

District 4
Certcode 0911-0

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2024**

Fill out form, make and file a copy with the Town Clerk, and submit the Mileage Certificate on or before February 20, 2024 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section via email to: aot.mileagecertificates@vermont.gov or if necessary via mail to: VTrans PPAID - Mapping Section, 219 North Main Street, Barre VT 05641.

We, the members of the legislative body of THETFORD in ORANGE County on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000			0	0.000
Class 2	14.230			14.230	0.000
Class 3	48.70	0.10		48.80	0.000
State Highway	26.335			26.335	0.000
Total	89.265	0.10		89.365	0.000
* Class 1 Lane	0.000			0	
* Class 4	9.77		0.28	9.49	0.000
* Legal Trail	0.00			0	

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

DS
P0

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

Mileage totals in red entered by P. DeAndrea, VTrans 3/8/2024

2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

-0.18 mi CL4 TH-26 (Jackson Brook Rd) discontinued in 1858

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

0.10 mi CL4 changed to 0.10 mi CL3 TH-26 (Jackson Brook Rd) due to remeasure and correction of 1858 CL4 discontinuance

4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Place an X in the box and sign below.

PART III - SIGNATURES - PLEASE SIGN.

Signatures of Selectmen/ Aldermen/ Trustees:

David J. [Signature] [Signature]

Signature of T/C/V Clerk: [Signature] Date Filed: 2/28/2024

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

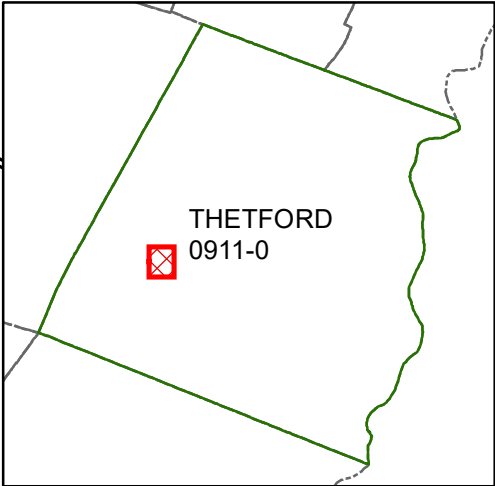
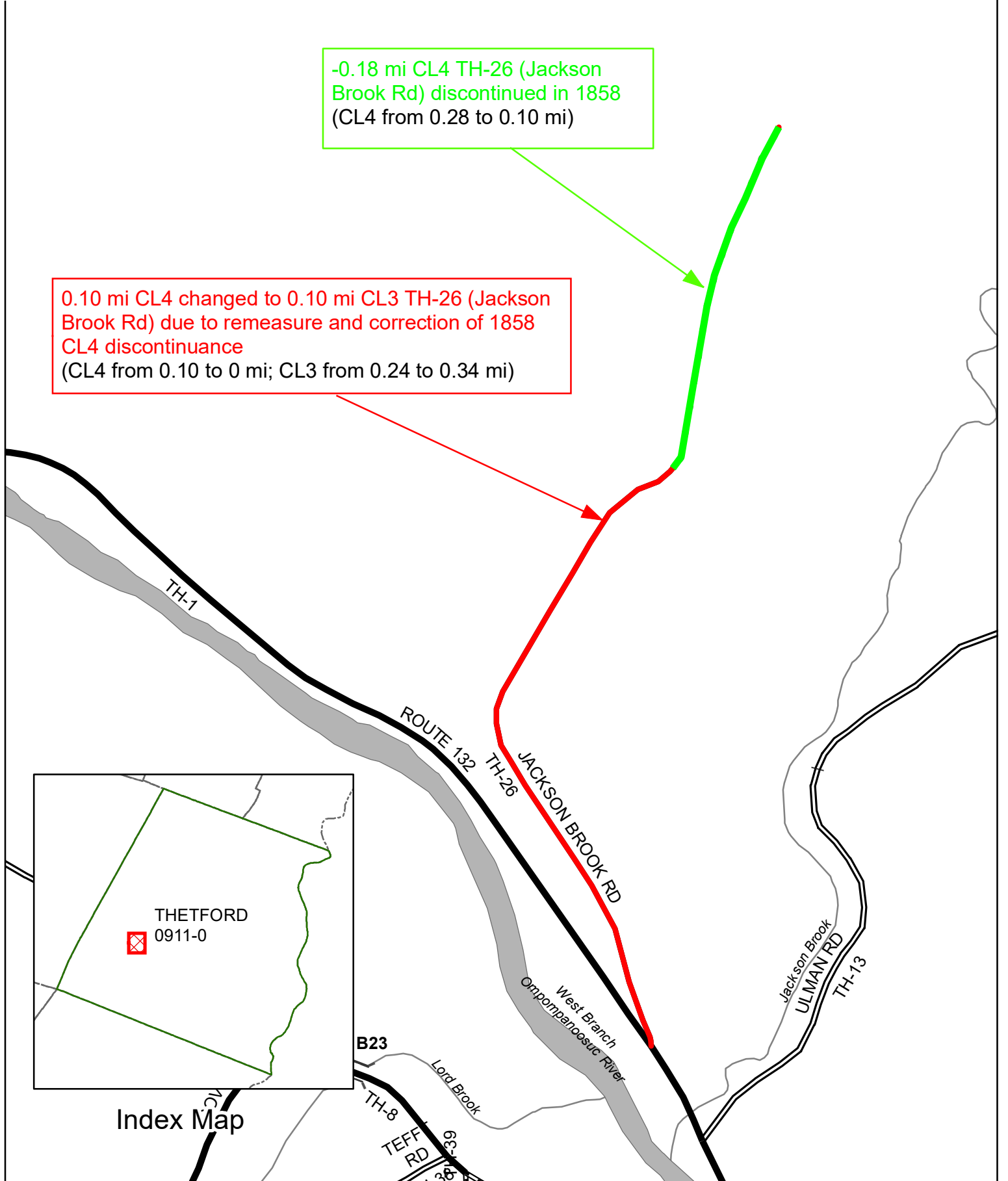
APPROVED:

Johnathan Croft
8B1F350F309C4C9...
Representative, Agency of Transportation

DATE: 3/14/2024

-0.18 mi CL4 TH-26 (Jackson Brook Rd) discontinued in 1858 (CL4 from 0.28 to 0.10 mi)

0.10 mi CL4 changed to 0.10 mi CL3 TH-26 (Jackson Brook Rd) due to remeasure and correction of 1858 CL4 discontinuance (CL4 from 0.10 to 0 mi; CL3 from 0.24 to 0.34 mi)

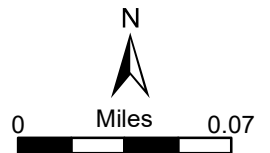


Index Map

Mileage Certificate Changes 2024

THETFORD TH-26

(CTUA:0911-0)
(CERTCODE:0911-0)



From: [Brian Story](#)
To: [AOT - Mileage Certificates](#)
Cc: [DeAndrea, Pam](#)
Subject: RE: Mileage Certificate Update
Date: Monday, November 13, 2023 10:28:18 AM
Attachments: [image001.png](#)

You don't often get email from townmanager@thetfordvt.gov. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Thanks Johnathan.

Brian Story
Thetford Town Manager
802.785.2922 x2

Please note that all communications may be subject to public records requests.

From: AOT - Mileage Certificates <AOT.MileageCertificates@vermont.gov>
Sent: Monday, November 13, 2023 10:20 AM
To: townmanager <townmanager@thetfordvt.gov>
Cc: DeAndrea, Pam <Pam.DeAndrea@vermont.gov>; AOT - Mileage Certificates <AOT.MileageCertificates@vermont.gov>
Subject: RE: Mileage Certificate Update

Good morning Brian,

Pam is out of the office today and I think we have a good understanding of this change, based on the information that has been provided. We are able to see the location of the turnaround in the lidar and can map to this point, but if you have any more detailed information regarding the exact location that the Town maintains to is considered class 3, this would be helpful.

Thanks.

Johnathan

Johnathan Croft | Mapping Section Chief
Policy, Planning & Research Bureau – Mapping Section
Policy, Planning & Intermodal Development Division
Vermont Agency of Transportation
219 North Main Street | Barre, VT 05641
[802-828-2600 phone](tel:802-828-2600) | johnathan.croft@vermont.gov
<http://vtrans.vermont.gov>



It's time to "button up" your homes for winter and the State of Vermont and the Button Up Vermont campaign have many resources available. To help prepare for and get through the home heating season, you can find information, financial resources, tips and more at vermont.gov/ButtonUpVT.

Updated (bivalent) COVID boosters and flu shots are now available! Stay up to date on your vaccines by contacting your pharmacy, doctor's office or visiting healthvermont.gov/MyVaccine for walk-in opportunities.

From: Brian Story <townmanager@thetfordvt.gov>
Sent: Monday, November 13, 2023 9:06 AM
To: AOT - Mileage Certificates <AOT.MileageCertificates@vermont.gov>
Cc: DeAndrea, Pam <Pam.DeAndrea@vermont.gov>
Subject: RE: Mileage Certificate Update

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Johnathan,

Hate to bother you about this, but could I get confirmation that you've received our correction? If there's anything else you need, I'd be happy to provide it.

Brian Story
Thetford Town Manager
802.785.2922 x2

Please note that all communications may be subject to public records requests.

From: Brian Story <townmanager@thetfordvt.gov>
Sent: Tuesday, October 3, 2023 3:17 PM
To: 'AOT - Mileage Certificates' <AOT.MileageCertificates@vermont.gov>
Cc: 'DeAndrea, Pam' <Pam.DeAndrea@vermont.gov>
Subject: RE: Mileage Certificate Update

That's the one. I've attached a letter requesting the update, along with the minutes and the memo from the town's attorney as supporting documents. Let me know if there's anything else you need.

Brian Story
Thetford Town Manager
802.785.2922 x2

Please note that all communications may be subject to public records requests.

From: AOT - Mileage Certificates <AOT.MileageCertificates@vermont.gov>
Sent: Tuesday, October 3, 2023 1:31 PM
To: townmanager <townmanager@thetfordvt.gov>
Cc: AOT - Mileage Certificates <AOT.MileageCertificates@vermont.gov>; DeAndrea, Pam <Pam.DeAndrea@vermont.gov>

Subject: RE: Mileage Certificate Update

Good afternoon Brian,

Please feel free to send along any information regarding the error and we can work through it. I am going to go out on a limb and guess this pertains to TH-26 (Jackson Brook Road), as there has been a bunch of information provided to VTrans from a landowner regarding the extent of the town highway. We work with Towns regarding the official extent and mileage of town highways, as the Selectboard is the authority over town highways, so would be looking to the Town for any clarification and documentation.

Feel free to reach out with any questions regarding what VTrans Mapping may need for documentation regarding mileage changes or mapping in general.

Johnathan

Johnathan Croft | Mapping Section Chief
Policy, Planning & Research Bureau – Mapping Section
Policy, Planning & Intermodal Development Division
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It's time to "button up" your homes for winter and the State of Vermont and the Button Up Vermont campaign have many resources available. To help prepare for and get through the home heating season, you can find information, financial resources, tips and more at vermont.gov/ButtonUpVT.

Updated (bivalent) COVID boosters and flu shots are now available! Stay up to date on your vaccines by contacting your pharmacy, doctor's office or visiting healthvermont.gov/MyVaccine for walk-in opportunities.

From: Brian Story <townmanager@thetfordvt.gov>
Sent: Tuesday, October 3, 2023 9:22 AM
To: AOT - Mileage Certificates <AOT.MileageCertificates@vermont.gov>
Subject: Mileage Certificate Update

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

We have discovered an error in our mileage certificate and would like to submit a correction. What's the process for providing a correction at this time of year? The resident at the heart of this issue says they have been in touch with someone named Johnathan Clues(sp).

Brian Story

Thetford Town Manager

802.785.2922 x2

Please note that all communications may be subject to public records requests.

From: [Croft, Johnathan](#)
To: [Garrett Hack](#)
Cc: [DeAndrea, Pam](#)
Subject: RE: Status of TH26 Thetford
Date: Monday, November 13, 2023 9:36:57 AM
Attachments: [image001.png](#)

Good morning,

The Mapping Section has received information from the Town of Thetford regarding the Selectboard meeting on April 17, 2023 and clarification on the status of Jackson Brook Road. Changes have not been made yet, but mileage changes are slated to be added to the Thetford Mileage Certificate that will be sent to the Town at the beginning of January and are the catalyst for changes to the Town Highway Map.

Johnathan

Johnathan Croft | Mapping Section Chief
Policy, Planning & Research Bureau – Mapping Section
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Updated (bivalent) COVID boosters and flu shots are now available! Stay up to date on your vaccines by contacting your pharmacy, doctor's office or visiting healthvermont.gov/MyVaccine for walk-in opportunities.

From: Garrett Hack <abundance.farm.vt@gmail.com>
Sent: Friday, November 10, 2023 9:47 AM
To: Croft, Johnathan <Johnathan.Croft@vermont.gov>
Subject: Status of TH26 Thetford

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning Johnathan,

We have been in touch about this road and I wonder if its status has been updated? I know the Thetford town manager Brian Story sent you a letter the first week of October verifying the change of TH26 to .34 miles, class 3. We have a survey completed of a boundary change that includes TH26

and would like the most updated information to be reflected on it.

Thank you.

Garrett Hack

From: [Croft, Johnathan](#)
To: [Carolyn Enz Hack](#)
Cc: [Alley, Kerry](#); [DeAndrea, Pam](#)
Subject: RE: Town Highway #26 - Rice's Mills Thetford
Date: Thursday, June 1, 2023 1:43:49 PM
Attachments: [image001.png](#)

Good afternoon Carolyn,

We have not received any changes from the Town of Thetford regarding TH-26 (Jackson Brook Road) and have not changed the mileage or classification on the town highway map. There were no changes submitted by the Town on the 2023 mileage certificate (https://vtransmaps.vermont.gov/Maps/Publications/MileageCertificates/ArchivedMileageCertificates/Orange_Co/THETFORD/THETFORD_MILEAGECERT_2023.pdf), which is the catalyst for changes to the town highway map.

Any changes that Town of Thetford may have made since February 10th, 2023, will be submitted with the next mileage certificate in 2024 and subsequent updates to the town highway map will be made based on the changes. We haven't received any correspondence from the Town of Thetford since the 2023 mileage certificate was submitted to us, so we do not have any details of what changes might have occurred to TH-26 (Jackson Brook Road) in the last few months.

The last town highway map that was produced for Thetford was in 2022 and has TH-26 listed as 0.24 miles of class 3 town highway and 0.28 miles of class 4. Here is a link to this map:

https://vtransmaps.vermont.gov/Maps/TownMapSeries/Orange_Co/THETFORD/THETFORD_MILEAGE_2022.pdf

Any changes that the Selectboard may have made since the last mileage certificate haven't been submitted to VTrans and are not reflected in the mileage, town highway maps, or road centerline data layer that are maintained by the Mapping Section.

Johnathan

Johnathan Croft | Mapping Section Chief
Policy, Planning & Research Bureau – Mapping Section
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Updated (bivalent) COVID boosters and flu shots are now available! Stay up to date on your vaccines by contacting your pharmacy, doctor's office or visiting healthvermont.gov/MyVaccine for walk-in opportunities.

From: Carolyn Enz Hack <cenzhack@gmail.com>
Sent: Thursday, June 1, 2023 11:27 AM
To: Croft, Johnathan <Johnathan.Croft@vermont.gov>
Subject: Town Highway #26 - Rice's Mills Thetford

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello Jonathan,

We believe that we have resolved our issue with the town of Thetford but wanted to circle back with you to ensure that a change in the mileage and class 4 portion was made as the Thetford Select Board had stated to us.

Please confirm that the Select Board has disavowed the entire class 4 portion of road previously mapped by VTrans on Jackson Brook Road (Town Highway #26). Also please give me the updated mileage for the class 3 section of road - the mileage to the turn-out above our home.

Thank you so much for your time. We appreciate how responsive everyone at VTrans has been. Enjoy this beautiful day,

Carolyn

--

Carolyn Enz Hack
www.carolynenzhack.com
[@CarolynEnzHack](#)



Town of Thetford Vermont

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802-785-2922 • www.thetfordvt.gov

Acting on the advice of the Thetford Town Attorney, the Selectboard is asking for a correction to its mileage certificate be made. The Town has determined that Jackson Brook (TH #26) is incorrectly listed as being 0.28 miles of Class IV and 0.24 miles of Class III road. Given that the road was discontinued in 1858, only a portion of that historic road can be considered a town road. That being the 0.34 miles of actively maintained Class III road.

The Selectboard affirmed this interpretation in its regular meeting on Monday, April 17th 2023.

Brian Story
Thetford Town Manager

Lawyer Monaghan has mistaken impression. From day one we said we would work with the Manis to insure access.

These are the actions we need from the Selectboard
Rescind vote of November 7
Make the class 4 portion of the road disappear forever
Notify VTrans of this change

We have contacted the Hertenberg heirs and they stated their intent was to quit claim the land to the abutters Hack and Watts.

Quote from Hertenberg heir”

“I do remember that the road going up the hill just past cemetery was a town road because of the cemetery. To the best of my knowledge, the road bed continuing straight now servicing Hack and Watts was always considered by us a farm or logging road to access agricultural fields, woodlands and the upper pond. I never knew nor was told it was a class 4 road but in selling the land on behalf of my mother recognized it could be used as frontage for these two properties.”

We will not accept that there ever was a town highway running this property without proper documentation — Survey, Acceptance Discontinuance

We want to sit down with the Manis and Watts to negotiate terms of access.

Garrett and Carolyn Hack
4-17-2023



Town of Thetford Vermont

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Selectboard Regular Meeting Minutes Thetford Town Offices (w/Virtual Attendance Option) Monday, April 17th, 2023 7:00 PM

Selectboard members present: Sharon Harkay (Chair), David Goodrich (Vice -Chair), Mary Bryant, Li Shen, Steve Tofel

Others present: Town Manager Bryan Gazda, Town Clerk/Treasurer Tracy Borst, Department of Public Works (DPW) Foreman Dale Lewis, Listers Barbara Harrington and Sean Boyce,

Participating community members: Dale Lewis, Hannah Payson, Carolyn Hack, Garrett Hack, D.R. Mani, Lakshmi Kaja

Sharon Harkay called the meeting to order at 7:00 PM.

1. Agenda Review

Sharon said by accident the agenda item for public comment ended up as #11 and she would like to move it to after the Town Manager comments. Sharon said that she would like to add in an Executive Session after minutes and warrants as she received information this afternoon that should be discussed.

2. Notes from the Selectboard Chair

Sharon said that there will be an agenda item for the May 1st meeting about “No Mow May”. The Agency of Agriculture is pushing the movement and there have been requests for Thetford to participate.

Sharon said the Selectboard had Town Manager candidate interviews on Saturday which went really well.

3. Town Manager Report – Bryan Gazda

Bryan said he found out on Friday from the NH DOT that the Thetford-Lyme bridge is scheduled to close on April 27th.

There will be a Public Tax Sale on Thursday, April 20th at 10:00 AM at Town Hall for 2 delinquent properties.

Bryan attended a meeting with West Fairlee Selectboard chair regarding the Route 113 culvert replacement project at the West Fairlee and Thetford town lines. As of now, that section of the road is scheduled to be closed on the weekend of June 10th and 11th, and there are plans for a public informational meeting.

Bryan said the town has joined the Vermont 457 Retirement Plan, which is an employee only retirement plan. There is no cost to the residents.

Bryan has received the general release forms from people who reported tire damage. There is approximately \$3,300.00 in damages.

All of the HVAC units have been installed, as well as the condensers, and head units. The new furnace and the air recovery system will not be installed until sometime in July when the units come in. Town Hall will be without power on Friday, April 21st. There are concerns about



Town of Thetford Vermont

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snowfall from the roof with some of the exterior units and Bryan will be discussing this on Friday. Selectboard member David Goodrich will join him for that meeting. Bryan asked DPW foreman Dale Lewis to give an update on the town roads. Dale Lewis said that right now the south end of town has been graded, with a little left to do on Mud Pond Road. They are working in the Route 132 area right now. They should be done grading once around the first or second week of May, assuming there is not a lot of rainfall. Mud season has been good, and they may pull the weight limit posters in the south end of town sometime this week.

Sharon asked about the driver feedback signs.

Dale said two signs with the solar panels have been put up, and the rest will be installed by the summer. Bryan said the budget allowed for 4 signs, which have been ordered.

4. Public Comment

Dale Lewis commented that it has been a pleasure working with Bryan.

5. Presentation on Gender Pay Equity

Bryan Gazda, Mary Bryant and resident Hannah Payson worked on this project and Bryan asked Hannah to start the discussion with the compact strategy. Hannah explained that a group called Community Action Thetford (CAT), formed to support the town in best practices, and they thought it would be helpful to look at gender pay gaps. They utilized the LEAP toolkit from the state of Vermont, which is a free audit tool. Hannah said if the Selectboard decided to go forward with this, they should commit to the equal pay compact. One next step would be to decide what the pay philosophy is, such as rewarding for performance, loyalty and seniority.

Bryan reviewed information by showing a slide presentation.

Hannah pointed out that the higher paid positions in Thetford just happen to be held by men; the higher pay is because of the position, not the gender of the person holding the position.

Sharon noted that this is for salaries only and does not include benefits.

6. Potential Hiring of a Company to Assist with the Town-Wide Reappraisal

The Selectboard discussed two bids received by the Listers with Sean Boyce and Barbara Harrington.

Motion by David Goodrich to accept the bid from Appraisal Resource Group in the amount of \$41,700.00 to do a town wide reappraisal. VOTE: All in favor (5-0-0), **motion passed**.

7. Local Emergency Management Plan (LEMP) – Due by May 1

Motion by Sharon Harkay to accept the 2023 Local Emergency Management Plan as amended. VOTE: All in favor (5-0-0), **motion passed**.

Motion by Sharon Harkay to authorize Bryan Gazda, and David Goodrich as Selectboard representative, to sign the plan. VOTE: All in favor (5-0-0), **motion passed**.

8. Appointment of Thetford Health Officer – Mariah Whitcomb

Motion by Sharon Harkay to reappoint Mariah Whitcomb to continue to be our town health officer for 3 years ending in 2026. VOTE: All in favor (5-0-0), **motion passed**.



Town of Thetford Vermont

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9. Jackson Brook Road Findings and Resulting Action

Sharon said they received the memorandum from town attorney Brian Monaghan and attorney Kristen Shamis which concluded that “it is not clear who presently owns the portion of Jackson Brook Road past the turnaround” and “while the entirety of Jackson Brook Road appears to have been discontinued in 1858, the Selectboard may now consider the lower portion to be a Town Road through the process of dedication and acceptance.” The conclusion also recommended that “the Selectboard rescind its November 7, 2022, vote, because the portion of Jackson Brook Road previously considered to be Class 4 is likely no longer a Town road.”

Motion by Sharon Harkay that the Selectboard rescind their permission to upgrade and improve the Class 4 portion of the road that had been put in place on November 7, 2022, because they didn’t have the right to give that permission. VOTE: All in favor (5-0-0), **motion passed**.

Sharon said the town is now out of this situation and this shouldn’t have any impact on the Manis right to use that road or improve it because of state statute 19 V.S.A. § 717(c) and cited court cases. Any other agreement going forward in terms of how that road is utilized is up to the three sets of property owners.

Sharon referred to a study conducted by Dartmouth students that supports no one can claim ownership.

D.R. Mani said he understands what has been decided.

Carolyn Hack handed out a statement to the Selectboard, and Garrett Hack read the statement which said they were willing to work with the Manis to ensure access and stated the actions they need from the Selectboard. These included rescinding the November 7, 2022 vote, removing the Class 4 portion of the road and notifying VTrans of this change. The statement included a quote from the Hertenberg heir and noted that they will not accept that there was ever a town highway through the property without a survey, acceptance and discontinuance. The statement said they will sit down with the Manis and Watts to work out access.

Carolyn Hack added that Sharon didn’t provide the information about the Dartmouth study prior to the meeting and that the town has not provided proper documentation to support claims of a legal town highway.

D. R. Mani said it is unfortunate that it has come to this. When they purchased the property, the town said they would have access, but now it looks like that access is being constrained. Now the Town is out of it so we will figure out how to proceed.

10. VTrans Municipal Roads Grants-In-Aid Program

Motion by Li Shen that Thetford participate in the VTrans Municipal Roads Grants-In-Aid Program. VOTE: All in favor (5-0-0), **motion passed**.

Motion by Li Shen to authorize Brian Gazda and Tracy Borst as Town Clerk to sign. VOTE: All in favor (5-0-0), **motion passed**.

11. Possible Approval of Proclamation for Older Americans Month

Motion by Steve Tofel to approve the Proclamation for Older Americans Month 2023. VOTE: All in favor (5-0-0), **motion passed**.

~~12. Public Comment~~ (Moved to #4)



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13. Warrants and Minutes

- #7.2 \$44,263.35
- #7.3 \$61,682.80
- #7.4 \$21,552.42
- #13.1 \$26,062.81
- #14.1 \$19,770.32
- #15.1 \$37,301.73
- #16.1 \$14,003.08

Motion by Li Shen to accept warrants as presented. VOTE: All in favor (5-0-0), **motion passed**.

Motion by Mary Bryant to accept the Selectboard meeting minutes of April 3rd, 2023, and April 10th, 2023, as presented. VOTE: All in favor (5-0-0), **motion passed**.

14. Executive Session – Added Agenda Item

Motion by Sharon Harkay to enter Executive Session at 9:15 PM to discuss personnel matters per 1 V.S.A. § 313(a)(3) and invite Bryan Gazda to attend the first part of the session. VOTE: All in favor (5-0-0), **motion passed**.

Motion by Sharon Harkay at 9:45 PM to exit executive session. VOTE: All in favor (5-0-0), **motion passed**.

No action taken.

15. Adjourn

Motion by Steve Tofel at 9:46 PM to adjourn the Selectboard meeting. VOTE: All in favor (5-0-0), **motion passed**.



Town of Thetford Vermont

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Selectboard Regular Meeting *Draft* Agenda

Thetford Town Offices

(w/Virtual Attendance Option)

Monday, April 17th, 2023 7:00 PM

To connect to Zoom via computer: <https://us02web.zoom.us/j/89080661986>

To connect via phone only: +1 (646) 558 8656 | Meeting ID: 890 8066 1986

7:00 PM – Call to Order

1. Agenda Review
2. Notes from the Selectboard Chair
3. Town Manager Report – Bryan Gazda
4. Presentation on Gender Pay Equity
5. Potential Hiring of a Company to Assist with the Town-Wide Reappraisal
6. Local Emergency Management Plan (LEMP) – Due by May 1st
7. Appointment of Thetford Health Officer – Mariah Whitcomb
8. Jackson Brook Road Findings and Resulting Action
9. VTrans Municipal Roads Grants-In-Aid Program
10. Possible Approval of Proclamation for Older Americans Month
11. Public Comment
12. Warrants and Minutes
13. Adjourn



Memorandum

To: Town of Thetford Selectboard
 From: Brian P. Monaghan, Esq.
 Kristen E. Shamis, Esq.
 Date: April 10, 2023
 Re: Jackson Brook Road Status

Introduction

You asked that we research whether Jackson Brook Road is a Town Highway from Route 132 to the property line of the property owned by Denkanikota Rajan Mani and Lakshmi Kaja (“Mani”), and that we provide a memo that the Selectboard can share with the public. We understand the property owners on each side of Jackson Brook Road (“Hacks and Watts”) claim that any portion of the road beyond .52 miles from Route 132 has been discontinued, that they each own a portion of that road, and they believe they can confer or withhold the Manis’ access to the property. We also understand the Selectboard voted on November 7, 2022 to approve the Mani’s request to improve approximately 1,400 linear feet of the Class 4 section of road from the current turnaround to the Mani property boundary.

Whether Hacks and Watts Jointly Own Jackson Brook Road

First, we should dispel the theory that Hacks and Watts share joint ownership of a portion of Jackson Brook Road. They do not. Moreover, it is not clear who presently owns the portion of Jackson Brook Road past the turnaround. We believe any discontinuance of Jackson Brook Road likely occurred in 1858, well before the Hacks and Watts properties were subdivided in 1979. The Hacks and Watts each purchased a lot from a three-lot subdivision, and the property lines depicted on the August 29, 1979 Janice Herzenberg subdivision plat (“Plat”) clearly depict each property ending at the outer edge of the road right-of-way. The Plat also indicates the road is a Town road. If the road is not a Town highway, the state of title for the road is that it is likely owned by Janice Herzenberg, or her heirs, as none of the three deeds for the subdivided property include the road. Meaning, Herzenberg subdivided the properties, but never conveyed any rights in the property that comprised the road. So, she or her heirs likely still own any portion of the road that is not a Town road.

Is A Survey Necessary

We reviewed the June 19, 1829 highway layout, and the January 4, 1858 discontinuance recorded in the Thetford Land Records to determine which portion of Jackson Brook Road was discontinued. It appears the discontinuance may have acted to discontinue the entirety of Jackson Brook Road. The discontinuance states that the road is



discontinued “from Thomas Colby Jr. in said Thetford to Rice’s Mill so called in Thetford.” The 1858 H.F. Walling map depicts a “T. Colby” at the north end of what is now “Jackson Brook Road.” Jackson Brook Road starting at T. Colby’s property on the map headed south to Rice’s Mills constitutes the entirety of the Road as it appears on the map.

Given that it appears the whole road was discontinued, we don’t see it as necessary to engage a surveyor to determine the exact point to which Jackson Brook Road may have been discontinued. Whether or not Jackson Brook Road is a Town Road to the Mani property or not, the Manis appear to have a right of access over Jackson Brook Road, and may maintain that access.

Access to Mani Property

If the Town did, in fact, discontinue the road prior to where it meets the Mani property line, the Manis likely still have the right to use the discontinued road for access. 19 V.S.A. § 717(c) provides that, “[a] person whose sole means of access to a parcel of land or portion thereof is by way of a town highway or unidentified corridor that is subsequently discontinued shall retain a private right-of-way over the former town highway or unidentified corridor for any necessary access to the parcel of land or portion thereof and maintenance of his or her right-of-way.” Here, it appears the only means of access to the Mani parcel is via Jackson Brook Road. If the road was discontinued, pursuant to 19 V.S.A. § 717(c), the Mani property retained a right of access, as well as the ability to maintain that access.

The Vermont Supreme Court has also held that, “when a public road is discontinued or abandoned, the abutting landowner retains the private right of access.” Okemo Mountain, Inc. v. Town of Ludlow, 171 Vt. 201 (2000). This right begins at the time the road is discontinued, and “that right of access passed to landowner through the chain of title.” Daiello v. Town of Vernon, 2022 VT 32 ¶ 75 (2022). This right is not contingent on the access being the only means of access to the property. Therefore, if Jackson Brook Road was previously discontinued to where it meets the Mani property line, the Manis would still benefit from the right of access that took effect upon any discontinuance.

Possible Dedication and Acceptance

Although discontinued, it is possible the road, or a portion thereof, has become a town road through the legal doctrine of “dedication and acceptance.” If a property owner dedicates her property to public use, and this dedication can be proven through historical evidence, and the Town has accepted that dedication through an effort to maintain a highway and treat it as public, it may have become a de facto public highway. The subdivision plat depicts Jackson Brook Road as “Town Road #26” to the Mani property line. If any portion of this road was previously discontinued, this subdivision plat may serve as a presumptive offer of dedication to the Town. “A valid common-law



dedication and acceptance requires proof of intent to dedicate on behalf of the landowner and proof of acceptance on behalf of the town.” Kirkland v. Kolodziej, 2015 VT 90, ¶ 35. If this matter went to court, it is possible the court could consider the Town’s approval of the subdivision with this area of Jackson Brook Road listed as a Town road as an acceptance. By their purchase of lots within the subdivision, the Hacks and Watts agreed to this apparent Town road located between their properties. “[T]he function of a subdivision permit is to approve ‘plats of land,’ 24 V.S.A. §§ 4401(b)(2), 4415, and such plats must be duly filed or recorded in the office of the clerk of the municipality. *Id.* § 4416. Thus ...recorded plats necessarily become subdivision permit conditions.” In re Stowe Club Highlands, 164 Vt. 272, 276 (1995).

While the Plat may be considered evidence of presumptive dedication, for the road to become a Town road, there must also be proof that the Town accepted the road. Here, the Town has maintained the portion of the road to the turnaround for many years. This portion of Jackson Brook Road to the turnaround appear to have sufficient evidence of dedication and acceptance so that it can now be considered a Town road. The portion beyond the turnaround does not appear to have been maintained, and we see no other evidence indicating the Town has accepted this portion as a Town road.

November 7, 2022 Vote

At the Manis’ request, the Selectboard voted on November 7, 2022 to allow the Manis to improve the portion of Jackson Brook Road beyond the turnaround. At the time, the Selectboard believed the road to be a Town road to the Mani property line. The Selectboard has since learned that the entire road appears to have been discontinued in 1858, and only a portion of the road – to the existing turnaround – may now be considered a Town highway through dedication and acceptance. Therefore, we recommend the Selectboard rescind its November 7, 2022 vote.

We note that a vote rescission will likely have no impact on the Manis’ rights to improve and use the road. As detailed above, because their only access is via a discontinued Town highway, or portion thereof, we understand they have common law and statutory rights to use and maintain the discontinued road.

Conclusion

While the entirety of Jackson Brook Road appears to have been discontinued in 1858, the Selectboard may now consider the lower portion to be a Town Road through the process of dedication and acceptance. We understand the Town intends to continue maintenance of this Class 3 section of Jackson Brook Road. We believe the Manis may still maintain the upper portion of Jackson Brook Road pursuant to 19 V.S.A. § 717(c) or Okemo Mountain, Inc. v. Town of Ludlow. Ultimately, for the portion of the road the Town does not own, it is up to the property owners to work out their respective rights to use and maintain the road. Additionally, we recommend the Selectboard rescind its



November 7, 2022 vote, because the portion of Jackson Brook Road previously considered to be Class 4 is likely no longer a Town road.

We are happy to discuss this issue further with the Selectboard if need be.



Town of Thetford Vermont

3910 Vermont Route 113 · P.O. Box 126 · Thetford Center, VT 05075
802-785-2922 · thetfordvermont.us

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8. Convening of the Local Liquor Control Board, Red Clover Café

Motion by Sharon Harkay to suspend the Selectboard meeting at 7:22 PM and convene a meeting of the Local Liquor Control Board.

Motion by Li Shen to grant the Red Clover Café both a first-class liquor license and a second-class liquor license. VOTE: All in favor (5-0-0), motion passed.

Motion by Sharon Harkay to adjourn the Local Liquor Control Board meeting at 7:25 and reconvene the Selectboard meeting. VOTE: All in favor, **motion passed**.

9. 2023 Selectboard and Town Manager Priorities

The Selectboard reviewed and discussed the document that had the combined priority lists of the Selectboard members. Sharon will make changes to the document as discussed.

10. Review and Approval of Town Meeting Minutes

Motion by Li Shen to accept the official minutes of the Town Meeting as edited. VOTE: All in favor (5-0-0), **motion passed**.

11. Warrants and Minutes

- PR#7 PPE 4-1-23
- #5.3 \$635.25
- #6.2 \$15,310.78
- #6.4 \$25,450.28
- #11.1 \$32.52
- #12.1 \$16,483.55
- #12.1A \$7,277.50

Motion by Sharon Harkay to approve the minutes of the March 20th, 2023 Selectboard meeting as edited. VOTE: All in favor (5-0-0), **motion passed**.

Motion by Mary Bryant to accept the warrants as signed. VOTE: All in favor (5-0-0), **motion passed**.

12. Anticipated Executive Session for confidential attorney-client communications per 1 V.S.A. § 313(a)(1)

Motion by Sharon Harkay to enter Executive Session to discuss confidential attorney-client communications per 1 V.S.A. § 313(a)(1) at 9:02 PM and invite town manager Bryan Gazda to join. VOTE: All in favor (5-0-0), **motion passed**.

Motion by Sharon Harkay to exit executive session at 9:28 pm. All in favor, (5-0-0), **motion passed**.

Motion by Sharon Harkay to ask the Town Attorney to provide a written report of their findings on the Jackson Brook issue that can be distributed to the public. All in favor (5-0-0), **motion passed**.



Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075
802-785-2922 • thetfordvermont.us

- 1 **13. Adjourn**
- 2 **Motion** by Steve Tofel to adjourn the Selectboard meeting at 9:29 PM. All in favor, (5-0-0),
- 3 motion passed.
- 4
- 5

Minutes for Special Selectboard Meeting Held on Monday, April 10th, 2023

Present: Sharon Harkay (Chair), David Goodrich (Vice Chair), Li Shen, Steve Tofel, and guest speaker Chris Brimmer in person; Mary Bryant (via Zoom).

Call to Order

Sharon called the meeting to order at 7:15 pm and introduced Chris Brimmer who is Fairlee's Zoning, Planning, and Economic Development Administrator.

1. Chris presented his talk which he entitled "Fairlee—Decades in the Making". Chris discussed what started Fairlee on the road to conducting multiple studies that were funded by grants and how these studies helped them create a Town Plan, zoning regulations, and a development plan. He also gave information about actions he would recommend that Thetford consider. These included creating a Unified Development Bylaw, a source protection regulation for water sources, and a capital budget program. He also explained why he felt that Thetford should consider having a capacity study done as well as enlisting the expertise of Better Connections. Much more was discussed. Thetford now has access to his slide deck and a copy of Fairlee's Source Protection Areas Regulations for future reference.

2. After Chris left, the Selectboard discussed whether or not to give the go ahead to the Joint Energy Committee to apply for a Municipal Energy Resilience Program (MERP) mini-grant. This could be used for a specific project or to help fund Thetford's share of the Intermunicipal Regional Energy Consultant (IREC) position.

Motion by Steve Tofel that the Thetford Selectboard approve the request by the Joint Energy Committee to submit an application for a MERP mini-grant.

Vote—All in favor. Motion passed.

3. There were no requests to be reappointed to a position on a committee or commission to act on during this meeting.

Adjournment

Motion by Steve Tofel to adjourn the meeting at 9:15 pm.

Vote—Roll call vote. Sharon, David, Steve, and Li in favor. Mary had left the meeting just before the vote. Motion carried 4-0-0.

From: [Bryan Gazda](#)
To: [Croft, Johnathan](#); [Bump, Chris](#)
Cc: [Alley, Kerry](#); [DeAndrea, Pam](#); [AOT - Mileage Certificates](#)
Subject: RE: Thetford TH 26 (Jackson Brook Road) Mileage Discrepancy
Date: Thursday, November 3, 2022 11:55:34 AM
Attachments: [image001.png](#)
[Thetford TH 26 - Jackson Brook Road Lenght.pdf](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Johnathan,

Attached is some of the relevant information I have found regarding the discrepancy in the road length. Overall, we are looking at +/- 250-300 linear feet difference between the .52 mile on VTrans map compared to +/- .58 mile from the legal descriptions from the deeds and as reflective in the 1979 subdivision plat.

Please review and it is probably best to discuss these finding then via email.

Bryan R. Gazda, MPA
Town Manager
Thetford, VT
bgazda@thetfordvt.gov
802-785-2922, ext. 2

From: Croft, Johnathan <Johnathan.Croft@vermont.gov>
Sent: Wednesday, November 2, 2022 12:16 PM
To: Bump, Chris <Chris.Bump@vermont.gov>; Bryan Gazda <bgazda@thetfordvt.gov>
Cc: Alley, Kerry <Kerry.Alley@vermont.gov>; DeAndrea, Pam <Pam.DeAndrea@vermont.gov>; AOT - Mileage Certificates <AOT.MileageCertificates@vermont.gov>
Subject: RE: Thetford TH 26 (Jackson Brook Road) Mileage Discrepancy

Thank you Bryan and Chris for the heads up on this. Please send along any documentation regarding what was laid out and we will review our records and be reaching out.

Johnathan

Johnathan Croft | Mapping Section Chief
Policy, Planning & Research Bureau – Mapping Section
Policy, Planning & Intermodal Development Division
Vermont Agency of Transportation
219 North Main Street | Barre, VT 05641
802-828-2600 phone | johnathan.croft@vermont.gov
<http://vtrans.vermont.gov>



It's time to "button up" your homes for winter and the State of Vermont and the Button Up Vermont campaign have many resources available. To help prepare for and get through the home heating season, you can find information, financial resources, tips and more at vermont.gov/ButtonUpVT.

Updated (bivalent) COVID boosters and flu shots are now available! Stay up to date on your vaccines by contacting your pharmacy, doctor's office or visiting healthvermont.gov/MyVaccine for walk-in opportunities.

From: Bump, Chris <Chris.Bump@vermont.gov>
Sent: Wednesday, November 2, 2022 11:09 AM
To: Bryan Gazda <bgazda@thetfordvt.gov>
Cc: Croft, Johnathan <Johnathan.Croft@vermont.gov>
Subject: RE: Thetford TH 26 (Jackson Brook Road) Mileage Discrepancy

Bryan

I am forwarding this to Johnathan Croft in our mapping section for further action.

Thanks
Chris

From: Bryan Gazda <bgazda@thetfordvt.gov>
Sent: Wednesday, November 02, 2022 11:07 AM
To: Bump, Chris <Chris.Bump@vermont.gov>
Subject: Thetford TH 26 (Jackson Brook Road) Mileage Discrepancy

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Chris,

We received a request from a property owner who would like to improve a section of the Class 4 section of Jackson Brook Road. Long story short, I found legal deeds and a 1979 subdivision survey that reflects the road not being .52 but .58 miles long. What do we need to do due to correct this?

Thanks,

Bryan R. Gazda, MPA
Town Manager
Thetford, VT
bgazda@thetfordvt.gov
802-785-2922, ext. 2

ACKNOWLEDGMENTVermont Property Transfer
RETURNS RECEIVEDReturn No. 2021-075
Signed Martin J. Blumberg Clerk
Date July 29, 2021

Doc ID: 000951490002 Type: LAN

BK **169** PG **30-31**

On 07/29/2021 At 10:00:00 am

Lacey BorstParcel "A"**WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS THAT I, MARTIN J. BLUMBERG, AS TRUSTEE OF THE ELLEN L. BLUMBERG TRUST, dated August 8, 2017, of West Lebanon, in the County of Grafton and State of New Hampshire, Grantor, in the consideration of ONE DOLLAR and other valuable consideration, paid to my full satisfaction by CHRISTOPHER PHILLIPS WATTS AND RENATA DE OLIVEIRA FERRAZ, a married couple, of Hanover, in the County of Grafton and State of New Hampshire, Grantees, by these presents do freely GIVE, GRANT, SELL, CONVEY and CONFIRM unto the said Grantees, CHRISTOPHER PHILLIPS WATTS AND RENATA DE OLIVEIRA FERRAZ, a married couple, as tenants by the entirety, and their heirs and assigns forever, a certain piece of land in the Town of Thetford, in the County of Orange and State of Orange, described as follows, viz:

Being all and the same lands and premises conveyed to Ellen L. Blumberg and Martin J. Blumberg by Warranty Deed of Dora S. Vivaz, f/k/a Dora B. Lahr, dated February 18, 2000, and recorded in the Thetford Land Records at Book 98, Page 27; and subsequently conveyed to Ellen L. Blumberg and Martin J. Blumberg, as Trustees of the Ellen L. Blumberg Trust, by Warranty Deed of Martin J. Blumberg and Ellen L. Blumberg, dated August 22, 2017, and recorded in the Thetford Land Records at Book 159, Pages 341-342, and being more particularly described as follows:

"Being all and the same lands and premises conveyed by Linda H. Sparks and Carol E. Meyer, Co-Executrix' [sic] of the Estate of Janice W. Herzenberg to Charles D. Lahr and Dora B. Lahr dated June 29, 1984 and recorded in Book 66, Pages 595-598 of the Thetford Land Records and by Quitclaim Deed of Charles Dwight Lahr to Dora S. Vivaz dated June 24, 1988 and recorded in Book 74, Page 799-800 of the Thetford Land Records and more particularly described as follows:

"Being a parcel of land containing eighty (80) acres, more or less, situated on the easterly side of Route No. 132 in said Thetford, said parcel being referred to as Parcel A on a plan entitled 'Janice Herzenberg, Route 132, Thetford, VT., prepared by K. A. LeClair Assoc., Inc., Civil Engineers, dated August 29, 1979' which is of record [now recorded as Map Slide 117A] in the Thetford Land Records.

"Also conveyed is all the interest conveyed to Charles D. Lahr and Dora B. Lahr by the Town of Thetford by their deed dated May 13, 1985, recorded at Book 69, Page 382 of the Thetford Land Records which released the premises from any school lease rights in the Town of Thetford.

"Dora S. Vivaz was formerly known as Dora B. Lahr.

“In the earlier of two mentioned deeds the subject parcel was incorrectly and inadvertently listed as ‘Parcel C’. It is the eighty (80) acre parcel properly identified as Parcel ‘A’.”

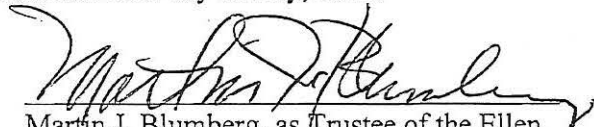
Reference is made to an Easement Deed conveying a “Easement Area” from Ellen L. Blumberg (now deceased) and Martin J. Blumberg, as Trustees of the Ellen L. Blumberg Trust, to Green Mountain Power Corporation, dated August 24, 2020, and recorded in the Thetford Land Records in Book 165, Pages 738-740.

Ellen L. Blumberg died on September 4, 2017, in Thetford, Vermont.

This is not the homestead property of the Grantor.

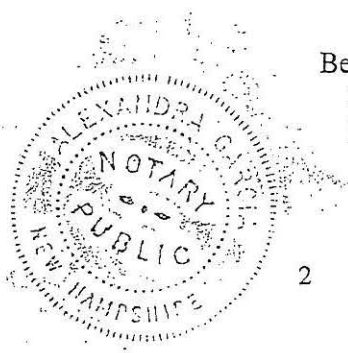
TO HAVE AND TO HOLD said granted premises, together with all the privileges and appurtenances hereof, to the said Grantees, CHRISTOPHER PHILLIPS WATTS AND RENATA DE OLIVEIRA FERRAZ, a married couple, as tenants by the entirety, and their heirs and assigns, to their own use and behoof forever. And I, the said Grantor, MARTIN J. BLUMBERG, AS TRUSTEE OF THE ELLEN L. BLUMBERG TRUST, for myself and my heirs, executors and administrators, do covenant with the said Grantees, CHRISTOPHER PHILLIPS WATTS AND RENATA DE OLIVEIRA FERRAZ, a married couple, as tenants by the entirety, and their heirs and assigns, that until the ensembling of these presents I am the sole owner of the premises, and have good right and title to convey the same in the manner aforesaid, and that they are FREE FROM EVERY ENCUMBRANCE; except as aforesaid. And I hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

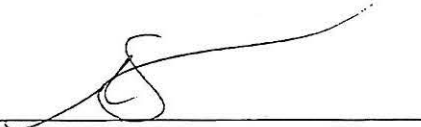
IN WITNESS, I hereunto set my hand and seal this 23rd day of July, 2021.


Martin J. Blumberg, as Trustee of the Ellen L. Blumberg Trust *Trustee*

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON, ss

At Hanover this 23rd day of July, 2021, personally appeared Martin J. Blumberg, as Trustee of the Ellen L. Blumberg Trust, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed.



Before me, 
Notary Public/Justice of the Peace
My commission expires:

ALEXANDRA GARCIA
Notary Public - New Hampshire
My Commission Expires April 17, 2024.

FORM 1001 - WARRANTY DEED

PUBLISHED BY
New England Legal Supply
BURLINGTON VERMONT 05401

25

Know all Men by these Presents

That I, JANICE W. HERZENBERG

"B"

of West Palm Beach in the County of Palm Beach
and State of Florida Grantor, in the consideration of
Ten and more----- Dollars

paid to my full satisfaction by
GARRETT E. HACK and CYNTHIA TAYLOR

of Cambridge in the County of Middlesex
and State of Massachusetts Grantee s, by these presents, do
freely Give, Grant, Sell, Convey and Confirm unto the said Grantee
GARRETT E. HACK and CYNTHIA TAYLOR, as tenants in common with
Garrett E. Hack having an undivided seventy percent (70%)
interest therein and Cynthia Taylor having an undivided
thirty percent (30%) interest therein
and their heirs and assigns forever, a

certain piece of land in Thetford in the
County of Orange and State of Vermont, described as
follows, viz:

That property referred to as Parcel "B" on a Plan of Janice
Herzenberg, Route 132, Thetford, VT.; prepared by K. A. LeClair
Assoc., Inc., Civil Engineers, dated August 29, 1979, and
recorded in Volume Page of the Land Records of the
Town of Thetford.

Said parcel of land is more particularly described as follows:
Beginning at a point on the easterly side of an existing Town
Road bordered by a stone wall and proceeding in a generally northerly
direction along the easterly boundary of said road 1,700 feet,
more or less, to a point; thence turning slightly to the right and
proceeding N 41° 18' E 51.1 feet to a point; thence turning to the
right and proceeding S 74° 22' E 399.6 feet to a point; thence
turning to the right and proceeding S 16° 20' W 305.4 feet to a point;
thence turning to the left and proceeding S 09° 25' W 340.3 feet
to a point; thence continuing in a southwesterly direction in and
along a fence line to a point as shown on said Plan; thence proceeding
S 28° 33' W a distance of 249.5 feet in and along said fence line to
a point; thence proceeding in and along said fence line in a
southwesterly direction to a point marked by an iron rod set in the
ground; thence turning to the right and proceeding N 73° 10' 30" W
443.6 feet to a point; thence turning slightly to the right and
proceeding N 58° 19' 30" W 289.9 feet to the point or place of
beginning.

Being a portion of the same land and premises conveyed to the within
grantor by warranty deed of Irmgard M. and Arthur F. Tower dated
May 7, 1956 and recorded in Book 40 Page 202 of the land records of

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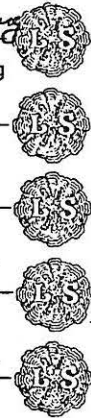
And I hereby engage to **Warrant and Defend** the same against all lawful claims whatever,

In Witness Whereof, I hereunto set my hand and seal this 1st day of October A. D. 19 79.

In Presence of

Peter J. DeMent
WITNESS
Bayne Stevenson
WITNESS

Linda H. Sparks, Attorney-in-
fact for Janice W. Herzenberg
Linda H. Sparks, Attorney-in-
fact for Janice W. Herzenberg



State of Vermont, } ss. At Norwich this
WINDSOR County } 1st day of October A. D. 19 79
LINDA H. SPARKS, attorney-in-fact for Janice W. Herzenberg

personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Before me Peter J. DeMent
Notary Public

THETFORD TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
October 9 A. D. 19 79
AT 8 O'CLOCK 00 MINUTES A.M.
RECORDED IN BOOK 61 PAGE 25-27
OF THE Thetford RECORDS
ATTEST [Signature] TOWN CLERK

186

FORM 901 VERMONT - WARRANTY DEED REV. 9/80

TUTBLANK REGISTERED U. S. PAT. TITLE LAW PRINT, PUBLISHERS, RUTLAND, VT 05701

Know all Men by these Presents

That I, JANICE HERZENBERG

"C"

of Shelburne in the County of Chittenden
and State of Vermont Grantor, in the consideration of
Ten and more Dollars
paid to my full satisfaction by

JAMES E. FARRELL and RAVEN JOY FARRELL

of Norwich in the County of Windsor
and State of Vermont Grantees, by these presents, do
freely Give, Grant, Sell, Convey and Confirm unto the said Grantees,

JAMES E. FARRELL and RAVEN JOY FARRELL

and their heirs and assigns forever, a
certain piece of land in Thetford and State of Vermont, described as
County of Orange and State of Vermont, described as
follows, viz:

That parcel referred to as Parcel "C" on a Plan of Janice Herzenberg, Route 132, Thetford, VT, prepared by K.A. LeClair Assoc., Inc., Civil Engineers, dated August 29, 1979 and recorded in Vol. V, Page 27 of the land records of the Town of Thetford.

Being more particularly described as follows: Commencing at a point, which point is the intersection of the southerly sideline of an existing Town Road and Route 132; thence proceeding in a generally northwesterly direction 1,500 feet, more or less, along the southerly and easterly sideline of said existing Town Road to a point located in a stone wall, which point is the southwesterly corner of Parcel "B" and the northwesterly corner of Parcel "C"; thence turning to the right and proceeding S 58° 19' 30" E 289.9 feet to a point; thence turning slightly to the left and proceeding S 73° 10' 30" E 443.6 feet to a point; thence turning to the right and proceeding S 05° 14' W 202.6 feet to a point; thence proceeding along the center line of the brook known as Downes Brook from the aforementioned point 400 feet, more or less, to a point; thence turning to the right and proceeding S 25° 03' W 680 feet, more or less, to a point on the northerly side of Route 132; thence turning to the right and proceeding 130 feet, more or less, along the northerly side of Route 132 to the point or place of beginning.

The property herein conveyed is subject to certain easements of record.

Being a portion of the same land and premises conveyed to the within grantor by warranty deed of Irgard M. and Arthur F. Tower dated May 7, 1956 and recorded in Book 40, Page 202 of the land records of the Town of Thetford.

The grantor herein grants to the Grantees herein the ^{exclusive} right to the spring located on the adjacent property of the grantor entitled "Parcel A" on the survey above referred to, and further grants to the Grantees an easement to said spring in order to maintain and repair the water line leading from the spring to the buildings located on the parcel described herein. This easement is solely for

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To have and to hold said granted premises, with all the privileges and appurtenances thereof, to the said Grantee s

JAMES E. FARRELL and RAVEN JOY FARRELL

And I and their heirs and assigns, to their own use and behoof forever; the said Grantor

JANICE HERZENBERG

executors and administrators, do for myself and my heirs, covenant with the said Grantees

JAMES E. FARRELL and RAVEN JOY FARRELL

and their heirs and assigns, that until the ensembling of these presents I am the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are Free from every encumbrance; except as stated above;

And I hereby engage to Warrant and Defend the same against all lawful claims whatever,

In Witness Whereof, this 7th day of August I hereunto set my hand and seal A. D. 1981

In Presence of

[Signatures of witnesses: J. M. Baine, Peter W Sparks]

[Signatures of Janice W. Herzenberg, Linda H. Sparks, and five L-S notary seals]

State of Vermont, } ss. At Burlington this Chittenden County } 7th day of August A. D. 19 81

LINDA H. SPARKS under power attorney for Janice Herzenberg

personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Before me [Signature] Notary Public (Title)

THETFORD TOWN CLERK'S OFFICE RECEIVED FOR RECORD August 12 A. D. 19 81 AT 2 O'CLOCK 00 MINUTES 00 P. M. RECORDED IN BOOK 63 PAGE 186-188 OF THE Thetford RECORDS ATTEST [Signature] TOWN CLERK

1858
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Road Discontinuance
from

Thomas Colby jr to Rice's Mill

H.H. Niles and others vs the Town of Thetford

To the Hon. County Court for the County of Orange The undersigned Commissioners appointed by the Hon County Court for the County of Orange agreeably to a petition of H.H. Niles and others freeholders of the town of Thetford in Orange County aforesaid presented to the said Court at the June term A.D. 1857 sitting fourth that a public highway leading from Thomas Colby jr in said Thetford laid out in part by Commissioners appointed by the County Court, from ^{Changes} circumstances is not necessary or required by the public good or individual convenience and praying said Court to appoint Commissioners to examine and report in the premises according to the Statute in such cases provided having received our Commission from said Court and having been sworn, proceeded to the discharge of our duties, The Selectmen of Thetford were notified to answer to the petition (and also those individuals owning & interested in the land through which the road was laid) on the 28th day of Oct. 1857 at Thomas Colby jr dwelling house & on the highway aforesaid thereupon after hearing the parties and inspecting said highway & considering the facts & circumstances in the case it is considered by us that the prayer of the petitioners should be granted. The public good not requiring the road & that, that part of the highway aforesaid laid out & surveyed May 27th 1829, by Commissioners of roads for said County, described as follows: Beginning at a Stake on the side of the road near the North line of John Russell land, thence N. 27° E, 18 rods to the said North line, the same course 6 rods, thence N. 15° E 14 rods to a birch tree, thence N. 12° E 18 rods, thence N. 22° E, 25, shall it W. 10 rods to a Stake, thence N. 23 1/2° W. 6 rods to the old road thence N. 8° E, 37 rods in Augustus Howard's land to an apple tree in the N. E. Corner by the South side of the fourth wood near Stephen Godfrey's Barn. Should be discontinued meaning to Discontinue all the highway leading from near the house of Thomas Colby jr 60 rods beyond or southerly of the North line of land now owned by H.H. Niles & S. Colson but formerly owned by when said road was laid out by John Farwell aforesaid to which point (to wit 18 rods south of the North line of land formerly owned by John Farwell) from Sylvester Downers dwelling house said road had been discontinued by the Selectmen of said town of Thetford being that part of the highway aforesaid County Commissioners aforesaid as recorded in the records of the town of Thetford Libers 12, Folio 156 & 157,

All of which is respectfully submitted
January 1st 1858

Joseph Kimball
Arba Burr
David Robinson } Commissioners

Recd for Record at 4 o'clock P.M. at Thetford's Town Clerk's office Jan 6th 1858.

Attest Asa Poor Town Clerk

ROAD NUMBER

NAME

LOCATION

ROAD NUMBER	NAME	LOCATION
1	Strafford Road	Rt. 132 from Norwich line to T 29
2a	Strafford Road	Rt. 132 from T 29 to Strafford line
3	West Fairlee Road	From Lake Fairlee N.W. to Rt. 113 at W. Fairlee l
3	Academy Road	Thetford Hill to Union Village
4	Skunk Hollow Road	Campbell's Corner to Miller Pond
5a	South River Road	US 5 from Norwich line to 113
5b	North River Road	US 5 from 113 north to SA 5
5c	North River Road	US 5 from SA 5 north to Fairlee line
SA 5	Latham Road	Cut off from 113 to North Thetford
6	Buzzell Bridge Road	Thetford Center to Union Village Dam
7	Burnham Road	I 91 overpass to Academy Road
8	Gove Hill Road	From 132 to Gove Hill Cemetary
9	Mining Road	Gove Hill north to Donald Bailey
10	Cross Street	From 244 north to West Fairlee Road
11	Robinson Hill Road	Airport to Five Corners
12	Quinbeck Rd. Lake Shome Road	Five Corners towards Fin'n Feather From 244 past foot of lake to Camp Norway
13	Ulman Road	From 132 north to Gary Ulman
14	Turnpike Road	From SA 5 to Five Corners
15	Ely Road	East of Railroad in Ely
16	Clay Road	Side road west of RT 5 by North Thetford cemetary
17	Tater Hill Road	T 14 to Five Corners
18	Thorburn Road	Cross road between T76 & T 16
19	Bridg's Road	From US 5 North Thetford to Lyme
20	Sawney Bean Road	113 towards Colby Road
21	Barker Road	From Barker's Jct. to Post Mills
22	Colby Road	From Barkers Jct. north to Strafford Line
23	Pero Hill Road	Sawney Bean School to Child's Hill
25	New Boston Road	Norwich line north to Strafford line
TH 26	Jackson Brook Road	From 132 past Herzenberg's
27	Poor Farm Road	Tucker Hill road north to Sawney Bean Road
28	Whipporwill Valley RD.	North from T 29 to Poor Farm Road
29	Tucker Hill Road	From Thetford Center to Rices Mills
30	Mud Pond Road	113 to Lake Abenaki
31	Houghton Hill Road	113 to Turnpike Road T14
32	Trailer Park Road	Cross road between T 14 & T 76
33		Off T 16 to Clay farm

This could mean to CLARK/MANN property

From Historical Town Road Records
NOT DATED!

131

CERTIFICATE OF HIGHWAY MILEAGE FOR YEAR ENDING FEB. 10, 1987

Fill out the certificate, file yellow copy with the Town Clerk, and mail white original to Vt. Agency of Transportation, Project Planning Division before February 10, 1987.

▶ IF NO CHANGES IN MILEAGE, OMIT PART I, CHECK BOX IN PART II, AND SIGN PART III. ◀

PART I

DISTRICT 4

We, the Selectmen/Trustees/Aldermen of Thetford, Orange County on an oath state that the mileage of highways, according to Title 19, V. S. A., Sec. * 305, added 1985, is as follows:

	TOWN HIGHWAYS				STATE HIGHWAYS	TOTAL EXCLUDING CLASS 4
	CLASS 1	CLASS 2	CLASS 3	CLASS 4		
PREVIOUS MILEAGE AS SHOWN FEBRUARY 10, 1986	0.000	11.960	51.050	10.460	26.335	89.345
MILEAGE ADDED SINCE FEBRUARY 10, 1986 EXPLAIN UNDER (1) BELOW			57			
SUB TOTAL			57.600			
MILEAGE SUBTRACTED SINCE FEBRUARY 10, 1986 EXPLAIN UNDER (2) AND (3)				9.81		
TOTAL HIGHWAY MILEAGE FEB. 10, 1987			57.600	9.81		
SCENIC HIGHWAY MILEAGE (19 VSA 2502)						

DURING THE PAST YEAR THE FOLLOWING CHANGES HAVE OCCURRED.

(1) We hereby certify that the following new highways, as substantiated by the attached *Selectmen's Certificate of Completion *have been added.

(2) We hereby certify that the following highways have been discontinued according to statute and are substantiated by the attached copy of the proceedings.

(3) We hereby certify that the following highways have been reclassified/remeasured and are substantiated by the attached copy of the proceedings.

(4) We hereby certify that the following highways have been designated or discontinued as *Town Scenic Highways *, and are substantiated by the attached copy of the proceedings.

PART II CHECK BOX IF NO CHANGES IN MILEAGES.

PART III

SELECTMEN/ALDERMEN/TRUSTEES SIGNATURES

Russell Vaughan
[Signature]

Town/City/Village/Clerk Signature: [Signature] attests that this record of highway mileage was filed and recorded on 2-10, 1987.

Approved: _____ Representative, Agency of Transportation Date

011



Sac 4

STATE OF VERMONT
AGENCY OF TRANSPORTATION
133 State Street, Administration Building
Montpelier, Vermont 05602



19-708-711

January 2, 1987

TO THE SELECTMEN OF THETFORD:

Enclosed is your 1987 Certificate of Highway Mileage. THIS CERTIFICATE MUST BE COMPLETED in order to determine and distribute state aid for Town Highways.

In 1986, your Town Highways were inspected and remeasured by Gary Novosel, Road Inventory Chief at the time, and Ellis Page, Road Foreman. The enclosed long sheet summarizes the changes in mileage and classifications found as a result of this road inventory, along with 1986 updates.

The mileage changes listed in sections 5 and 6 of the long sheet have already been entered on the Certificate of Highway Mileage. If your town has made any of the changes listed in section 1 through 4, please send in documentation.

Complete Certificate in accordance with enclosed instruction sheet and return to this office before February 15, 1987. If you have any questions, feel free to contact Tom Urell, Road Inventory Chief (828-2681) or Edward Chabot, Business Manager (828-2671).

Thank you.

Sincerely,

J. E. R. Landry, P.E.
Project Planning Engineer

BY: Edward J. Chabot
Business Manager

Enc.

AGENCY OF TRANSPORTATION, PROJECT PLANNING

CERTIFICATE OF HIGHWAY MILEAGE

INSTRUCTION SHEET

The Certificate is to be used to update the amount of mileage of Class 3 and 4 roads, incorporating any changes made before February 10, 1987. Legal acceptance by town/city/village of new roads, changes in highway class, and discontinuance of roads must all be documented.

PART I

PREVIOUS MILEAGE - We have already entered previous mileage from last year's certificate.

MILEAGE ADDED/SUBTRACTED - We have already entered all the mileage changes brought to our attention. Any other mileage changes must be made by you. Add and/or subtract changes in appropriate blocks and enter Town Highway Numbers in appropriate lines below block area. Documentation of changes are needed as follows:

TO ADD MILEAGE: If town/city/village has legally accepted a road or portion of a road, complete and sign a "Certificate of Completion & Opening". A copy is enclosed. Either describe right-of-way on form or send copy of deed.

TO SUBTRACT MILEAGE: If town/city/village has legally discontinued a road or portion of a road, submit a copy of the legal proceedings by which the highway was discontinued.

RECLASSIFIED MILEAGE: If you have reclassified a road or portion of a road from Class 3 to Class 4 or vice versa, submit a copy of the legal proceedings. Remember to add from one class and subtract from the other.

TOTAL HIGHWAY MILEAGE - Add and/or subtract the changes in mileage.

SCENIC HIGHWAY MILEAGE - If you have designated such mileage, enter amount. Scenic Highway Mileage is not a separate highway class; therefore, do not subtract it from your totals. Submit copy of legal proceedings designating Scenic Highways (see 19 VSA 2502).

PART II

If there are no changes in town highway mileage or classification, check block.

PART III

Selectmen/trustees/aldermen must sign. The town clerk also signs name and the date the certificate was recorded in town/city/village file.

After completing and signing certificate, keep copy and return original (White) and documentation of changes, using enclosed envelope.

CERTIFICATE OF COMPLETION AND OPENING
OF A HIGHWAY FOR PUBLIC TRAVEL

Emily Good, Town Clerk of the Town
of Wethersfield, Vermont.

Pursuant to Title 19, V.S.A., Section 15, as amended 1973, this is to certify that
the following described section of Class 3 Highway in the Town of
Wethersfield was COMPLETED AND OPEN FOR PUBLIC TRAVEL
on February 9, 1987.

DESCRIPTION OF RIGHT-OF-WAY: Beginning

and as shown on a Highway Map of the _____ of _____,
dated _____, 19____, and filed in Book _____ on page _____ of the Records
of the _____ of _____ by the _____ Clerk of
said _____ incorporated herein by reference and attested to on
said map by said _____ Clerk.

Dated at _____, County of _____ and State of
Vermont, this _____ day of _____, A.D., 19____.

Bussell Vaughan
J. Galin
Walter Longbeach

BOARD
OF
SELECTMEN
ALDERMEN
TRUSTEES

_____ and the MAYOR of the City of _____.

_____, VERMONT

_____, 19____.

THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS _____ HIGHWAY COMPLETED AND OPENED
FOR PUBLIC TRAVEL, RECORDED IN BOOK _____ ON PAGE _____ OF THE _____ RECORDS
OF THE _____ OF _____ ON THE _____ DAY OF _____,
19____, AT _____ O' CLOCK, _____ M.

ATTEST: _____

_____, CLERK OF _____, VERMONT

Town Highway #26 - Jackson Brook Road
respectfully submitted by Garrett and Carolyn Hack

Without legally valid documentation that the logging road attached to Town Highway #26 (Jackson Brook Road) has ever been part of the Thetford town highway system or proof of any maintenance by the town, the town has taken our land to extend the existing class 4 road through our private property to the boundary of parcel #05-01-76. Before the town took this action, we offered the owners of parcel 05-01-76 a private right of way across our land to access their property but received no reply.

The town of Thetford has violated Vermont Highway Statutes subsections 708 and 709, the Petitioning, Notice and Hearing Statutes, and therefore may have also violated Vermont open meeting laws by knowingly and intentionally wrongfully excluding stakeholders from knowledge of or participating in this process.

Timeline

Logging on several parcels beyond Town Highway #26 (Jackson Brook Road) has taken place intermittently over the years and all of the logging companies widened and upgraded the road for their own purposes, sometimes illegally. This logging road went from an impassable track in 2000 to a road that enabled 18 wheeler chip trucks to drive deep into the woods.

Summer 2022 - Carolyn and Garrett Hack alerted the buyer's real estate agent to the uncertainty around the status of access to the parcel. Once the property changed hands the Hack's offered to work with the new owners to understand the issue and assure them at minimum a legal private right of way.

Fall 2022 - Before verification of access, the town granted a building permit for a structure based on the opinion of a former tax assessor.

At no time did the town of Thetford warn, notify, or consult with affected property owners or the public about the proposed changes to Town Highway #26 (Jackson Brook Road).

The town manager worked with the new property owner's lawyer to justify an extension of the town highway along the existing logging road by claiming that Town Highway #26 (Jackson Brook Road) was mis-measured and should extend to the boundary of her client's property, parcel 05-01-76.

Select Board members did not follow standard VTrans process for making changes to a town road, did not verify the status of the logging road or investigate the legitimacy of the case for lengthening the existing town highway.

November 2022 - Affected property owners found out **by accident** a few days before the November 7th Select Board meeting that proposed changes to Town Highway #26 (Jackson Brook Road) were to be discussed.

November 7, 2022 - In a virtual meeting, the Thetford Select Board received two documents from the town manager as evidence that the logging road in question was historically part of Town Highway #26 (Jackson Brook Road). In spite of the existence of a transcription in town records, a hand-written, unreadable 1858 Discontinuance was submitted. This document has subsequently been proven to be for an unrelated road far from the disputed area. The second document submitted was the land survey of properties on Town Highway #26 (Jackson Brook Road) that references the road as a boundary.

The Thetford Select Board lacked the expertise to handle this issue and without an understanding of VTrans statutes for establishing new roads and without thorough examination of the documents presented by the town manager, voted to approve the measure, with one abstention, at the November 7th meeting. Two of the SB members admitted at the meeting that they hadn't seen the documents and none of the affected property owners were provided the documentation.

November 8, 2022 - Construction began on the upgrade to the class 4 section of Town Highway #26 (Jackson Brook Road) and the logging road. Underground utility conduit was installed leading to a junction box at the end of the utility right of way and then continuing through approximately .10 mile of private property without permission from the property owners and into parcel #05-01-76

December - Affected property owners engaged attorney Paul Gillies, an expert on old roads, as a consultant on Vermont law and guide for researching the status of the logging road. Garrett Hack spent days at the Thetford Town offices researching all leads and consulting with council Gilles on the information.

December 19, 2022 - Affected property owners presented their findings to the Thetford Select Board. No Survey, no Discontinuance, no Acceptance by the Town Clerk, and no record of Maintenance and Acceptance were found in town records for Town Highway #26 (Jackson Brook Road). Evidence was given that the 1858 Discontinuance was not part of Jackson Brook Road. That road had been laid out by the town in 1829 and discontinued in 1858 with the Survey and Discontinuance using exactly the same language to describe a road of approximately .3 miles in length near the end of Colby Road. This old road is far to the north and did not provide access to parcel #05-01-76.

We presented evidence from an 1831 Survey that suggests that Town Highway #26 (Jackson Brook Road) is a fragment of the old (1700's) highway linking Thetford to Strafford retained after the creation of the current roadbed for Route 132. This document grants payment for land along the Ompompanoosuc River but also acknowledges rights to .3 miles of the old road, a segment long enough to ensure access to the publicly maintained Jackman Cemetery. The 1931 VTrans map shows Town

Highway #26 (Jackson Brook Road) at .3 miles which was lengthened to the current length of .52 miles on the 1941 map as class 4 to serve a long-gone building.

As of today, the town has not brought forth any evidence supporting the idea that Town Highway #26 (Jackson Brook Road) was mis-measured or that the logging road was ever part of the town highway system. As affected property owners, we can personally attest that town has not done any maintenance of Jackson Brook Road beyond the class 3 section for over 40 years.

This appears to be a land grab of .10 mile of private property by the town of Thetford at the expense of property owners Hack and Watts on either side of the logging road beyond the end of Town Highway #26 (Jackson Brook Road).

Book 19 Page 89 page 1 of 1

Road Discontinement from Thomas Colby's to Rices Mills

HH Niles and Others in the Town of Thetford to the Hon County Court for the County of Orange, the undersigned Commissioners appointed by the Hon County Court of the County of Orange agreeably to a petition of HH Niles and other freeholders of the Town of Thetford in Orange County of aforesaid presented to the Schst(?) Court at the June term Adress setting forth that a public highway from **Thomas Colby's ^to Rices Mills** so called in Thetford in said Thetford laid out in part by commissioners appointed by the county court, from ^changes circumstanced is not necessary or required by the public good or individual convenience and praying said court to appoint commissioners to examine and report in the premises according to the statute in such cases provided having searched our commission from said Court - and having been sworn, proceeded in the discharge of our duties. The Selectmen of Thetford were notified to answer to the petition (and also those individuals owning & interested in the land through which the road was laid) on the 28th day of Oct 1857 at **Thomas Colby's Jr** dwelling house & on the highway aforesaid Wherefore after hearing the parties and inspecting said highway & considering the facts and circumstances in the code it is considered by us that the prayer of the petitioners should be granted. The public good not requiring the road & street, that part of the highway aforesaid laid out and surveyed May 27, 1829, by Commissioners of roads for said county, described as follows; - "Beginning at a stake in the side of the road near the North line of **John Fressell** Land, thence N, 27° E, 18 rods to the said North line, the same course and rods thence N. 15° E 14 rods to a birch tree, thence N, 12° E 18 rods, thence N 22° E 25, North 14 W, 10 rods to a stake, thence N, 23 1/2°, W 6(?) rods to the old road there N, 8° E, 37 rods in **Augustus Howard's** land to an apple tree in the N.E. corner by the South side of the Jewett road near **Stephen Godfrys** Barn". Should be discontinued meaning to discontinue all the highway leading from near the house of **Thomas Colbys Jr** to 18 rods beyond or Southerly of the North line of land now owned by H,H, Niles, S,J Heaton,(?) but formerly owned by when said road was laid out by **John Fressell** aforesaid to which point (to wit 18 rods South of the North line of land formerly owned by John Fressell) from **Sylvester Downer** dwelling house said road has been discontinued by the Selectman of said town of Thetford being that part of the highway aforesaid Credibly. County commissioner aforesaid Recorded in the Records of the town of Thetford Libro 12, Folio 156 & 157,

All of which is respectfully Submitted

January 4th 1858

Joseph Kimball

Arba Burr Commissioners

David Robinson

Rec for Record at 4 o'clock P.M. at Thetford Town clerks office Jan 6th 1858

Attest Asa Poor(?) Town Clerk

Transcribed by Carolyn Hack - to the best of my ability from a copy 2022

