal represented to be a wolf hybrid;
- B. **"Owner"** means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter for a dog;
- C. **"Running at Large"** means that a dog is not:
 - 1. on a leash;
 - 2. in a vehicle;
 - 3. on the owner's property;
 - 4. on the property of another person with that person's permission;
 - 5. clearly under the verbal or non-verbal control of the owner; or
 - 6. hunting with the owner.
- D. **"Vicious Dog"** means a dog that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal as defined in 20 V.S.A. 3541.

SECTION 4. DISTURBANCES AND NUISANCES

- A. No dog shall run at large in the town.
- B. No dog shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog.
- C. A female dog in heat shall be confined to a building or other secure enclosure, except while under direct control of the owner.

- D. No person shall own, keep or harbor a dog that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

SECTION 5. COLLAR AND LICENSE

- A. Each dog shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached.
- B. The owner of a dog that is found running at large without a collar or harness and license shall be notified of the town's dog ordinance and state statute regarding licensing. If the owner is unknown, the dog shall be taken by the constable or animal control officer to the town's designated poundkeeper or the Central Vermont Humane Society.

SECTION 6. HUMANE CARE OF DOGS. All dogs shall be furnished with clean and safe facilities, water and shelter sufficient to protect the animal and the public health. Any dog determined by a constable or animal control officer to be without such clean and safe facilities may be impounded.

SECTION 7. ENFORCEMENT. This is a civil ordinance and shall be enforced by a constable or animal control officer in the Vermont Judicial Bureau in accordance with 24 V.S.A. 1974a et seq.

SECTION 8. IMPOUNDMENT

- A. Any dog that is determined by a constable or animal control officer to be a vicious dog which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog that is apprehended for a 2nd violation of any violation of this ordinance shall be impounded.

SECTION 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT

- A. The officer who impounds a dog shall, within 24 hours, give notice to the owner thereof, either personally or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.
- B. If an impounded dog has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. Sec. 3806.
- C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees. If the dog has not been vaccinated against rabies or licensed in the Town of Roxbury, the dog shall be vaccinated and licensed prior to release to the owner. The owner shall incur all expenses for vaccination and licensing. The owner shall

demonstrate a plan of compliance to prevent further violations of this ordinance and state law.

SECTION 10. PENALTIES AND COSTS

- | | |
|--|--|
| A. First offense | Written warning |
| B. Second offense | Impoundment and impoundment cost, plus a \$25.00 penalty |
| C. Subsequent offenses | Impoundment and impoundment costs plus a \$50.00 penalty |
| D. Impoundment costs shall be determined by the pound keeper | |

SECTION 11. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Roxbury and all applicable laws of the State of Vermont.

SECTION 12. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Roxbury Selectboard. If a petition is filed under 24 V.S.A. Sec. 1973, that statute shall govern the taking effect of this ordinance.

Thomas L. Frazier, Chair
Sally A. O'Neil
Susan M. D'Amico

August 15, 2005

The Vermont Statutes Online

Title 24: Municipal And County Government

Chapter 59: Adoption And Enforcement Of Ordinances And Rules

§ 1971. Authority to adopt

(a) A municipality may adopt, amend, repeal, and enforce ordinances or rules for any purposes authorized by law.

(b) An ordinance or rule adopted or amended by a municipality under this chapter or under its municipal charter authority shall be designated as either criminal or civil, but not both. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 10, eff. March 11, 1971; 1993, No. 237 (Adj. Sess.), § 2, eff. Nov. 1, 1994.)

§ 1972. Procedure

(a)(1) The legislative body of a municipality desiring to adopt an ordinance or rule may adopt it subject to the petition set forth in section 1973 of this title and shall cause it to be entered in the minutes of the municipality and posted in at least five conspicuous places within the municipality. The legislative body shall arrange for one formal publication of the ordinance or rule or a concise summary thereof in a newspaper circulating in the municipality on a day not more than 14 days following the date when the proposed provision is so adopted. Information included in the publication shall be the name of the municipality; the name of the municipality's website, if the municipality actively updates its website on a regular basis; the title or subject of the ordinance or rule; the name, telephone number, and mailing address of a municipal official designated to answer questions and receive comments on the proposal; and where the full text may be examined. The same notice shall explain citizens' rights to petition for a vote on the ordinance or rule at an annual or special meeting as provided in section 1973 of this title.

(2) Unless a petition is filed in accordance with section 1973 of this title, the ordinance or rule shall become effective 60 days after the date of its adoption, or at such time following the expiration of 60 days from the date of its adoption as is determined by the legislative body. If a petition is filed in accordance with section 1973 of this title, the taking effect of the ordinance or rule shall be governed by subsection 1973(e) of this title.

(b) All ordinances and rules adopted by a municipality shall be recorded in the records of the municipality.

(c) The procedure herein provided shall apply to the adoption of any ordinance or rule by a municipality unless another procedure is provided by charter, special law, or particular statute. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 11,

eff. March 11, 1971; 1979, No. 180 (Adj. Sess.), § 1, eff. May 5, 1980; 2011, No. 155 (Adj. Sess.), § 7.)

§ 1973. Permissive referendum

(a) An ordinance or rule adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (b) of this section.

(b) A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five per cent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition, or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will disapprove the ordinance or rule.

(d) Not less than two copies of the ordinance or rule shall be posted at each polling place during the hours of voting, and copies thereof made available to voters at the polls on request. It shall be sufficient to refer to the ordinance or rule in the warning by title.

(e) If a petition for an annual or a special meeting is duly submitted in accordance with this section, to determine whether an ordinance or rule shall be disapproved by the voters of the municipality, the ordinance or rule shall take effect on the conclusion of the meeting, or at such later date as is specified in the ordinance or rule, unless a majority of the qualified voters voting on the question at the meeting vote to disapprove the ordinance or rule in which event it shall not take effect. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 12, eff. March 11, 1971.)

§ 1974. Enforcement of criminal ordinances

(a)(1) The violation of a criminal ordinance or rule adopted by a municipality under this chapter shall be a misdemeanor.

(2) The criminal ordinance or rule may provide for a fine or imprisonment, but no fine shall exceed \$800.00, nor may any term of imprisonment exceed one year.

(3) Each day the violation continues shall constitute a separate offense.

(b) The presiding judge of the Superior Court, on application of the legislative body of a municipality, shall have jurisdiction to enjoin the violation of an ordinance or rule but the election of a municipality to proceed under this subsection shall not prevent prosecutions under subsection (a) of this section.

(c) Prosecutions of criminal ordinances shall be brought before the Superior Court pursuant to 4 V.S.A. § 32.

(d) Prosecutions of criminal ordinances may be brought on behalf of the municipality by the municipal attorney or other person designated by the legislative body of the municipality. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1993, No. 237 (Adj. Sess.), § 3, eff. Nov. 1, 1994; 2009, No. 154 (Adj. Sess.), § 182; 2017, No. 74, § 95; 2017, No. 93 (Adj. Sess.), § 20; 2017, No. 130 (Adj. Sess.), § 14.)

§ 1974a. Enforcement of civil ordinance violations

(a) A civil penalty of not more than \$800.00 may be imposed for a violation of a civil ordinance. Each day the violation continues shall constitute a separate violation.

(b) All civil ordinance violations, except municipal parking violations, and all continuing civil ordinance violations, where the penalty is \$800.00 or less, shall be brought before the Judicial Bureau pursuant to Title 4 and this chapter. If the penalty for all continuing civil ordinance violations is greater than \$800.00, or injunctive relief, other than as provided in subsection (c) of this section, is sought, the action shall be brought in the Criminal Division of the Superior Court, unless the matter relates to enforcement under chapter 117 of this title, in which instance the action shall be brought in the Environmental Division of the Superior Court.

(c) The Judicial Bureau, on application of a municipality, may order that a civil ordinance violation cease.

(d) Civil enforcement of municipal zoning violations may be brought as a civil ordinance violation pursuant to this section or in an enforcement action pursuant to the requirements of chapter 117 of this title.

(e)(1) When filed in court as an enforcement action by the municipality, municipal parking violations shall be brought as civil violations. The right to trial by jury shall not apply in such cases.

(2) A person who received a criminal conviction in District Court for a municipal parking violation committed before January 1, 2005 may petition the court to seal all records in the matter. The person shall provide a copy of the petition to the State or municipal official who was the prosecuting authority on the matter in District Court. The court shall grant the petition if, after providing the prosecuting authority with an opportunity to respond, the court finds that sealing the records would serve the interests of justice. (Added 1993, No. 237 (Adj. Sess.), § 4, eff. Nov. 1, 1994; amended 1997, No. 121 (Adj. Sess.), § 17; 2003, No. 115 (Adj. Sess.), § 77, eff. Jan. 1, 2005; 2003, No. 146 (Adj. Sess.), § 5, eff. Jan. 1, 2005; 2009, No. 154 (Adj. Sess.), § 236; 2011, No. 155 (Adj. Sess.), § 2.)

§ 1975. Evidence of adoption

A certificate of the clerk of a municipality showing the publication, posting, recording, and adoption of an ordinance or rule, or any of the foregoing, shall be presumptive evidence of the facts so stated in any action or proceeding in court or before any board, commission, or other tribunal. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 13, eff. March 11, 1971.)

§ 1976. Amendments and repeals

An ordinance or rule adopted in accordance with the procedures provided for in this chapter may be amended or repealed in accordance with the procedure herein set forth relating to adoption of ordinances and rules, and the provisions of this chapter, including the right of petition and referendum contained in section 1973 of this title, shall apply to the amendment or repeal of an ordinance or rule adopted under this chapter as well as to its enactment. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970.)

§ 1977. Complaint for municipal civil ordinance violations

(a) The complaint in a municipal civil case shall be signed by the issuing municipal official. The original copy shall be filed with the Judicial Bureau, a copy shall be retained by the issuing municipal official, and two copies shall be given to the defendant.

(b) The municipal official may void or amend the municipal complaint issued by that official by so marking the complaint and sending it to the Judicial Bureau.

(c) The Court Administrator shall approve an appropriate summons and complaint form, pursuant to 4 V.S.A. § 1105(a), to implement the assessment of the full and waiver penalty provisions of this section. (Added 1993, No. 237 (Adj. Sess.), § 5, eff. Nov. 1, 1994; amended 1997, No. 121 (Adj. Sess.), § 18; 1999, No. 58, § 4, eff. Sept. 1, 1999; 1999, No. 160 (Adj. Sess.), § 28.)

§ 1978. Repealed. 1997, No. 121 (Adj. Sess.), § 39(6).**§ 1979. Procedure**

(a) Municipal ordinance violations shall be heard by the Bureau and the procedure shall be as provided in 4 V.S.A. chapter 29.

(b) At the hearing, the municipal attorney or designee of the legislative body of the municipality may dismiss or amend the complaint, subject to the approval of the hearing officer.

(c) Upon entry of default judgment pursuant to 4 V.S.A. § 1105(f), the hearing officer shall assess the full penalty provided for in the ordinance that was found to have been violated.

(d) Upon entry of judgment against the defendant after a contested hearing, the hearing officer shall assess a civil penalty in an amount not less than the waiver penalty and not more than the full penalty provided for in the ordinance that was found to have been violated. (Added 1993, No. 237 (Adj. Sess.), § 5, eff. Nov. 1, 1994; amended 1997, No. 121 (Adj. Sess.), § 19; 1999, No. 58, § 5, eff. Sept. 1, 1999; 2017, No. 93 (Adj. Sess.), § 21.)

§ 1980. Repealed. 1997, No. 121 (Adj. Sess.), § 39(7).**§ 1981. Enforcement of order from Judicial Bureau**

(a) Upon the filing of the complaint and entry of a judgment after hearing or entry of default by the hearing officer, subject to any appeal pursuant to 4 V.S.A. § 1107, the person found in violation shall have up to 30 days to pay the penalty to the Judicial Bureau. All the

civil remedies for collection of judgments shall be available to enforce the final judgment of the Judicial Bureau.

(b) In addition to any other civil remedies available by law, a final judgment of the Judicial Bureau that has not been satisfied within 30 days shall, upon due recordation in the land records of the town in which any real or personal property of the defendant is located, constitute a lien upon that real or personal property, except for motor vehicles as defined by 23 V.S.A. § 4(21), and may be enforced within the time and in the manner provided for the collection of taxes pursuant to 32 V.S.A. chapter 133, subchapter 8.

(c) The remedies of civil contempt and referral to a collections agency for failure to pay a Judicial Bureau judgment under this section shall be as provided in 4 V.S.A. § 1109(c) and

(d). (Added 1993, No. 237 (Adj. Sess.), § 5, eff. Nov. 1, 1994; amended 1997, No. 121 (Adj. Sess.), § 20; 1997, No. 122 (Adj. Sess.), § 1; 1999, No. 58, § 6; 2003, No. 62, § 3; see effective date note below; 2009, No. 154 (Adj. Sess.), § 238; 2011, No. 83 (Adj. Sess.), § 1; 2019, No. 77, § 22, eff. June 19, 2019; 2019, No. 175 (Adj. Sess.), § 24, eff. Oct. 8, 2020.)

§ 1982. Reports

The Court Administrator shall prepare audits, records, and reports relating to the enforcement of municipal ordinance complaints in the Judicial Bureau. (Added 1993, No. 237 (Adj. Sess.), § 5, eff. Nov. 1, 1994; amended 1997, No. 121 (Adj. Sess.), § 21.)

§ 1983. Identification to law enforcement officers required

(a) A law enforcement officer is authorized to detain a person if:

(1) the officer has reasonable grounds to believe the person has violated a municipal ordinance; and

(2) the person refuses to identify himself or herself satisfactorily to the officer when requested by the officer.

(b) The person may be detained only until the person identifies himself or herself satisfactorily to the officer or is properly identified. If the officer is unable to obtain the identification information, the person shall forthwith be brought before a Criminal Division of the Superior Court judge for that purpose. A person who refuses to identify himself or herself to the court on request shall immediately and without service of an order on the person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122. (Added 1997, No. 122 (Adj. Sess.), § 2; amended 2009, No. 154 (Adj. Sess.), § 238; 2013, No. 194 (Adj. Sess.), § 14, eff. June 17, 2014.)

§ 1984. Conflict of interest prohibition

(a)(1) Each town, city, and incorporated village, by majority vote of those present and voting at an annual or special meeting warned for that purpose, shall adopt a conflict of interest prohibition for its elected and appointed officials, which shall contain:

(A) A definition of “conflict of interest.”

- (B) A list of the elected and appointed officials covered by such prohibition.
- (C) A method to determine whether a conflict of interest exists.
- (D) Actions that must be taken if a conflict of interest is determined to exist.
- (E) A method of enforcement against individuals violating such prohibition.

(2) The requirement set forth in subdivision (1) of this subsection shall not apply if, pursuant to the provisions of subdivision 2291(20) of this title, the municipality has established a conflict of interest policy that is in substantial compliance with subdivision (1).

(b)(1) Unless the prohibition adopted pursuant to subsection (a) of this section contains a different definition of “conflict of interest,” for the purposes of a prohibition adopted under this section, “conflict of interest” means a direct personal or pecuniary interest of a public official, or the official’s spouse, household member, business associate, employer, or employee, in the outcome of a cause, proceeding, application, or any other matter pending before the official or before the agency or public body in which the official holds office or is employed.

(2) “Conflict of interest” does not arise in the case of votes or decisions on matters in which the public official has a personal or pecuniary interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision. (Added 1999, No. 82 (Adj. Sess.), § 2; amended 2017, No. 79, § 14, eff. July 1, 2019.)

DATE

DOG OWNER
PO Box
Roxbury VT 05669

Dear DOG OWNER

It has been brought to the Selectboard's attention that you have not yet licensed your dog(s) with the Roxbury Town Clerk in 2022.

Because rabies poses a serious health threat in Vermont, State Law 20 VSA 3581 requires all dogs to be vaccinated against rabies by a veterinarian and licensed in the Town where the animal is kept. Failure to comply may result in penalties of up to \$500.00 per violation (20 VSA 3550 or 3582, 3621, 3622) and 20 VSA 3590 states that owners shall be notified that unlicensed or uninoculated dogs or wolf-hybrids may be destroyed.

Luther's rabies vaccine is not valid. You will need to send in a valid rabies certificate in order to be able to license him. Please send \$11.00.

If you no longer have these dogs or have more dogs, please contact the Town Clerk

You may send the necessary funds and rabies certificate to the Town Clerk at PO Box 53, Roxbury, VT 05669 or you may come to the Town Clerk's Office.

A list of owners of all unlicensed dogs will be sent to the Town Attorney for legal action. **Please contact the Town Clerk as soon as possible to avoid legal action.**

Sincerely,
Roxbury Selectboard
Jon Guiffre, Chair
Ryan Johns
David McShane

tjl

MEMO: Conceptual Summary of Needs and Opportunities for support Under the Municipal Technical Assistance Program

To: Roxbury Selectboard

From: Christian Meyer, CVRPC

Date: 7/8/9

Municipal Technical Assistance Program (MTAP)

Under the MTAP, the Agency of Administration is funding regional planning commissions to provide municipalities with additional staff time and technical assistance to increase access to federal funding sources. In this capacity, CVRPC will: (1) provide application and permit assistance or provide support satisfying initial regulator requirements; (2) provide project management and implementation assistance, including program compliance; and, (3) other capacity building projects, subject to approval.

Eligible project types include:

- Water supply and wastewater infrastructure;
- Housing;
- Community recovery, workforce development, and business support;
- Climate change mitigation and resilience; and
- Other community economic development projects identified by a municipality and approved by the State.

Next steps:

1. Review this preliminary list of initiatives gathered by CVRPC staff. What is missing?
2. Identify priorities and consider how the CVRPC can support their development (applying for grants, project management...)
3. Indicate priorities to CVRPC staff, who will develop a statement of work
4. The Selectboard will then review and accept the Statement of Work.
5. CVRPC will begin work

Needs and Opportunities

The following is a preliminary list of community needs. Additional projects can be added. Each concept has been matched with some potential funding program, additional refinement will be necessary once a project has been identified as a priority.

Drinking Water/Waste Water

Clean Water State Revolving Fund

Design – Up to \$125K forgivable loan.

Construction – 0% loan with 2% admin fee.

Drinking Water State Revolving Fund

Funding can support a variety of improvements or rehabilitation a drinking water system. Additional information is needed before a specific project can be vetted for eligibility.

Product Replacement - In kind product replacement is considered an O&M cost if the product breaks down before the original life cycle estimate from a manufacturer or engineer. If the product is past its useful life, then it may be eligible for funding. Upgrades are potentially eligible, regardless of life cycle.

Source protection – Will sometimes be protected if it means moving the well.

Northern Borders Regional Commission – Catalyst Grant

Funding available for infrastructure through the Catalyst Program brings multiple investment priorities together to stimulate growth and inspire partnerships for rural economic vitality in the northern border region.

Congressional Discretionary Funding

Work with federal delegation

Village Water/Waste Water Initiative

Funding under this program are meant to be leveraged for the development of new facilities and will be done in conjunction with State Revolving Loan Funds

USDA – Water and Waste Disposal Land and Grant Program in Vermont

Financing for long Term, low interest loans to support sourcing, treatment, storage and distribution

ACCD Community Revitalization and Recovery Program

Funding available for municipalities for water and wastewater expansion for business development or expansion. (i.e., economic development.)

Healthy Homes Initiative

Financial assistance to residential property owners, including owner-occupied multi-family properties with up to four units for the repair or replacement of failing or inadequate on-site water and/or wastewater systems.

Healthy Homes Initiative – Manufactured Homes

Funding to help manufactured housing communities (also known as mobile home parks) fix water infrastructure issues related to drinking water, wastewater, stormwater, and drainage systems.

Energy

Sustainable Energy in Schools and Public Buildings

Funding available for up to a 15kw system, advanced wood fueled heating, and Heat pumps.

Vermont Community EV Charging Incentive Program

Statewide program administered through GMP

****Additional programs exist to electrify the municipal fleet and school buses,*

Disaster Mitigation and Recovery

CVRPC can work with Roxbury to improve its Emergency Relief and Assistance Fund (ERAF) scoring. Potential work to undertake for enforcement of permitting in the Special Flood Hazard Area. Other potential emergency response and resilience projects for consideration include the following:

Backup generator

There will be new hazard mitigation funding available following the Summer 2023 flooding that will cover 75%-90% of this cost. CVRPC will be monitoring this. Potential for a pooled application with other regional municipalities.

There are other programs available at this time, but they each have higher match requirements.

Building Resilient Infrastructure and Communities (BRIC)

FEMA funding to undertake hazard mitigation projects (including scoping and implementation) that reduce the risks from disasters and natural hazards. December application date and requires a 25%-10% match.

Flood Resilient Communities Fund

Funding to support repetitive loss property buy-outs

Transportation

While transportation planning and implementation projects are not eligible under the MTAP, CVRPC may be able to partner with the municipality in other ways to help support work to plan for and improve local transportation assets.

Grants in Aid

The VTrans Municipal Grants-In-Aid Program provides technical support and grant funding to municipalities to promote the use of erosion control and maintenance techniques that save money while ensuring best management practices are completed in accordance with the Vermont Department of Environmental Conservation's Municipal Roads General Permit (MRGP.) **Connected Segments.**

Better Roads

The Vermont Better Roads Program promotes the use of erosion control and maintenance techniques that save money while protecting and enhancing water quality around the State. **Scores higher if meets water quality goals.**

Town Highway Structures Program

State grants for bridges, culverts (36 inch diameter or larger), and retaining walls that are part of the municipalities' highway (Class 1, 2, or 3) infrastructure. Projects are selected by the District Transportation Administrator.

Town Highway Class 2 Roadway Program

State grants for the preservation of any Class 2 highways for resurfacing or reconstruction, including culverts under 36" in diameter

Better Connections

The BC program provides technical assistance and funds to local communities to help them achieve their goals and plan for growth. The program funds planning efforts to increase multi-modal transportation options and to improve land use, water quality, public health, and economic vitality in Vermont communities. The interagency program provides targeted municipal assistance to:

- help communities identify and prioritize their goals and projects;
- develop an action-oriented plan to achieve the goals and move projects directly to implementation; and
- link the communities to a growing network of public and philanthropic partners to help them implement their priority projects.

ROXBURY SELECTBOARD MEETING
MINUTES OF AUGUST 09, 2023
4:00PM – 5:05PM
12A WETLANDS

MEMBERS PRESENT: Vice-Chair Rene Bouchard and Road Commissioner Dave McShane
STAFF PRESENT: None
PUBLIC PRESENT: Tyler Brown, Wildlife Specialist - ANR Dept. of Fish & Wildlife,
Ramsey Hoehn, Norbert Auger, Vinny Murawski – Windridge Camp,
Ed Dickinson, Jerry D’Amico, John Aberth, Alyce Poalillo, Gerri Huck, Ben Pincus,
Sean Cummings & Yelena Synkova & Family, Matt & Tracy Fuller (portion), Tom
Frazier (portion)

1. Call meeting to order: 4:00pm

2. Discussion Points

It was mentioned that the purpose of the meeting was to have Tyler observe and analyze the situation the Town is facing with high water due to beaver activity.

There were short discussions around merits of trapping, devices to use and damage being done to property along 12A.

Tyler explained a Beaver Baffle is a tube inserted into a beaver dam to allow the water levels behind the dam to drop and be maintained without alerting them. He also said an Exclusionary Fence is a multi-sided fence built around both sides of a culvert allowing for water to flow unimpeded. Both of these devices require periodic maintenance to function as designed.

Ed Dickinson reported he has continued water in his basement, that his foundation is cracking and that other homes along 12A have water in their basements too. In a conversation had with one couple it was disclosed they are running two sump pumps 24x7 to try and keep water levels low in their basement so their furnace can function.

The group made it’s way to the twin-box culvert & sediment basins located across from Windridge on 12A. Here we observed that the water levels on the 6’ tall twin-box culvert openings left only 1’-2’ of open space. In addition, Dave pointed out that the culvert pipe under 12A from the camp is currently underwater, therefore the pipe is not draining the east side of the road. Dave further reported that both VTrans and the railroad have been notified.

From there, the group made it’s way along 12A and to the west to observe the box culvert from above on both the east and west side of the tracks. Next step conversations there led to an agreement that Ramsey Hoehn & Rene Bouchard would conduct a drone survey in the Fall. Tyler recommended doing this after the leaves were gone as that would give us the best opportunity at spotting beaver dams. Jerry D’Amico reported that he believes we will see dams behind the Larcombe’s log home, behind the Chamberlin’s property and then another one about 50-100

yards to the south from there. In addition, it is believed there are perhaps at least two dams south of the Village.

The group then returned to the parking lot where it was agreed that Dave, Rene, Jerry and Tyler would drive up 12A to bridge 27 to observe the situation there. Ed Dickinson came along too.

At the Bridge 27 stop, we observed that there is an estimated 3'-4' of water being held back from underwater debris lodged up against the west side of the railroad trestle on the west side of 12A. Water levels on the east side exit of the 12A bridge were observed to also be elevated and thought to be in that state from a beaver dam located out-of-sight and to the east of 12A.

3. Action Items

- a) Tyler to send the Town his recommendations in the coming weeks
- b) Ramsey Hoehn & Rene Bouchard will conduct a drone survey in the Fall once the leaves are down
- c) After the survey we will speak again with Tyler on what the drone reveals and next steps

4. Adjourn

With no further business to discuss, the meeting adjourned at 5:05 p.m.

Rene Bouchard, Selectman
August 11, 2023

Fish & Wildlife Department

Springfield District Natural Resources Office
100 Mineral Street, Suite 302
Springfield, VT 05156-3168
www.vtfishandwildlife.com

[cell] 802-522-9714
[fax] 802-885-8890
[email] tyler.brown@vermont.gov

Agency of Natural Resources

August 11, 2023

To the Town of Roxbury,

On August 9th 2023, I met with Rene Bouchard along with other selectboard members, adjacent landowners and citizens to evaluate the beaver activity along Route 12a across from the Windridge Camp.

It is my understanding that there have been conflicts with beavers in this area off and on for many years. It was made evident by attendees that the water levels associated with the wetland complex west of the railroad tracks are creating issues for homeowners, the railroad, and other public infrastructure. While the beavers may be influencing the water levels within this wetland, it is likely that there are other factors also influencing water levels.

My recommendations will only focus on beaver activity. I would encourage the town to contact the Wetlands Program and Rivers Program within the Department of Environmental Conservation (DEC) to gather more information and advice on the wetland complex and the Dog River flowing from the wetland to the north.

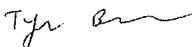
The issue we looked at for this visit was a set of culverts under the railroad tracks that had been plugged by beavers. The plugged culverts were ponding water between the tracks and 12a. This was also preventing a culvert under 12a from draining properly. I was told by an attendee that the culverts were about 6 feet tall and that it is normally a small stream that flows through the culverts. With the culverts mostly underwater, it was difficult to determine if an exclusion fence could be a possible solution but I didn't see anything on site that would lead me to believe an exclusion fence would not be an option. Since the railroad company maintains the culverts under the tracks, they would need to give permission for an exclusion fence to be built.

We also looked at the river crossing under 12a just North of the village. There were concerns that a beaver dam just downstream was keeping the water levels high in the river. The current water level did not appear to be creating an issue at that time. The water volume at this location is too high for a beaver baffle to be effective. My recommendation would be to leave this site as it is. If the town feels it is necessary to remove the dam, DEC's River Management Engineer will need to be contacted.

It is important to note that any work including the installation of beaver baffles, exclusion fences, beaver dam removal will also need the approval of the landowner where the work is being performed.

Due to the thick vegetation within the main portion of the wetland, I was not able to determine the level of beaver activity and whether it was influencing the water levels. This should be evaluated in the fall or winter when visibility is better. A more thorough evaluation and recommendation can be provided at that time.

Sincerely,



Tyler Brown
Wildlife Specialist



