

## DOT says it's Saukville's job to maintain Hwy. 33 walks

Written by KRISTYN HALBIG ZIEHM  
Wednesday, 27 March 2013 18:31

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### <http://www.ozaukeepress.com/images/030713/snowSM.png> **State weighs in after village claims it's not responsible for sidewalk, path in town**

The Village of Saukville is responsible for shoveling snow, not only on the sidewalk along Highway 33 in the Town of Port Washington but also on the multi-use path, the Department of Transportation said last week.

In a letter addressed to Saukville Director of Public Works Roy Wilhelm, DOT Program Engineer Tom Longtin said, "Maintenance responsibility includes snow removal."

The letter, which Longtin said was to "remind the village of their responsibility to provide maintenance of sidewalks and multi-use paths along Highway 33 between I-43 and Jackson (Road)," reiterates the fact these walkways were constructed at the request of the village and City of Port Washington.



The city and village signed an agreement to maintain these walkways, Longtin said, adding that the Jackson Road dividing line was also mutually agreed upon.

Village Administrator Dawn Wagner said Monday that the village had no comment on Longtin's letter, noting that the Village Board and Finance Committee would not take up the DOT letter until their April 17 meetings.

The letter comes less than a month after Village Attorney Gerald Antoine sent a letter to the Town of Port Washington saying the village is not responsible for clearing either the sidewalk or multi-use path in that area.

While the village would not clear the pedestrian and bike path on the north side of Highway

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33, Antoine wrote, it would “for the moment” remove snow and ice on the south side of the highway “without conceding the responsibility for this in the future.”

Antoine’s letter was a response to a letter from Town attorney Steve Cain arguing that it is the village’s responsibility to clear the walkways as outlined in the Highway 33 contract the village signed.

When contacted this week, Antoine would not comment on the matter.

In a letter to the town, DOT Maintenance Supr. Adrian Lopez said, “We encourage the Town of Port Washington to work cooperatively with the village to resolve the issue.”

Since winter began and the snow started flying, town officials have worked to get the village to clear the walkways west of Jackson Road.

The City of Port Washington has been clearing its section of the path, officials noted.

And while the issue of snow removal is likely to become moot as the weather grows warmer, it may be only the start of things to come. Summer maintenance of the highway may also become an issue.

In his letter, Antoine said the village is only responsible for landscape features such as trees, shrubs and berms, not grass and weed cutting.

“It comes down to contract interpretation and contractual rights,” Antoine said in an interview earlier this month. “We hope this is a matter that can be resolved outside of court.”

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Image Information: Image Information: HEADING IN THE right direction, Chuck Norman walked west on the Highway 33 multi-use path in the Village of Saukville Tuesday. Had he been headed in the other direction, Norman would have had to contend with the several feet of snow that obscure the path east of Green Bay Road behind him. The village contends it's not responsible for snow on that section of the path, which is in the Town of Port Washington, but town officials disagree. Photo by Bill Schanen IV