

Q: Could the property owners of these private roads upgrade them to acceptable Town standards in order for them to be maintained by the Town?

A: Yes, if a private road is upgraded to the Town's established road standards and turned over to the Town as a public roadway. The Town's current standards, including roadway width, right-of-way width, sub-base composition, and surface type, vary depending upon development density levels and sub-surface soil conditions. For those property owners interested in this option, it is recommended that they consult with an engineer for guidance.

Q: How many properties are served by the Town's current practice of maintaining 14 miles of the Town's total 41 miles of private roads?

A: There are 922 parcels on private roadways that the Town presently maintains in winter, of which 736 properties have mailing addresses in Town. Of those 922 parcels, 578 are mobile homes in mobile home parks where the land is owned by commercial interests.

Outside of the mobile home parks, we estimate there are 158 year-round units that are on private roads with winter maintenance provided by the Town. This is approximately 2% of the 7,140 total dwelling units as of the 2010 census.

Find more Information about this issue on our Town website: www.colchestervt.gov. Scroll down to "Popular Links" and click on "Private Roads Issue."



Colchester
VERMONT

**TOWN OF COLCHESTER
SELECTBOARD
NOTICE OF PUBLIC MEETING**

**Colchester Town Offices
781 Blakely Road, Colchester, VT
Outer Bay Conference Room
3rd floor**

Tuesday, September 12, 2017, 6:30 PM

The Colchester Selectboard will hold a public meeting for the purpose of taking residents' comments on the winter maintenance operations of 14 of 41 miles of the private roads within the Town of Colchester.

After public input the Selectboard intends to adopt a formal policy on this issue.

Colchester residents are encouraged to attend this meeting and offer comments.

You may also submit comments:

- ♦ via U.S. mail to the address above
- ♦ By email to Dawn Francis, Town Manager, at: dfrancis@colchestervt.gov
- ♦ Leave comments by calling 264-5509 prior to the meeting.

Q: Why is the Selectboard considering different options for winter maintenance of private roads?

A: The Town of Colchester's road system consists of 92 miles of public roadways. There are 14 miles of private roadways on which the Town provides some level of winter maintenance and 27 miles of private roadways that are entirely maintained by property owners.

The Town's current practice of providing some level of winter maintenance on some, but not all, of the private roads in the Town has been a long standing issue for over 47 years. Currently, the Town provides varying levels of snow removal and or sanding to roughly 34% of the Town's private roads while the remaining 66% do not receive this service. Some residents and groups of residents have raised concerns about the fairness and equity of the current practice.

The Governance Committee, who prepared recommendations for Town Charter amendments, also recommends that the Board consider the issue and adopt a formal policy.

The Colchester Selectboard is ready and willing to adopt a formal policy. Engaging the public in open dialogue is necessary and welcomed and will help guide and inform the Board's final policy decision this issue.

Q: What are the options being considered?

1. Continue with the status quo (provide some level of winter maintenance to 14 miles of the 41 miles of private roads)
2. Discontinue winter operations on all private roads; or
3. Begin providing winter maintenance to all private roads (27 additional miles) if they meet adopted Town standards and are converted to public roadways.

Q: Why is there a problem with continuing the status quo of providing winter maintenance to some private roads but not others?

A: A summary of the legal issues from the Towns' legal counsel include:

- ◆ Plowing private roads may be considered to be beyond the Town's authority.
- ◆ The Town's charter provision passed in 1997 is "not crystal clear that...confers sufficient authority to plow private roads, or whether that provision would withstand legal scrutiny." (B. Monaghan, Esq. legal opinion dated 7/27/2017)
- ◆ It may violate the Proportional Contribution Clause of the Vermont Constitution which holds that private users should not receive a tax dollar benefit that is greater than what other taxpayers receive.
- ◆ The practice shows favoritism and unfair use of Town equipment for private gain.
- ◆ Liability from accidents with our equipment operating on private roads is significant.
- ◆ Competition with the private sector: the Town may be liable due to the taking of business away from private enterprise and unfair competition.
- ◆ Concerns about competition would be even greater on the part of private contractors if we were to take existing business away, as in the case of the Town expanding plowing to all private roads.

Q: Will the voters have a say on this issue?

A: Per past and current legal opinions, the Town's voters elected the Selectboard members to make certain decisions on their behalf. On this issue the voters have absolutely no direct authority to set municipal policy; only the Selectboard does.

Q: Will the property value and taxes be reduced for those property owners on private roads with winter maintenance provided by the Town stops plowing?

A: The Town assesses all properties for property taxes based on real estate market values as required by State statutes. At this time, there is no market evidence that would suggest properties on private roads that are plowed by the Town have a greater market value than properties on private roads that do not benefit from being plowed. Until there is market evidence to suggest that plowing of private roads affects the market values, the assessment cannot be changed based on plowing.

Q: Doesn't the 1997 Charter amendment require the Town to continue plowing certain roads?

A: No. According to the Town's legal counsel, there are no legal requirements (such as landowner vested rights or contractual/agreement rights) because the Town doesn't have the legal authority to plow these roads.