

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2010

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2010 to: Vermont Agency of Transportation, Division of Planning, Outreach and Community Affairs, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of NEWFANE 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.

Table with 6 columns: Town Highways, Previous Mileage, Added Mileage, Subtracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 1 Lane, Class 2, Class 3, State Highway, Class 4, Legal Trail, and Total.

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

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- 1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
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. [X]

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

Handwritten signatures of selectmen/aldermen/trustees.

T/C/V Clerk Signature: Handwritten signature of Gloria J. Crockett

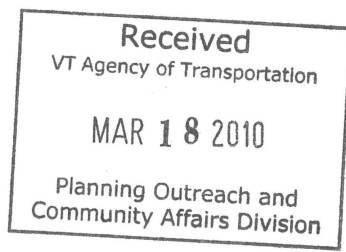
Date Filed: 3-3-10

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED: Representative, Agency of Transportation Jonathan Croft

DATE: 3/18/2010



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 – <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305>

12/29/2009



State of Vermont
Planning, Outreach & Community Affairs Division
Mapping Unit
1 National Life Drive
Montpelier, VT 05633-5001
<http://www.aot.state.vt.us>

Agency of Transportation

Telephone: 802-828-2600
Fax: 802-828-2334
Email: johnathan.croft@state.vt.us

December 18, 2009

Chair, Selectboard
Newfane, c/o Town Clerk
PO Box 36
Newfane, VT 05345

Dear Newfane Selectboard Chair,

Please find enclosed a copy of the **2009 Certificate of Mass Discontinuance of Town Highways** for Newfane that has been recorded by the Agency of Transportation – Mapping Unit.

Feel free to contact me with any questions or comments regarding the Mass Discontinuance Certificate, or mapping in general. I can be reached via telephone at (802) 828-2600 or via email at johnathan.croft@state.vt.us.

Sincerely,


Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: VTrans District Transportation Administrator



AUG 18 2009

Policy & Planning Division

CERTIFICATE OF MASS DISCONTINUANCE OF TOWN HIGHWAYS

Transportation District 2 YEAR ENDING JUNE 30, 2010

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL to: Vermont Agency of Transportation, Planning, Outreach and Community Affairs Division, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of Newfane in Windham County on an oath state that the mass discontinuance of highways not on the official town highway map was performed according to Vermont Statutes Annotated, Title 19, Section 305 (h), as follows:

CHECKLIST

The public informational hearing was warned in two public locations in town plus the town clerk's office 30 days prior to the hearing. Yes (copy of warning attached)

The warning and a transmittal memo were mailed return receipt requested more than 30 days before the informational hearing to each of the following:

- the municipal planning commission Yes (copy attached) Not Applicable
- the conservation commission in the municipality Yes (copy attached) Not Applicable
- the legislative body of each abutting municipality Yes (copy attached)
- the regional planning commission Yes (copy attached)
- the commissioner of forest, parks and recreation Yes (copy attached)
- the secretary of transportation Yes (copy attached)

The public informational hearing was held on the following date. 7-23-09

The action was taken at a warned meeting. Yes (copy of warning attached)

Effective date of Mass Discontinuance of town highways not on the official town highway map (include a copy of the meeting minutes). Sept 14, 2009

SIGNATURES - PLEASE SIGN.

Selectboard members/
Aldermen/ Trustees Signatures:

[Handwritten signatures of selectboard members]

NEWFANE VERMONT TOWN CLERK'S OFFICE

August 12 2009 at 10 o'clock 15 minutes AM

Received for record and recorded in book 123 on page(s) 253 of Newfane Land records

Attest: *[Signature]*
TOWN CLERK

T/C/V Clerk Signature: *[Signature]* Date Filed: 8/12/09

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION
ACKNOWLEDGEMENT OF RECEIPT OF MASS DISCONTINUANCE CERTIFICATE

Signed copy will be returned to T/C/V Clerk.

RECORDED BY: *[Signature]*
Representative, Agency of Transportation

DATE: 12/18/2009

[Signature]
Johnathan Craft

AUG 18 2009

Policy & Planning Division

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One National Life Drive, Montpelier, VT 05633.

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SIGNATURES - PLEASE SIGN.

Selectboard members/
Aldermen/ Trustees Signatures:

[Handwritten signatures]

NEWFANE VERMONT TOWN CLERK'S OFFICE

August 12 2009 at
10 o'clock 15 minutes AM

Received for record and recorded in

book 123 on page(s) 253

of Newfane Land records

Attest: Storia J. Cristelli
TOWN CLERK

T/C/V Clerk Signature: Storia J. Cristelli

Date Filed: 8/12/09

Please sign ORIGINAL and return it for Transportation signature.

**AGENCY OF TRANSPORTATION
ACKNOWLEDGEMENT OF RECEIPT OF MASS DISCONTINUANCE CERTIFICATE**

Signed copy will be returned to T/C/V Clerk.

RECORDED BY: [Signature]
Representative, Agency of Transportation

DATE: 12/18/2009

Jonathan Craft

TOWN OF NEWFANE
OFFICE OF THE SELECTBOARD
LEGAL NOTICE

In accordance with 19 V.S.A. § 305 (i), the residents and property owners of the Town of Newfane and all interested parties are hereby notified that the Newfane Selectboard will hold a public hearing on July 23, 2009 beginning at 7:00 p.m. for the purpose of hearing public comment with regards to mass discontinuance of ancient roads.

A copy of this hearing notice is also posted at the Newfane Market, W.W. Building Supply, Williamsville Hall, the Williamsville & South Newfane Post Office, and the South Newfane General Store. Questions regarding the mass discontinuance can be directed to the Administrative Assistant, Shannon Meckle, at 365-7772, ext. 14.

NEWFANE SELECTBOARD



Gary Katz, Chair

Jeffrey Gouger



Todd Lawley



Christopher Williams



Dennis Wiswall

Dated this 18th day of June, 2009 at Newfane in the County of Windham, State of Vermont.

Certificate of Service

Thanice Petrak
408 Dover Road
South Newfane, Vermont 05351

Sylvia Kinney
554 South Wardsboro Road
Newfane, Vermont 05345

Marc Pickering
662 Vermont Route 30
Newfane, Vermont 05345

Jennifer Gagliardi
P.O. Box 48
South Newfane, Vermont 05351

Gregory Record
15 Double D Drive
Newfane, Vermont 05345

Bruce Hesselbach
43 Bruce Brook Road
Newfane, Vermont 05345

Chauncey Berdan
22 Woodlands Lane
Newfane, VT 05345

Kenneth A. Robinson
959 VT Route 30
Newfane, VT 05345

John J. Feifel, Sr.
PO Box 143
Williamsville, VT 05362

Town of Townshend
PO Box 223
Townshend, VT 05353-0223

Town of Brookline
736 Grassy Brook Rd,
Brookline, VT 05345

Town of Dover
P.O. Box 428
West Dover, VT 05356-0428

Town of Dummerston
1523 Middle Road
E Dummerston, VT 05346

Marlboro Town Office
P.O. Box E, 510 South Road
Marlboro, VT 05344

Town of Wardsboro
PO Box 48
Wardsboro, VT 05355

Windham Regional Commission
139 Main Street, Suite 505
Brattleboro, Vermont 05301

Jason Gibbs, Commissioner
Vermont Department of Forests, Parks &
Recreation
103 South Main Street
Waterbury, Vermont 05671-0601

I, Shannon Meckle, hereby certify that a copy of the above and foregoing Public Hearing Notice was serviced upon the service list attached hereto on the 18th day of June, 2009 by depositing the same in the United States Mail, first class, Return Receipt Requested.

Certified on this 18th day of June, 2009. 

Certificate of Service

Thanice Petrak
408 Dover Road
South Newfane, Vermont 05351

Town of Townshend
PO Box 223
Townshend, VT 05353-0223

Sylvia Kinney
554 South Wardsboro Road
Newfane, Vermont 05345

Town of Brookline
736 Grassy Brook Rd,
Brookline, VT 05345

Marc Pickering
662 Vermont Route 30
Newfane, Vermont 05345

Town of Dover
P.O. Box 428
West Dover, VT 05356-0428

Jennifer Gagliardi
P.O. Box 48
South Newfane, Vermont 05351

Town of Dummerston
1523 Middle Road
E Dummerston, VT 05346

Gregory Record
15 Double D Drive
Newfane, Vermont 05345

Marlboro Town Office
P.O. Box E, 510 South Road
Marlboro, VT 05344

Bruce Hesselbach
43 Bruce Brook Road
Newfane, Vermont 05345

Town of Wardsboro
PO Box 48
Wardsboro, VT 05355

Chauncey Berdan
22 Woodlands Lane
Newfane, VT 05345

Windham Regional Commission
139 Main Street, Suite 505
Brattleboro, Vermont 05301

Kenneth A. Robinson
959 VT Route 30
Newfane, VT 05345

Jason Gibbs, Commissioner
Vermont Department of Forests, Parks &
Recreation
103 South Main Street
Waterbury, Vermont 05671-0601

John J. Feifel, Sr.
PO Box 143
Williamsville, VT 05362

I, Shannon Meckle, hereby certify that a copy of the above and foregoing Public Hearing Notice was serviced upon the service list attached hereto on the 18th day of June, 2009 by depositing the same in the United States Mail, first class, Return Receipt Requested.

Certified on this 18th day of June, 2009. 

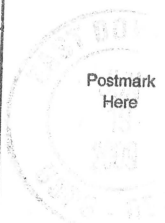
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Sent To Tharice Petrak
 Street, Apt. No., or PO Box No. 408 Dover Road
 City, State, ZIP+4 S. Newfane, VT 05351

PS Form 3800, August 2006 See Reverse for Instructions

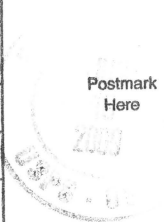
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Sent To Marc Pickering
 Street, Apt. No., or PO Box No. 662 Vt. Route 30
 City, State, ZIP+4 Newfane, VT 05345

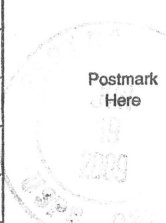
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Sent To Gregory Record
 Street, Apt. No., or PO Box No. 15 Double D. Drive
 City, State, ZIP+4 Newfane, VT 05345

PS Form 3800, August 2006 See Reverse for Instructions

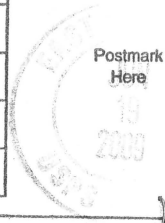
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Sent To Sylvia Kinney
 Street, Apt. No., or PO Box No. 554 South Wardsboro Rd.
 City, State, ZIP+4 Newfane, VT 05345

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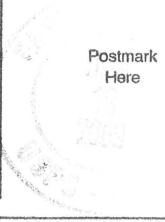
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Sent To Jennifer Gagliardi
 Street, Apt. No., or PO Box No. PO Box 48
 City, State, ZIP+4 Newfane, VT 05345

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Sent To Bruce Hesselbach
 Street, Apt. No., or PO Box No. 43 Bruce Brook Rd.
 City, State, ZIP+4 Newfane, VT 05345

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Sent To Chauncey Berdan
 Street, Apt. No.,
 or PO Box No. 23 Woodlands Lane
 City, State, ZIP+4 Newfane, VT 05345

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Sent To Kenneth Robinson
 Street, Apt. No.,
 or PO Box No. 959 Mt. Route 30
 City, State, ZIP+4 Newfane, VT 05345

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Sent To John J. Feifel, Sr.
 Street, Apt. No.,
 or PO Box No. P.O. Box 143
 City, State, ZIP+4 Williamsville, VT 05362

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Sent To Town of Townshend
 Street, Apt. No.,
 or PO Box No. PO Box 223
 City, State, ZIP+4 Townshend, VT 05353

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Restricted Delivery Fee (Endorsement Required)		
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Sent To Town of Brookline
 Street, Apt. No.,
 or PO Box No. 736 Grassy Brook Rd.
 City, State, ZIP+4 Brookline VT 05345

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Sent To Town of Dover
 Street, Apt. No.,
 or PO Box No. PO Box 428
 City, State, ZIP+4 W. Dover, VT 05356

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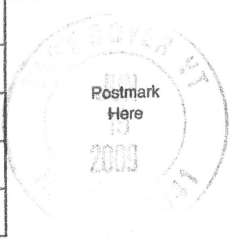
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Sent To Town of Dummerston
 Street, Apt. No., or PO Box No. 1523 Middle Road
 City, State, ZIP+4 E. Dummerston VT 05346

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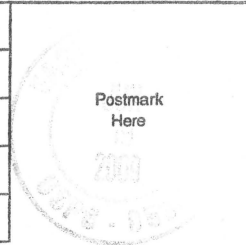
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Total Postage & Fees	\$ 5.54



Sent To Town of Marlboro
 Street, Apt. No., or PO Box No. P.O. Box E
 City, State, ZIP+4 Marlboro, VT 05344

PS Form 3800, August 2006 See Reverse for Instructions

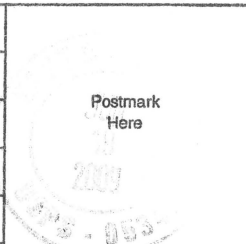
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.54



Sent To Town of Wardsboro
 Street, Apt. No., or PO Box No. P.O. Box 48
 City, State, ZIP+4 Wardsboro, VT 05355

PS Form 3800, August 2006 See Reverse for Instructions

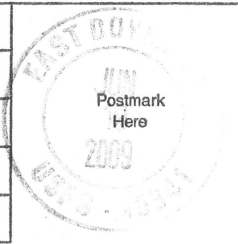
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Sent To Windham Regional Comm
 Street, Apt. No., or PO Box No. 139 Main St Suite 505
 City, State, ZIP+4 Brattleboro, VT 05301

PS Form 3800, August 2006 See Reverse for Instructions

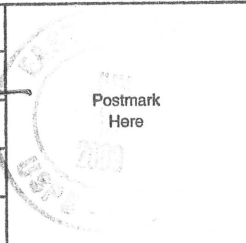
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Sent To Jason Gibbs
 Street, Apt. No., or PO Box No. 103 South Main St.
 City, State, ZIP+4 Waterbury, VT 05671

PS Form 3800, August 2006 See Reverse for Instructions

**SPECIAL MEETING OF THE
NEWFANE SELECTBOARD**

THURSDAY, JULY 30, 2009

6:30 P.M.

**NEWFANE TOWN OFFICE
NEWFANE, VERMONT**

AGENDA:

1. To consider the option of the mass discontinuance of any unidentified ancient corridors.
2. Adjourn.



State of Vermont
Department of Forests, Parks and Recreation
 103 South Main Street, 10 South
 Waterbury, VT 05671-0601
www.vtfpr.org

[fax] 802-244-1481
 [tdd] 800-253-0191

Agency of Natural Resources

802.241.3693
 ANR Lands Division

June 30, 2009

Town of Newfane Selectboard
 c/o Jahari Overton, Town Clerk
 P O Box 36
 Newfane, Vermont 05345

Vermont
 Agency of Transportation

JUL 02 2009

Policy & Planning Division

Dear Board Members:

We are in receipt of the notice pursuant to the requirements of Title 19 V.S.A. that you propose to discontinue all ancient town highways that do not appear on your Official Town Map in the Town of Newfane. The Department of Forests, Parks & Recreation has reviewed the proposal and finds that this will not affect any existing trail corridors and therefore, has no objection to the proposed discontinuations. For your information, it has been the policy of this Department to encourage towns to continue ownership of highway rights-of-way where they are of sufficient length or location to be of value to recreational users. Such existing rights-of-way can be valuable recreation resources for our growing population.

With the passage of H. 83 in the 1991 Legislature, the laws regarding Class 4 roads and trails give much more strength to towns in their ability to preserve these rights-of-way. Title 19 V.S.A. 711 states in part:

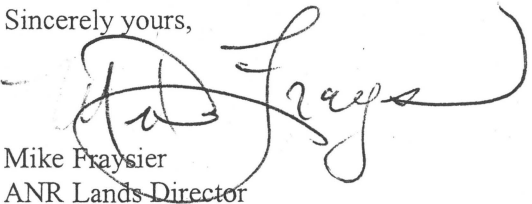
"...the selectmen may order that the petitioner bear the cost of upgrading a class 4 town highway to the class 3 town highway standards established in 19 V.S.A. 302(a)
 (3)(B). Nothing in this section shall be construed to require a town to maintain a class 4 highway or to upgrade a highway from class 4 to class 3."

Enclosed is a copy of the "Town Policy on Class 4 Roads and Trails," issued by the Vermont Trails and Greenways Council. In addition, you will find a copy of the Department's policy on road discontinuance. You may want to consider a similar policy in Newfane. Having such a policy will help to ensure that you will not be required to maintain Class 4 roads or trails or upgrade them to Class 3.

This Department will not be represented at your meeting on July 23, 2009 but we ask that this letter and attachments be entered into the proceedings. We also request that local trail organizations such as snowmobile clubs be notified of the proposed discontinuance.

Thank you for contacting us on this matter. We always appreciate the opportunity to comment on these important recreation resources.

Sincerely yours,



Mike Fraysier
 ANR Lands Director

Enclosures

Cc: Trails Coordinator, VAST; FPR District Trails Coordinator, Rick White; Planning Office, AOT



**FORESTRY
 CENTENNIAL
 CELEBRATION**