

District 2
 Certcode 1306-0

**CERTIFICATE OF HIGHWAY MILEAGE
 YEAR ENDING FEBRUARY 10, 2018**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2018 to:
 Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section
 One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of **GRAFTON** in **WINDHAM** 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			"	0.000
Class 2	18.300			"	0.000
Class 3	30.67	0.16		30.83	0.000
State Highway	0.000				0.000
Total	48.970			49.130	0.000
* Class 1 Lane	0.000			"	
* Class 4	9.42			"	0.000
* Legal Trail	4.79			"	

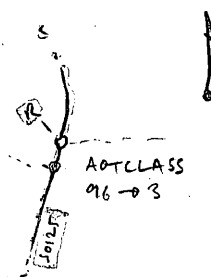
* Mileage for Class 1 Lane, Class 4, and Legal Trail

included in total.

PART II - INFORMATION AND DESCRIPTIONS

1. NEW HIGHWAYS: Please attach Selectmen's Report

2. DISCONTINUED: Please attach SIGNED copy of order



OW: 26/1/2018
 totals checked by K. Grimaldi
 THDATA - 31/01/2018
 rdsmall - 31/01/2018
 anno + - 31/01/2018
 es of vtlogpts - 10/04/2018
 maps - 31/01/2018
 papers - 12/03/2018

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
 0.16 OF CL3 TH 28 WAS MISTAKENLY REPORTED AS DISCONTINUED ON THE "CERTIFICATE OF HIGHWAY MILEAGE YEAR ENDING FEBRUARY 10, 2011. THIS MAP SHOULD INCLUDE 0.16 CL3 TH 28 (BURGESS CEMETERY ROAD) FROM TH 3 TO THE EASTERLY END OF THE CEMETERY
4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. []

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

[Handwritten signatures]
 Peter S. ...
 ...
 Cynthia ...

T/C/V Clerk Signature:

[Handwritten signature: Kimberly Record]

Date Filed:

1/23/18

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

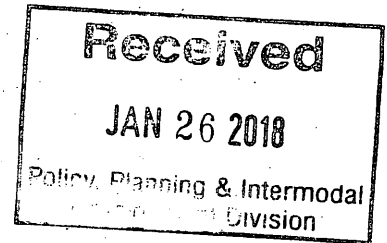
[Handwritten signature]
 Representative, Agency of Transportation

DATE:

4/18/2018

Vermont Statutes Annotated

19 V.S.A. § 305. Measurement and inspection



§ 305. Measurement and inspection

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

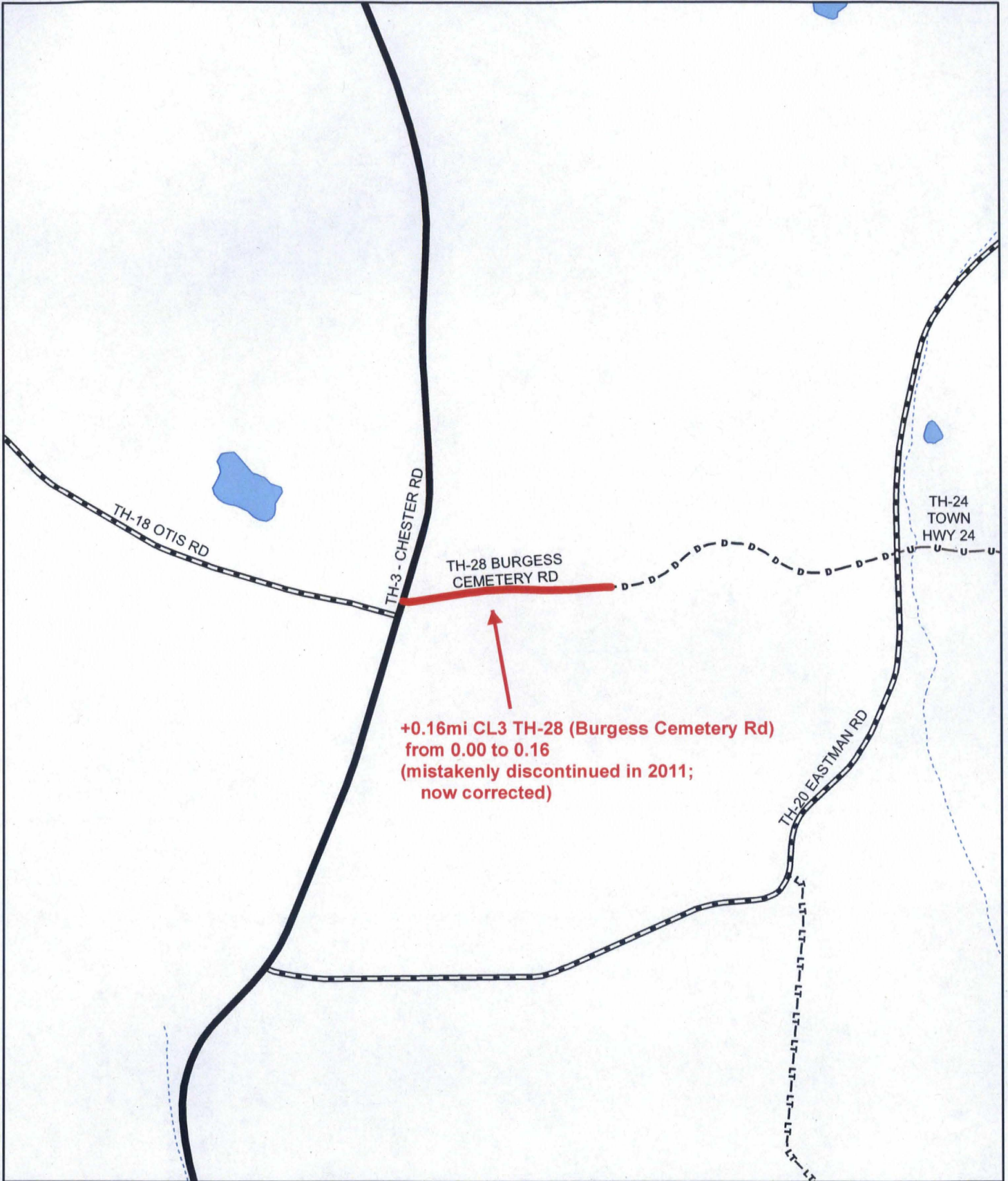
(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

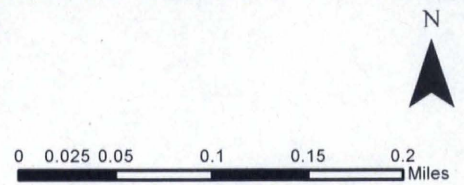
(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <https://legislature.vermont.gov/statutes/section/19/003/00305>



Mileage Certificate Change 2018
GRAFTON
 (CTUA: 1306-0)

Mapping Section
 Division of Policy, Planning, and Intermodal Development
 Vermont Agency of Transportation - January 2018



Grimaldi, Kevan

From: Bill Kearns <toszoning@vermontel.net>
Sent: Friday, January 12, 2018 8:53 AM
To: Croft, Johnathan
Cc: Grimaldi, Kevan; Moulton, Sara; 'Joe Pollio'; 'Allan Sands'; 'Stan and Pat Mack'; 'Cynthia Gibbs'; 'Ron Pilette'; 'Kim Record'; Danny Taylor
Subject: RE: 2018 Cert - Grafton, VT

Super, Johnathan. Thanks. Bill

Joe etal, Got it? If you need assistance let me know.

Bill Kearns
Administrative Officer
Town of Springfield
96 Main St.
Springfield, VT 05156
Tel 802-885-2104
Fax 802-885-1617
www.springfieldvt.govoffice2.com

From: Croft, Johnathan [mailto:Johnathan.Croft@vermont.gov]
Sent: Thursday, January 11, 2018 5:01 PM
To: Bill Kearns
Cc: Grimaldi, Kevan; Moulton, Sara; 'Joe Pollio'; 'Allan Sands'; 'Stan and Pat Mack'; 'Cynthia Gibbs'; 'Ron Pilette'; Kim Record
Subject: RE: 2018 Cert - Grafton, VT

Good afternoon Bill,

Please make the necessary notations for the inclusion of the segment of TH-28 (Burgess Cemetery Road) of 0.16 miles as an error correction, based on your justification provided below.

Johnathan

Johnathan Croft | Mapping Section Chief
Vermont Agency of Transportation
1 National Life Dr | Montpelier, VT 05633
802-828-2600 | johnathan.croft@vermont.gov



From: Bill Kearns [mailto:toszoning@vermontel.net]
Sent: Thursday, January 11, 2018 4:52 PM
To: Croft, Johnathan <Johnathan.Croft@vermont.gov>
Cc: Grimaldi, Kevan <Kevan.Grimaldi@vermont.gov>; Moulton, Sara <Sara.Moulton@vermont.gov>; 'Joe Pollio' <redlandfarmer@reagan.com>; 'Allan Sands' <asandswpc71@vermontel.net>; 'Stan and Pat Mack' <firebarn@vermontel.net>; 'Cynthia Gibbs' <cynvermont@gmail.com>; 'Ron Pilette' <rmpilette@gmail.com>; Kim

Record <clerk@graftonvt.org>

Subject: RE: 2018 Cert - Grafton, VT

Johnathan. I attached what you sent to me.

I will explain the error, I have already gone through all the docs and found the error. The error is in the certificate, a not the supporting documentation. As I said before the first 0.16 was not meant to be discontinued. This is in the Third paragraph of page 87:

Third

The highway leading from the School house in in [sic] School District no 6 to the dwelling house occupied by Marie Burgess.

From the School house on the corner of the then east end of Burgess Cemetery Road and Eastman Road westerly to the Cemetery was discontinued. The west end was not discontinued. See minutes.

used for recreational use. Burgess Cemetery Road was discussed. This road was discontinued in the 1800's and is being maintained regularly and it should not be. This issue will be discussed further at a planning commission/subdivision meeting.

e. Work Schedule: The road crew has been replacing culverts, grading roads

The eastern end of Burgess Cemetery Road was discontinued (from the schoolhouse on Eastman westerly to the cemetery – see above) but the Town continued to plow it. This was the reason Danny Taylor, the Highway Foreman brought it to attention of the Selectboard. The minutes should have been more clear about “This road had been discontinued,...” should have been “This Eastman Road end of Burgess Cemetery Rd had been discontinued...” – not the whole road but just the eastern end which was the only portion relevant to the discussion.

I cannot explain why Dave Rogers and Joe Montecalvo and I signed it, other than we were relying on the then Town Administrator to have filled it out correctly. The discontinuance portion was filled out by the Town Administrator and presented to us to sign. It was an error and I apologize for not being more thorough at the time.

Conclusion, the Third paragraph, which is the only relevant document to the partial discontinuance of Burgess Cemetery Road is clear that the portion discontinued was from Eastman Road westerly to the Cemetery. The Western end of 0.16 remained and remains today as CL-3

Comment? Bill

Bill Kearns
Administrative Officer
Town of Springfield
96 Main St.
Springfield, VT 05156
Tel 802-885-2104
Fax 802-885-1617
www.springfieldvt.gov/office2.com

From: Croft, Johnathan [<mailto:Johnathan.Croft@vermont.gov>]

Sent: Thursday, January 11, 2018 2:53 PM

To: toszoning@vermontel.net

Cc: Grimaldi, Kevan; Moulton, Sara; Joe Pollio; Allan Sands; Stan and Pat Mack; Cynthia Gibbs; Ron Pilette

Subject: FW: 2018 Cert - Grafton, VT

Good morning Bill,

The discontinuance of TH-28 (Burgess Cemetery Road) in 2011 on the Mileage Certificates was performed based on the documentation provided by the Town and interpreted by VTrans. The 1877 discontinuance provides a description and the meeting minutes provides additional information, which led to the interpretation that the class 3 section (0.20 miles in 2 segments) and class 4 section (0.19 miles) had both been discontinued. If this is in error, the Selectboard will need to provide clarification of exactly what was discontinued under the 1877 discontinuance and what was retained.

Providing any surveys or sketch maps that show what the Town has retained as highway and describing that this was an error which requires correction will provide the basis for an update on the 2018 Mileage Certificate. It is important to provide as much documentation regarding this issue that you may have, including Selectboard minutes regarding any discussions on the Burgess Cemetery Road, Selectboard decisions to add the section back to the map that may have been erroneously dropped due to interpretation of the discontinuance from 1877, or other documentation showing the section of retained highway.

Please feel free to contact me with any questions or comments regarding this, or mapping in general.

Johnathan

Johnathan Croft | Mapping Section Chief
Vermont Agency of Transportation
1 National Life Dr | Montpelier, VT 05633
802-828-2600 | johnathan.croft@vermont.gov



Here is info provided from the documentation from the Certificate packet and an excerpt from the Beers Atlas map for Grafton.

The 2011 Grafton cert includes a scan from what is described in attached meeting minutes as a page from Grafton Town Records Book B detailing discontinuances in 1877. The scan reads thusly:

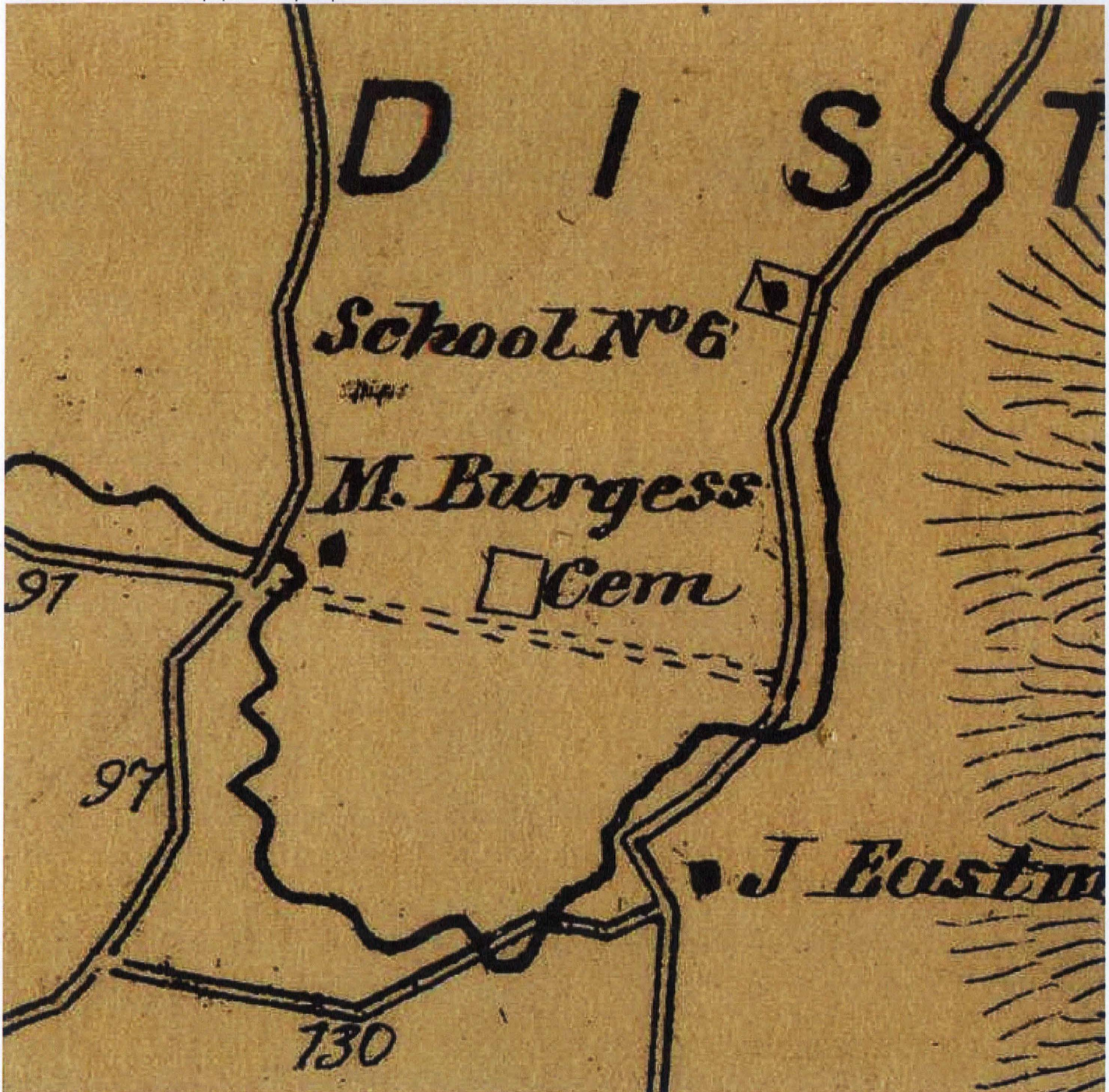
Discontinued Roads

...
Third The highway leading from the school house
[TH-28] in in school district no. 6 to the cemetery near
 the dwelling house occupied by Maria Burgess
...

The meeting minutes mention both TH-16 (Hidden Farm Rd) and TH-28 (Burgess Cemetery Rd) and note that 'Burgess Cemetery Road was discussed. This road was discontinued in the 1800's and is being maintained regularly and it should

not be. This issue will be discussed further at a planning commission/subdivision meeting.' No notes from any subsequent planning commission/subdivision meeting were included with the cert.

Here is the Beers map (c. 1870) depiction of TH-28 for reference:



From: Bill Kearns [<mailto:toszoning@vermontel.net>]

Sent: Wednesday, January 10, 2018 4:35 PM

To: Croft, Johnathan <Johnathan.Croft@vermont.gov>

Cc: Grimaldi, Kevan <Kevan.Grimaldi@vermont.gov>; Moulton, Sara <Sara.Moulton@vermont.gov>; Joe Pollio <redlandfarmer@reagan.com>; Allan Sands <asandswpc71@vermontel.net>; Stan and Pat Mack

<firebarn@vermontel.net>; Cynthia Gibbs <cynvermont@gmail.com>; Ron Pilette <rmpilette@gmail.com>

Subject: 2018 Cert - Grafton, VT

Johnathan,

I am writing you since we dealt with you last year on the Certificate. Thank you very much for your assistance last year. As for that work last year: there may still be some residual work on the Kidder Hill / Ledge Road short cut issue, but we need to go over the documents again and perhaps deal with this in the future.

For this year all seemed well with the map and the mileage certificate when I noticed that Burgess Cemetery road was not correctly mapped. The first 0.16 mile from Town Highway 3 (Grafton Road) east to the Burgess Cemetery should have been retained when we corrected the Town Map in 2011. See the "Highway mileage Cert 2011 attached. See Part II 2. DISCONTINUED: The statement: "0.20 CL 3 TH-28 and 0.19 CL 4 TH-28 Burgess Cemetery Rd" was in error. The statement should have been: "0.04 CL 3 -28 and 0.19 CL 4 TH -28 Burgess Cemetery Road." What we intended to do at the time was to have the map show that the Burgess Cemetery Road from the cemetery to Eastman Road had been discontinued many years prior but not reflected on our Town Highway Map. Unfortunately the person who filled out the form for the Select Board somehow misunderstood and thus the document presented to us at the meeting showed the entire road as discontinued. That was never our intent, and if we – the three Board members who executed the form – had carefully read it, we never would have signed it.

So what the Town map should show is 0.16 CL 3 portion from Town Highway 3 to the cemetery remains CL 3, and the 0.19 CL4 portion and the 0.04 CL4 portion between the cemetery and Eastman Road are discontinued. See the attached GRAFTON MILEAGE 2009 (2).tif, which is excerpted from the attached GRAFTON MILEAGE 2009 map for a depiction of those three portions.

I have attached the unexecuted 2018 Certification. How do we proceed to get Burgess Cemetery Road corrected to show the 0.16 off TH 3 to the cemetery is CL3, the rest Discontinued?

In the cc above are the 5 current SB members. You may respond to them directly.

Thanks again for all you past assistance and whatever you can do for Grafton in the future.

Regards,

Bill

Bill Kearns
Administrative Officer
Town of Springfield
96 Main St.
Springfield, VT 05156
Tel 802-885-2104
Fax 802-885-1617
www.springfieldvt.govoffice2.com

Attachment to Town of Grafton "Certificate of highway Mileage Year Ending February 10, 2018"

The Certificate of Highway Mileage Year Ending February 10, 2011 contains an error. This error is corrected in this certificate.

The error is in the certificate, a not the supporting documentation. The discontinuance was that portion of the road beginning on the eastern end of TH 28 (aka Burgess Cemetery Road) where it intersects with TH 20 (Eastman Road) ("from the School house" which was on the corner of Burgess Cemetery Road and Eastman Road) to the easterly end of the cemetery. What was discontinued was 0.04 of the CL-3 portion on the easterly end near the School house, and the next 0.19 CL 4 portion of Burgess Cemetery road as far as the easterly end of the cemetery. The first 0.16 CL 3 of Burgess cemetery Road, which is the public access from TH 3 (Chester Road) was not meant to be discontinued. Indeed this is the only public access to the cemetery.

The relevant paragraph of the discontinuance document is in the Third paragraph of Volume B, page 87:

Third

The highway leading from the School house in in [sic] School District no 6 to the cemetery near the dwelling house occupied by Marie Burgess.

Thus the discontinuance was from the School house on the corner of the then east end of Burgess Cemetery Road and Eastman Road westerly to the Cemetery. The west end was not discontinued.

The minutes refer to the discontinuance "in the 1800's" which is cited above, that is, Volume B page 87 the "Third" paragraph.

used for recreational use (Burgess Cemetery Road was discussed. This road was discontinued in the 1800's and is being maintained regularly and it should not be. This issue will be discussed further at a planning commission/subdivision meeting.)

e. Work Schedule: The road crew has been replacing culverts, grading roads

Why was this discussed in 2011: The eastern end of Burgess Cemetery Road was discontinued (from the schoolhouse on Eastman westerly to the cemetery – see above) but the Town continued to plow a portion of it leading to house near Eastman Road and should not have done so. This was the reason Danny Taylor, the Highway Foreman, brought it to attention of the Selectboard. The minutes should have been more clear about "This road had been discontinued,..." should have been "This Eastman Road end of Burgess Cemetery Rd had been discontinued..." – not the whole road but just the eastern end which was the only portion relevant to the discussion.

There is no explanation why Dave Rogers and Joe Montecalvo and William Kearns signed it, other than they were relying on the then Town Administrator to have filled it out correctly. The discontinuance portion was filled out by the Town Administrator and presented to them to sign. It was an error. The town recognizes it and apologizes for not being more thorough at the time.

Conclusion, the Third paragraph, which is the only relevant document to the partial discontinuance of Burgess Cemetery Road is clear that the portion discontinued was from Eastman Road westerly to the Cemetery. The Western end of 0.16 remained and remains today as CL-3 and the only public access to the cemetery.

Documentation attached:

- Town Highway...Checklist
- Map with the 0.16 portion of TH 28 to be restored highlighted in circle.
- "Discontinued Roads" page 87 relevant portion (THIRD) circled.
- Typed version of Third on page 87.
- Minutes in 2011 describing the issue with the road and maintenance, and need to remove from map.

Town Highway/Legal Trails Addition/Reclassification/Discontinuance Checklist

The following includes a checklist of the documentation to be supplied to the Vermont Agency of Transportation (VTrans) when adding / reclassifying / discontinuing highways and trails. The documentation is subject to verification by VTrans.

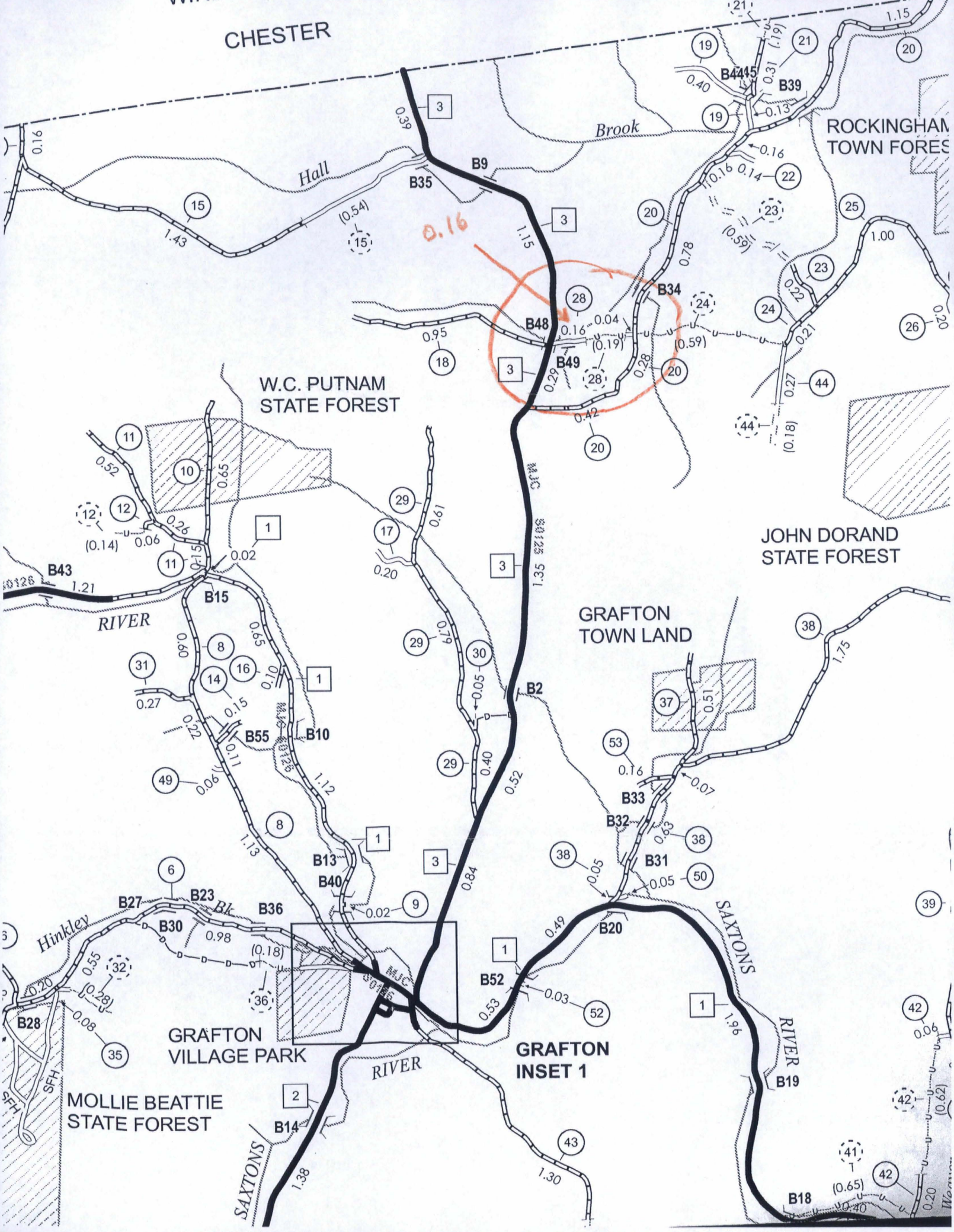
Check the box if the information is included as part of the documentation submitted.

- A description of the affected highway or trail
Vt. Stat. Ann. tit. 19, § 305(e)
 - A ²⁰¹⁰ current town highway map with the requested ~~deletions and additions sketched on it~~
Vt. Stat. Ann. tit. 19, § 305(e) *highlighted*
 - Minutes of meetings at which the legislative body took action with respect to the changes
(include copies of the meeting minutes) Vt. Stat. Ann. tit. 19, § 305(e)
 - Evidence of written notice to adjoining landowners
(include a copy of the newspaper notice and a copy of the letter sent to adjoining landowners)
Vt. Stat. Ann. tit. 19, § 709
 - A copy of any surveys of the affected highway or trail
Vt. Stat. Ann. tit. 19, § 305(e) Vt. Stat. Ann. tit. 19, § 704
-
- For Class 3 or Class 4 town highway additions
A Certificate of Completion and Opening
While not required by statute, a Certificate of Completion and Opening form is a helpful document for the record.

All records filed with the agency are subject to verification in accordance with 19 V.S.A. § 305 (a) and 19 V.S.A. § 305 (e).

Vermont Agency of Transportation
Division of Policy, Planning and Intermodal Development, Mapping Section
1 National Life Drive, Montpelier, VT 05633-5001

CHESTER



Discontinued Roads

87

I know all men by their presents that the undersigned Selectmen of the town of Grafton have this 27th day of January, AD 1871 discontinued the following described highways in said town of Grafton to wit:

First Commencing at the gate on land of Samuel Phelps on the east side of the highway leading from Grafton Village to Northtownville and leading through the pasture of said Samuel Phelps to a gate on the dividing line between said Phelps meadow and pasture lands

Second Commencing on the west side of the highway between the dwelling house of S. S. Sherwin and the Pettungill bridge as called and leading past the dwelling house on the farm owned by Riley Stearns to the burial ground in the center of the town

Third The highway leading from the school house in school district No 6 to the cemetery near the dwelling house occupied by Maria Burgess

Fourth The highway at a point near the school house in school district No 6 and leading eastward to the dwelling house of Hiram Woolley

Fifth The highway leading from the dwelling house of Austin Davenport northward to the highway leading from John Westman to Bostonville

Sixth To all highway leading from the dwelling house of Henry Otis to the dwelling house of Newton R. Coan

Seventh The highway leading from the dwelling house on the farm owned by Charles Weston to the highway leading from the

GRAFTON 2011

Transcribed by S.Moulton

21 March 2011

Discontinued Road -- page 87

Second

Commencing on the west side of the highway between the dwelling house of S.S. Sherman and the Pettingill bridge so called and heading past the dwelling house on the farm owned by Riley Stearns to the burial ground in the center of the town.

Third

The highway leading from the School house in in [sic] School District no 6 to the cemetery near the dwelling house occupied by Marie Burgess.

- b. Town Pool Fence: Taylor replaced the damaged rails and stated that the town may want to think about replacing the fence. There was discussion about removing the fence entirely but it was decided that was not a good idea. The cost of a new fence will be put into the next budget and the fence will go around the hydrant to make it easier to plow out.
- c. Budget: Went over the end of year highway budget. Taylor feels he will have a surplus even after having to pay the unexpected \$35,000 paving project on Rte. 121. Taylor stated that he discovered three culverts on the Townshend Road, which need to be repaired before the road gets paved. The town can replace two but the third an excavator will need to be rented. Record asked Taylor about the use of his excavator. Taylor stated he would be willing to rent it to the town not to exceed \$1,360 even if it takes longer than two days. Motion by Record to rent Taylor's excavator to replace a culvert on the Townshend Road not to exceed \$1,360. MOTION PASSED UNANIMOUSLY.
- d. List of Private Driveways now being plowed: Taylor brought a list of roads/private driveways to the board. These are considered town roads but only go to single properties. The roads include Marshall Road, Avery Park Drive, Hidden Farm Road, Pollard Road, State Forest Road and Theron Fisher Drive. The town will consider State Forest Road as a trail since it is used for recreational use. (Burgess Cemetery Road was discussed. This road was discontinued in the 1800's and is being maintained regularly and it should not be. This issue will be discussed further at a planning commission/subdivision meeting.)
- e. Work Schedule: The road crew has been replacing culverts, grading roads and cutting brush.
- f. Other Highway Issues: Wright Orchard Road had a second mud season. Approximately eight inches of mud returned after a rainstorm. The gravel that was put on the road is very sandy; stone needs to be added to it. Taylor suggested having the gravel tested to see how much stone is needed, the board agreed to a sieve test. Karpin stated that the Improvement Associations log operation at the Town Shed is a liability to the town if someone was to get hurt. Taylor is concerned with the log debris. A letter will be sent to Rob Wright Jr. and the Improvement Association asking them to remove the logs from the Town Shed.
6. Lister Resignation and Appointment: The board received a resignation letter from Stan Mack and a letter from Nancy Merrill stating her desire to become a lister. Motion by Rogers to accept Stan Mack's letter of resignation as lister. MOTION PASSED UNANIMOUSLY. Motion by Record to appoint Nancy Merrill as lister to replace Stan Mack. MOTION PASSED UNANIMOUSLY.
7. Budget End of May: Went over the budget worksheets.
8. Other Business: Kearns requested that the board looks over the bylaws of the Solid Waste Management District.
9. Anticipate Executive Session: Motion by Montecalvo to enter into executive session to discussion the tax appeal settlement between the Town and James Paulson. MOTION PASSED UNANIMOUSLY. Motion by Record to exit

Jackie LeBlanc