

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2012**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2012 to:
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development,
One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of BARNARD in WINDSOR 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	15.640			15.640	0.000
Class 3	42.70		0.11	42.59	0.000
State Highway	9.615			9.615	0.000
Total	67.955			67.845	0.000
* Class 1 Lane	0.000				0.000
* Class 4	45.36	0.11	0.63	44.73	
* Legal Trail	2.45			2.45	
* Unidentified Corridor	0.00				

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

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening".
- DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).
TH 100 0.74m
- RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).
CL3 TO CL4 TH 66 0.08
TH 80 0.03
- 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]

T/C/V Clerk Signature:

Date Filed: 2.8.12

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

[Signature]
Representative, Agency of Transportation
Johnathan Croft

DATE:

6/27/2012

Received

FEB 14 2012

Policy, Planning & Intermodal
Development Division

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.

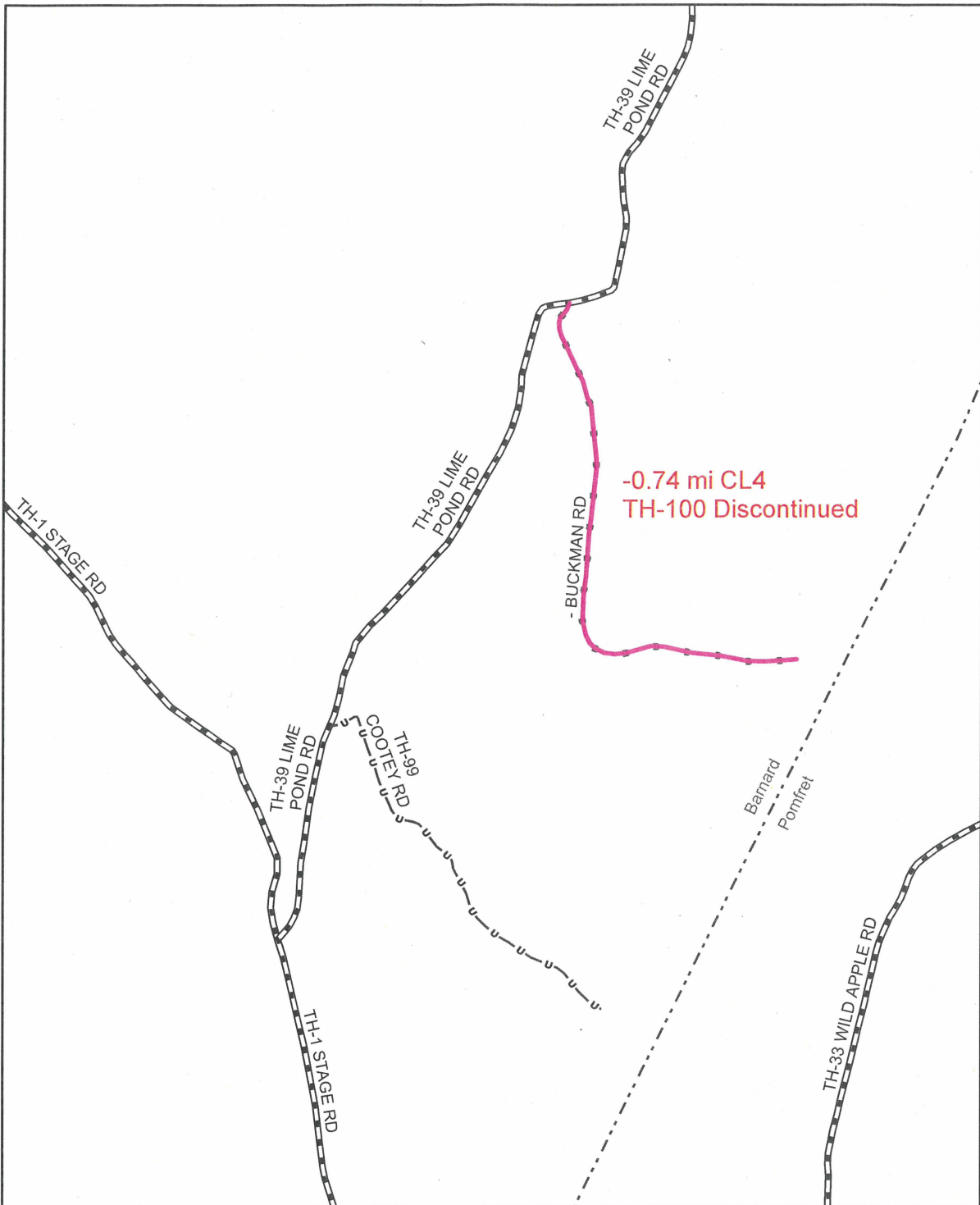
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of 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.

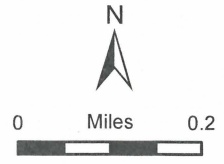
Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at –
<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305>

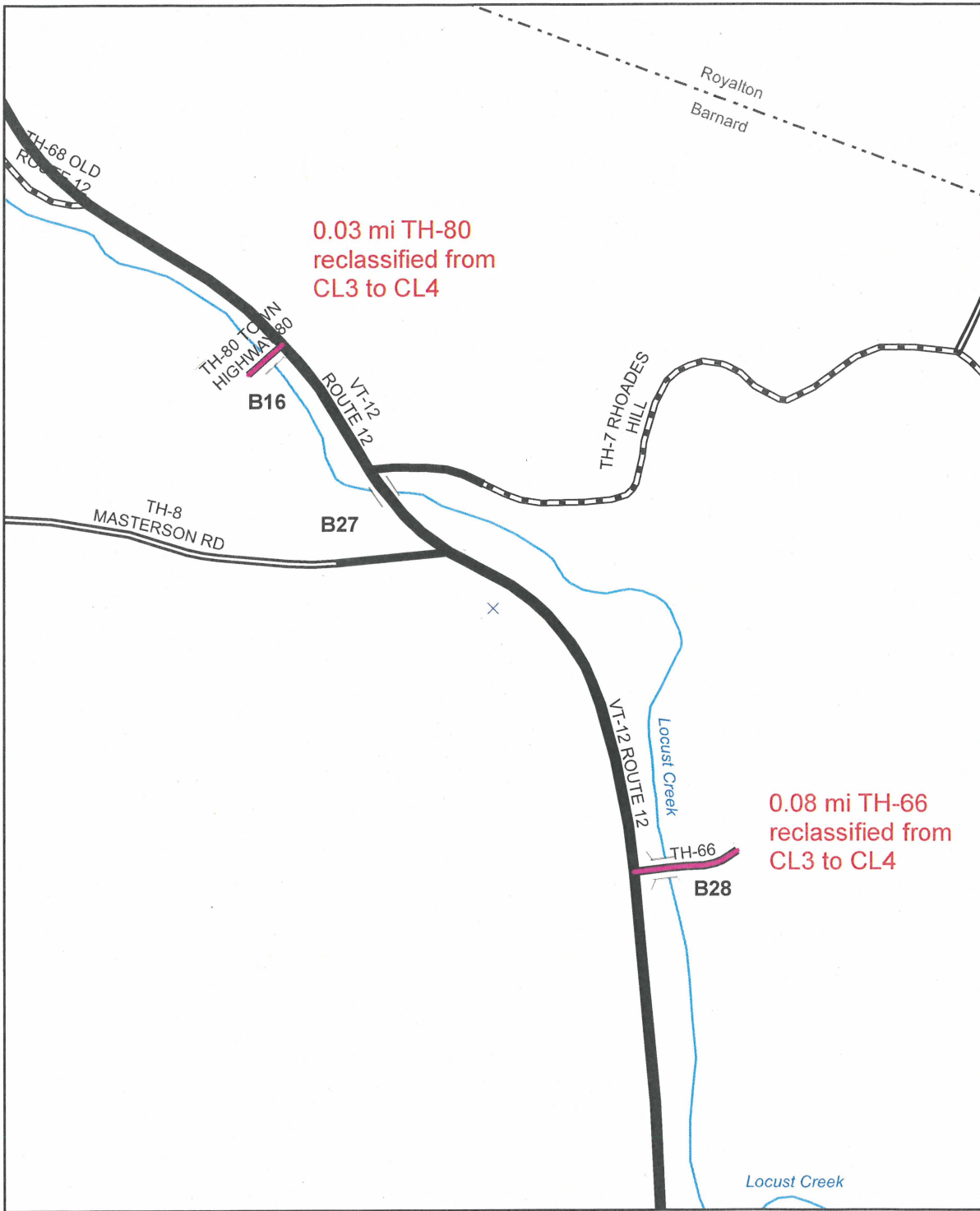
12/20/2010



**Mileage Certificate Change 2012
BARNARD**

Mapping Unit
Division of Policy and Planning
Vermont Agency of Transportation -- April 2012



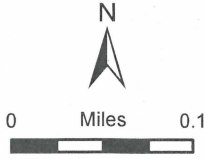


0.03 mi TH-80
reclassified from
CL3 to CL4

0.08 mi TH-66
reclassified from
CL3 to CL4

**Mileage Certificate Change 2012
BARNARD**

Mapping Unit
Division of Policy and Planning
Vermont Agency of Transportation -- April 2012





Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

RECEIVED
JUN 29 2011
CU-PVR

PUBLIC NOTICE

ALTERATION OF A TOWN HIGHWAY

Pursuant to VSA 19, chapter 7 et. seq., Notice is hereby given that the Barnard Board of Selectmen will hold a Public Hearing on Wednesday, August 10, 2011 to consider Alteration of TH 80, 0.03 miles westerly from its intersection with Vt. Rt. 12, from Class 3 to Class 4.


The Public Hearing will commence at the Barnard Town office at 7:10pm at which time the Barnard Board of Selectmen will receive testimony from any interested persons. The Board will then travel to the intersection of TH 80 and Vt. Rt. 12 to inspect the Town Highway and hear from any persons there present.

Following the site visit, the Barnard Board of Selectmen will reconvene the Public Hearing at the Barnard Town office to receive any additional public comment regarding the proposed Alteration.

Dated at Barnard, Vermont this 18th day of May, 2011.


Tim Johnson


Rock Webster


Tom Morse, Selectmen



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

PUBLIC NOTICE

ALTERATION OF A TOWN HIGHWAY

Pursuant to VSA 19, chapter 7 et. seq., Notice is hereby given that the Barnard Board of Selectmen will hold a Public Hearing on Wednesday, August 10, 2011 to consider Alteration of TH 66, 0.08 miles easterly from its intersection with Vt. Rt. 12, from Class 3 to Class 4.

The Public Hearing will commence at the Barnard Town office at 7:00pm at which time the Barnard Board of Selectmen will receive testimony from any interested persons. The Board will then travel to the intersection of TH 66 and Vt. Rt. 12 to inspect the Town Highway and hear from any persons there present.

Following the site visit, the Barnard Board of Selectmen will reconvene the Pubic Hearing at the Barnard Town office to receive any additional public comment regarding the proposed Alteration.

Dated at Barnard, Vermont this 18th day of May, 2011.


Tim Johnson


Rock Webster


Tom Morse, Selectmen



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

PUBLIC NOTICE

DISCONTINUANCE OF A TOWN HIGHWAY

Pursuant to VSA 19, chapter 7 et. seq., Notice is hereby given that the Barnard Board of Selectmen will hold a Public Hearing on Wednesday, July 27, 2011 to consider Discontinuance of TH 100, a class 4 Town Highway.

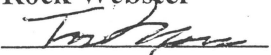
The Public Hearing will commence at the Barnard Town office at 7:00pm at which time the Barnard Board of Selectmen will hear testimony from any interested person. The Board will then travel to the intersection of TH 100 and TH 39 to inspect the Town Highway and hear from any interested persons there present.

Following the site visit, the Barnard Board of Selectmen will reconvene the Public Hearing at the Barnard Town office to receive any additional public comment regarding the proposed Discontinuance.

Dated at Barnard, Vermont this 18th day of May, 2011.


Tim Johnson


Rock Webster


Tom Morse, Selectmen



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

PUBLIC NOTICE

ALTERATION OF A TOWN HIGHWAY

Pursuant to VSA 19, chapter 7 et. seq., Notice is hereby given that the Barnard Board of Selectmen will hold a Public Hearing on Wednesday, July 27, 2011 to consider Alteration of TH 32, 0.23 miles easterly from its intersection with TH 2, from Class 3 to Class 4.

The Public Hearing will commence at the Barnard Town office at 7:10pm at which time the Barnard Board of Selectmen will hear testimony from any interested person. The Board will then travel to the intersection of TH 32 and TH 2 to inspect the Town Highway and hear from any persons there present.

Following the site visit, the Barnard Board of Selectmen will reconvene the Public Hearing at the Barnard Town office to receive any additional public comment on the proposed Alteration.


Dated at Barnard, Vermont this 18th day of May, 2011.



Tim Johnson



Rock Webster



Tom Morse, Selectmen

TOWN HWY. NO.	LENGTH IN MILES CLASS 3	LENGTH IN MILES CLASS 4
5	5.70	52
6	0.19	54
7	0.58	55
8	1.14 (0.70)	56
9	0.16 (0.53)	57
10	0.06 (0.38)	58
11	0.54 (0.48)	60
12	0.59	61
13	0.15 (1.04)	62
14	1.64 (0.06)	63
15	0.15	64
16	1.11	66
18	0.50 (0.47)	68
19	0.14	70
20	0.30	72
21	0.10	73
22	0.07	74
23	1.09	75
24	0.95 (0.25)	79
25	0.27	80
26	1.83 (1.58)	81
27	0.30	85
28	1.45	86
29	1.35	87
30	0.42	88
31	0.26 (0.15)	89
32	0.23 (1.93)	91
33	1.43	93
36	0.33	94
37	2.23	95
38	0.75	96
39	1.98	97
40	0.05	98
43	1.85	99
44	0.20 (0.53)	100
45	0.70	101
46	0.60	102
47	3.09 (1.60)	103
48	0.08 (3.32)	104
49	0.09	105
49	0.22	106
50	0.33 (0.98)	107
51	0.40	108
TOTAL	42.70	453.6

* This portion of town highway is Class 3, but is functionally Class 4

LEGAL TRAIL NO.	LENGTH IN MILES
1	0.01
2	0.18
3	0.43
4	1.85
TOTAL	2.45

MILEAGE SUMMARY

CLASS 2	TH-1	3.940
	TH-2	6.140
	TH-3	3.950
	TH-4	1.810
	TOTAL CLASS 2	15.640
CLASS 3		
	TOTAL CLASS 3	42.700
	TOTAL TOWN	58.340
STATE HIGHWAY	VT-12	9.615
	TOTAL STATE HIGHWAY	9.615
	TOTAL STATE	9.615

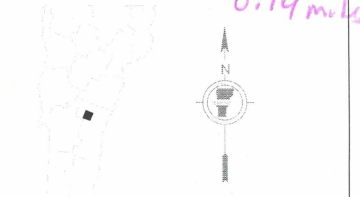
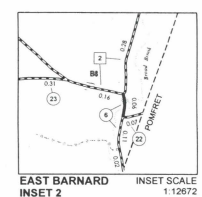
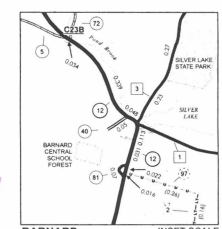
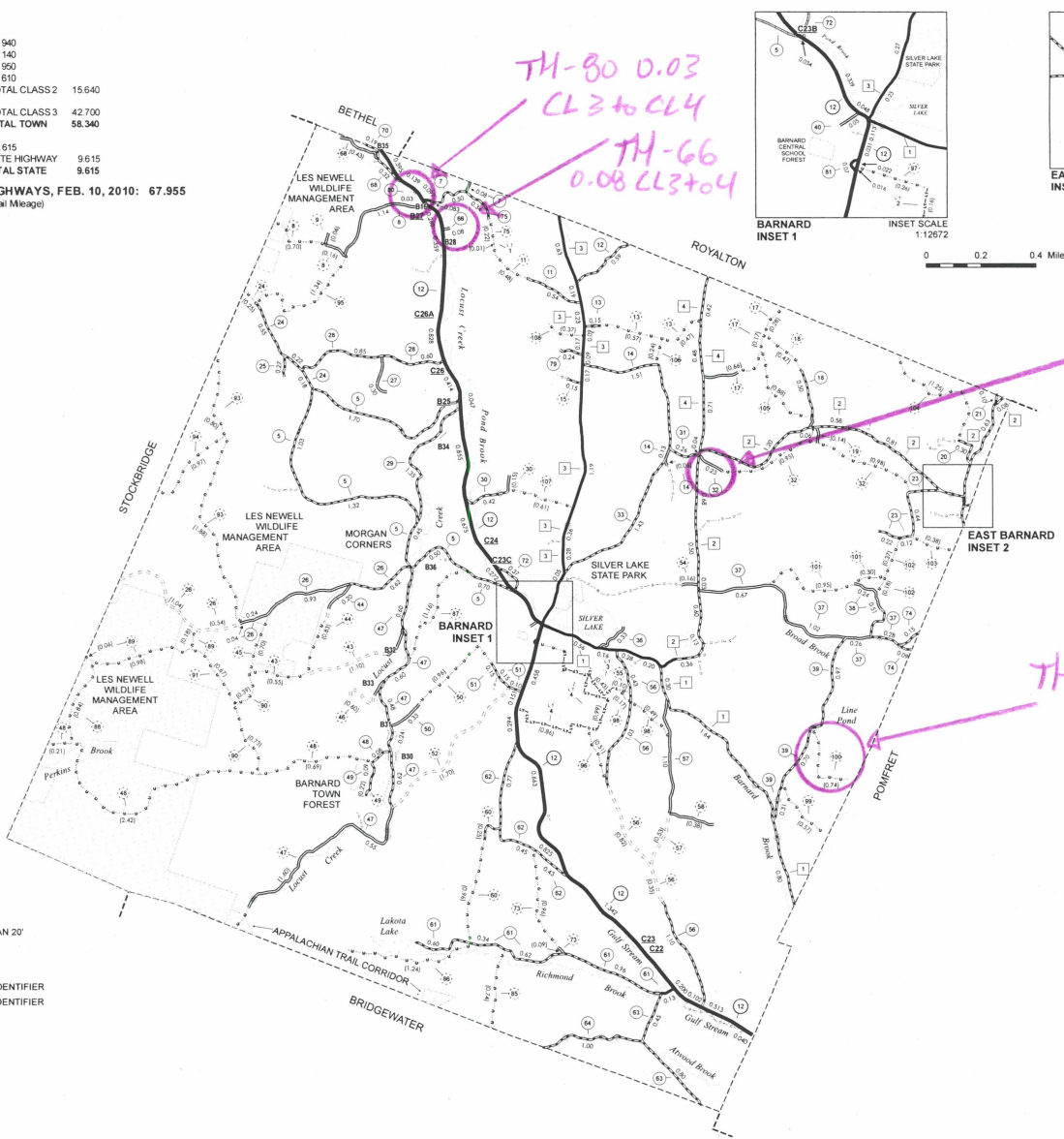
TOTAL, TRAVELED HIGHWAYS, FEB. 10, 2010: 67.955
(Excludes Class 4 and Legal Trail Mileage)

- HIGHWAYS**
- INTERSTATE
- U.S. ROUTE
- STATE ROUTE
- CLASS 1
- CLASS 2
- CLASS 3
- CLASS 4
- LEGAL TRAIL
- INTERSTATE OR DIVIDED HIGHWAY
- STATE - HARD SURFACE OR PAVED
- TOWN - HARD SURFACE OR PAVED
- GRAVEL
- SOIL OR GRADED AND DRAINED EARTH
- UNIMPROVED OR PRIMITIVE
- IMPASSABLE OR UNTRAVELED
- LEGAL TRAIL
- DISCONTINUED
- HIGHWAY CLASS CHANGE
- RAILROAD
- PUBLIC LAND
- POLITICAL SUBDIVISIONS
- STATE BOUNDARY
- COUNTY BOUNDARY
- TOWN BOUNDARY
- VILLAGE BOUNDARY
- URBAN COMPACT BOUNDARY
- WATER BODIES
- STREAM OR BROOK
- BRIDGE OR CULVERT
- BRIDGE OR CULVERT GREATER THAN 20'
- BRIDGE OR CULVERT 6' - 20'
- TOWN SHORT STRUCTURE
- B34 / C34 STATE BRIDGE OR CULVERT IDENTIFIER
- B34 / C34 TOWN BRIDGE OR CULVERT IDENTIFIER
- FEDERAL CLASSIFICATION IDENTIFIER
- URBAN ARTERIAL OR COLLECTOR
- MINOR ARTERIAL
- MAJOR COLLECTOR
- MINOR COLLECTOR
- PRINCIPAL ARTERIAL

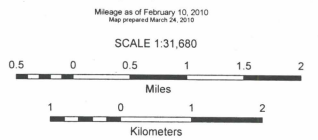
STRUCTURES - SURFACE WATER NOTE:
STRUCTURES: Town short structures (bridges or culverts from 4-feet to less than 20-feet) are drawn from the Vermont Online Bridge & Culvert Inventory Tool (VOBCIT) database.
NOTE: Town shorts are not consistently tagged within VOBCIT. The surface waters are from the Vermont Hydrological Dataset (VHD). Only the named streams are shown.

DISCLAIMER:
The untraveled highways (laid-out town highways), discontinued highways, and legal trails shown hereon are those of which the Agency of Transportation has record; others may exist.
Highway and bridge data by the Agency of Transportation. All other data from the Vermont Center for Geographic Information.

Vermont State Plane Coordinate System
North American Datum of 1983
SPCS_Zone_Identifier: 4400
Geospatial Reference System 80
4,000-meter grid. Easting - Northing



VERMONT GENERAL HIGHWAY MAP
Town of Barnard
WINDSOR COUNTY
Transportation District #4
Prepared by the Vermont Agency of Transportation Division of Planning, Outreach and Community Affairs in cooperation with U.S. Department of Transportation Federal Highway Administration



CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2012

District Copy

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2012 to:
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development,
One National Life Drive, Montpelier, VT 05633.

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

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Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
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* Class 1 Lane	0.000				0.000
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* Unidentified Corridor	0.00				

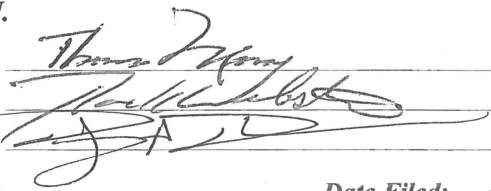
* Mileage for Class 1 Lane, Class 4, Legal Trail, and Unidentified Corridor classifications are NOT included in total.


PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
- DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).
TH 100 0.74m
- RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
CL3 TO CL4 TH 66 0.08
TH 80 0.03
- 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: 

T/ CV Clerk Signature:  Date Filed: 2.8.12

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:  DATE: 6/29/2012

Representative, Agency of Transportation
Johnathan Croft

Moulton, Sara

From: Moulton, Sara
Sent: Thursday, February 16, 2012 9:18 AM
To: 'barnardto@gmail.com'
Subject: Barnard - Certificate Documentation

I am processing Barnard's 2012 Certificate of Highway Mileage and would like a copy of the Selectmen's Return re discontinuance TH 100, Alteration of TH 66, TH 80 as referenced in the Selectmen's Minutes dated August 24, 2011.

Either a hardcopy or digital version would be fine. My mailing address is:

Sara Moulton
VTrans – PPIDD – Mapping Unit
1 National Life Dr
Montpelier, VT 05633-5001.

Thank you.

Sara Moulton, GISP
Mapping & GIS Specialist, Mapping Unit
Division of Policy and Planning
Vermont Agency of Transportation (VTrans)
Tel: 802-828-2109



FEB 23 2012
Policy, Planning & Intermodal
Development Division

Diane Rainey <barnardto@gmail.com>

Barnard - Certificate Documentation

1 message

Moulton, Sara <Sara.Moulton@state.vt.us>

Thu, Feb 16, 2012 at 9:18 AM

To: "barnardto@gmail.com" <barnardto@gmail.com>

I am processing Barnard's 2012 Certificate of Highway Mileage and would like a copy of the Selectmen's Return re discontinuance TH 100, Alteration of TH 66, TH 80 as referenced in the Selectmen's Minutes dated August 24, 2011.

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VTrans – PPIDD – Mapping Unit

1 National Life Dr

Montpelier, VT 05633-5001.

Thank you.

Sara Moulton, GISP

Mapping & GIS Specialist, Mapping Unit

Division of Policy and Planning

Vermont Agency of Transportation (VTrans)

Tel: [802-828-2109](tel:802-828-2109)



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selectmen's Return

Alteration of TH 80


On May 18, 2011, the Town of Barnard Selectboard appointed a time and place for a Public Hearing for the purpose of receiving testimony and hearing all interested persons in the matter of whether the Town of Barnard, pursuant to 19 VSA, chapter 7 et seq., shall Alter Town Highway 80, a dead-end town highway running westerly from VT Rt 12 less than 0.10 miles, from class III to class IV.

The Barnard Selectboard gave thirty days Notice of the time and place of the Public Hearing to the property owners involved, to the Barnard Planning Commission and to other interested parties which are listed in attachment hereto. Notice was posted in the Town office, at the Barnard Post Office and at the Barnard General Store. Like Notice was published in the Valley News on July 25, 2011.

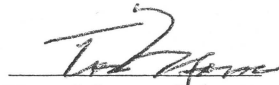
At the time and place appointed, the Selectboard opened the Public Hearing and received testimony from all interested parties. The Public Hearing was recessed and the Selectboard made a site visit to Town Highway 80 to inspect the town highway and hear any persons there present. Following the site visit, the Hearing was reconvened at the Town office to receive further testimony. There was none and the Hearing was closed. Copy of the minutes of the Public Hearing are attached hereto.

Upon due consideration, the Barnard Selectboard determined that the public good, convenience and necessity requires that Town Highway 80 be Altered from class III to class IV and so unanimously voted.

Dated at Barnard, Vermont this 24th day of August, 2011.


Tim Johnson


Rock Webster


Tom Morse, Selectmen



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Barker
6-36-1
Greenwood
6-270

PUBLIC NOTICE

ALTERATION OF A TOWN HIGHWAY

Pursuant to VSA 19, chapter 7 et. seq., Notice is hereby given that the Barnard Board of Selectmen will hold a Public Hearing on Wednesday, August 10, 2011 to consider Alteration of TH 80, 0.03 miles westerly from its intersection with Vt. Rt. 12, from Class 3 to Class 4.

The Public Hearing will commence at the Barnard Town office at 7:10pm at which time the Barnard Board of Selectmen will receive testimony from any interested persons. The Board will then travel to the intersection of TH 80 and Vt. Rt. 12 to inspect the Town Highway and hear from any persons there present.

Following the site visit, the Barnard Board of Selectmen will reconvene the Public Hearing at the Barnard Town office to receive any additional public comment regarding the proposed Alteration.

Dated at Barnard, Vermont this 18th day of May, 2011.


Tim Johnson


Rock Webster


Tom Morse, Selectmen

RECEIVED AND RECORDED

ON 8.30.11

AT 8:30 AM

BOOK 103 PAGE 151-152



TOWN CLERK BARNARD, VT



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selectmen's Return

Alteration of TH 66


On May 18, 2011, the Town of Barnard Selectboard appointed the time and place for a Public Hearing for the purpose of receiving testimony and hearing all interested persons in the matter of whether the Town of Barnard, pursuant to 19 VSA, chapter 7 et seq., shall Alter Town Highway 66, a dead-end town highway running easterly from VT Rt 12 less than 0.10 miles, from class III to class IV.

The Barnard Board of Selectmen gave thirty days Notice of the time and place of the Public Hearing to the property owners involved, to the Barnard Planning Commission and to other interested parties which are listed in attachment hereto. Notice was posted in the Town office, the Barnard Post Office and at the Barnard General Store. Like Notice was published in the Valley News on July 25, 2011.

At the time and place appointed, the Selectboard opened the Public Hearing and received testimony from all interested parties. The Public Hearing was recessed and the Selectboard made a site visit to Town Highway 66 to inspect the town highway and hear any persons there present. No additional testimony was offered. Following the site visit, the Public Hearing was reconvened at the Town office to receive further testimony. There was none and the Hearing was closed. Copy of the minutes of the Public Hearing are attached hereto.

Upon due consideration, the Barnard Selectboard determined that the public good, convenience and necessity requires that Town Highway 66 be Altered from class III to class IV and so unanimously voted.

Dated at Barnard, Vermont this 24th day of August, 2011.


Tim Johnson
Rock Webster
Tom Morse, Selectmen



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Benson

6-55.1

6-534 Wilson Gretchen

6-380 Kellen Theresa

PUBLIC NOTICE

ALTERATION OF A TOWN HIGHWAY

Pursuant to VSA 19, chapter 7 et. seq., Notice is hereby given that the Barnard Board of Selectmen will hold a Public Hearing on Wednesday, August 10, 2011 to consider Alteration of TH 66, 0.08 miles easterly from its intersection with Vt. Rt. 12, from Class 3 to Class 4.

The Public Hearing will commence at the Barnard Town office at 7:00pm at which time the Barnard Board of Selectmen will receive testimony from any interested persons. The Board will then travel to the intersection of TH 66 and Vt. Rt. 12 to inspect the Town Highway and hear from any persons there present.

Following the site visit, the Barnard Board of Selectmen will reconvene the Public Hearing at the Barnard Town office to receive any additional public comment regarding the proposed Alteration.

Dated at Barnard, Vermont this 18th day of May, 2011.

Tim Johnson

Rock Webster

Tom Morse, Selectmen

RECEIVED AND RECORDED
ON 8-30-2011
AT 8:30 A.M.
BOOK 103 PAGE 147-152 148

ATTEST:

ASS. CLK. TOWN CLERK, BARNARD, VT



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selectmen's Return

Discontinuance of TH 100


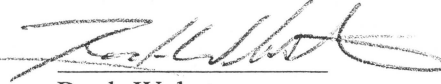

On May 18, 2011 the Town of Barnard Selectboard appointed the time and place for a Public Hearing for the purpose of receiving testimony and hearing all persons interested in the matter of whether the Town of Barnard, pursuant to 19 VSA, chapter 7 et seq., shall Discontinue Town Highway 100, a dead-end class IV road.

The Barnard Selectboard gave thirty days Notice of the time and place of the Public Hearing to the property owners involved, to the Barnard Planning Commission and to other interested parties which are listed in attachment hereto. Notice was posted in the Town office, the Barnard Post Office and at the Barnard General Store. Like Notice was published in the Valley News on July 17, 2011.

At the time and place appointed, the Selectboard opened the Public Hearing and received testimony from all interested parties. The Public Hearing was recessed and the Selectboard made a site visit to Town Highway 100 to inspect the town highway and hear any persons there present. No additional testimony was offered. Following the site visit, the Public Hearing was reconvened at the Town office to receive any further testimony. There was none. Copy of the minutes of the Public Hearing are attached hereto.

Upon due consideration, the Barnard Selectboard determined that the public good, convenience and necessity requires that Town Highway 100 be Discontinued and so unanimously voted.

Dated at Barnard, Vermont this 24th day of August, 2011


Tim Johnson
Rock Webster
Tom Morse, Selectmen



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

3-162 - Puzl
3-157 - Cote
3-756
3-172.2
3-172.1 Dodge

PUBLIC NOTICE

DISCONTINUANCE OF A TOWN HIGHWAY

Pursuant to VSA 19, chapter 7 et. seq., Notice is hereby given that the Barnard Board of Selectmen will hold a Public Hearing on Wednesday, July 27, 2011 to consider Discontinuance of TH 100, a class 4 Town Highway.

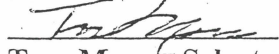
The Public Hearing will commence at the Barnard Town office at 7:00pm at which time the Barnard Board of Selectmen will hear testimony from any interested person. The Board will then travel to the intersection of TH 100 and TH 39 to inspect the Town Highway and hear from any interested persons there present.

Following the site visit, the Barnard Board of Selectmen will reconvene the Public Hearing at the Barnard Town office to receive any additional public comment regarding the proposed Discontinuance.

Dated at Barnard, Vermont this 18th day of May, 2011.


Tim Johnson


Rock Webster



Tom Morse, Selectmen

RECEIVED AND RECORDED

ON 8/30/11

AT 8:30 AM

BOOK 143 PAGE 149-150


TOWN CLERK BARNARD, VT



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 082411

Selectmen's Minutes

August 24, 2011

Called to order 7pm.

Present: Johnson, Webster, Morse

Rec'd from AOT notification on FY 12 grant applications:

Structures: Awarded

Class 2 Highway: not awarded

Notified by Town Clerk of Board of Abatement hearing 9/13/11, 6pm.

Rec'd copy of letter from Vt Wastewater Mgt Div. of septic failure at Barnard General Store (attached).

Reviewed letters addressing solid waste violations: Breault, Ackermann, Burnside (attached).

Signed Selectmen's Return re discontinuance TH 100, Alteration TH 66, TH 80. Turned to Town Clerk.

Litigation/ANR/Stipulation & Order of Dismissal: Reviewed final version sent to ANR by Atty Hayes. Filed Litigation: ANR


Litigation/Gewirz/TH108: Reviewed letter sent to landowner Carl Gewirz with copy to occupant Nikki Gewirz by Atty Windish.

Approved Town & Highway orders for payment, minutes of 8/10/11.

Adjourned 8pm.


Tim Johnson


Rock Webster


Tom Morse, Selectmen

Received

FEB 14 2012

Policy, Planning & Intermodal
Development Division



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 081011

Selectmen's Minutes

August 10, 2011

Called to order 7pm.

Present: Johnson, Webster, Morse

Guests: Nikki Gewirz, see attached list

Opened Public Hearing on proposed Alteration of TH 66 (Notice attached) at 7:01pm. Selectboard Chair makes general presentation for this and subsequent Hearing on nature and effects of Alteration, reasons for proposal to Alter, Town's history of altering or discontinuing class III roads serving 1-2 residences, towns' obligation for maintenance of class IV highways. Informs guests that decision will be made in Deliberative Session and Selectmen's Return (if approved) issued within 60 days. Selectmen cite safety concerns of frequent backing onto VT Rt 12 with plow trucks in order to plow road. Concerns by property owner Benson focused on maintenance of bridge and apron between VT Rt 12 and bridge. Recessed Hearing at 7:14pm for site visit.

Opened Public Hearing on proposed Alteration of TH 80 (Notice attached) at 7:15pm. Questions focused on responsibility for maintenance of bridge and apron between bridge and VT Rt 12. Property owners Greenwood cite possible rise in home owner's insurance cost if road classification reduced, question responsibility for shared responsibility of landowners for maintenance, question town's liability for bridge, offer easement for snow removal if town will keep as class III. Selectmen cite safety concerns of repeated backing onto VT Rt 12 with plow trucks in order to plow road. Hearing recessed at 7:35 for site visit.

Site visit TH 66: Guests on attached list present. No additional new testimony.

Site visit TH 80: W. Barker, F. Greenwood, L. Schwartz present. Schwartz testifies would like road plowed by town. Understands safety issue (but says road was always plowed) and cost effectiveness for town of plowing what is effectively a driveway.

Both Public Hearings above reconvened at Town office 8pm. No further testimony. Public Hearings closed. Selectmen to render decision and issue Selectmen's Return within sixty days.

Proposed Alteration of TH 32 (Clark Farm): Public Hearing held 7/27/11. Vote not to alter at this time based on landowner's proposal to restart dairy, form a farm cooperative with farm store. Will revisit possible Alteration in one year.

Proposed Discontinuance of TH 100: Public Hearing held 7/27/11. Vote to discontinue this town highway. Selectmen's Return to be prepared by Morse for signatures at next meeting.

Town Hall Stand-by Generator: Morse to get Jason Cayer to hook up with manual switch, test run.

Morse informed Board of M & R being performed by Steve Tuckerman at Town Garage & Transfer Station and M & R on Town Hall by Bob Edmunds.

Litigation/Hellinger-Baldwin: Discussed recent meeting with Atty Hayes & surveyor Farnsworth.

Nikki Gewirz/TH 108 (recently Altered): Still has gate for horse pasturing, blocking town highway to which abutting landowner objects. Inquires about penting road. Board is opposed to penting and insists road be kept open and unobstructed. Vote to have Atty Hayes send letter to landowner of record, Carl Gewirz, to this effect.

Approved Town & Highway orders 8/3/11 & 8/10/11 for payment, minutes 7/27/11, reviewed mail.

Approved Tax Sale attorney designee as requested by Delinquent Tax Collector.

Adjourned 9:30 pm. Recorded by Morse.


Tim Johnson


Rock Webster


Tom Morse, Selectmen

cc: Del. Tax Col.
Tom Gubbins



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
Barnard, Vermont 05031
(802) 234-9211

Selex Min 072711

Selectmen's Minutes

July 27, 2011

Called to order 7pm.

Present: Webster, Morse, (Johnson excused), T. Gubbins, L. Clark, J. Ladoucer, N. Lamson, R. O'Reilly

Opened Public Hearing on proposed Discontinuance of TH100 (Notice attached). Tom Gubbins (for landowner Steve Dodge) spoke in favor of discontinuance: road no longer connects into Pomfret, dead-ends, property is hay field, serves no public good. No further testimony. Recessed Hearing for site visit: Present Tom Gubbins, Neal Lamson. Observed that original course of road intersects Lime Pond Rd at top of hill on dangerous corner. No additional testimony offered at site. Resumed Public Hearing at Town office. No one present. No further testimony.

Opened Public Hearing on proposed Alteration of TH32 (Notice attached). Linda Clark requests road be retained as Class III, intends to restart dairy operation, would be difficult to plow drifts with pick-up truck. Randy O'Reilly (employee at Clark Farm) also requests road not be altered, intends to create agricultural co-op with farm store, a number of farmers will use property for agricultural enterprise, road as Class III more than ever would serve the public good. Neal Lamson (Pomfret) inquires about Town's Class IV road policy. No further testimony, Hearing recessed for site visit: Present Linda Clark, Randy O'Reilly, Joe Ladoucer. No additional testimony offered at site. Resumed Public Hearing at Town office. No one present. No further testimony.

Approved 3 Errors & Omissions submitted by Listers (attached):

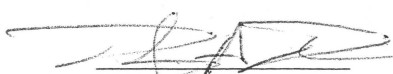
1. Parcel 07-0462, McGregor & 07-0415, Hoover
2. Parcel 07-0706, Johnson
3. Parcel 04-0374.1, Hildebrant, 04-0374.2, Noble

Tax Bills: Discussed apparent error on tax bills indicating Town will not honor postmarks at proof of timely payment contradicting Tax Collector's insert (sample attached). Vote to honor postmarks as proof of timely payment for 2011 and change future tax bills to reflect same.

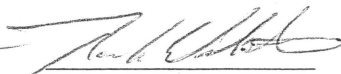
Approved Town & Highway orders 7/13/11, 7/27/11 for payment, minutes of 7/13/11, reviewed mail.

Litigation/ANR: Discussed revised Stipulation. Morse to meet with Atty Hayes for further revision.

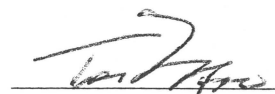
Adjourned 8:30pm. Recorded by Morse.



Tim Johnson



Rock Webster



Tom Morse, Selectmen

cc: Listers
Tax Collector

Moulton, Sara

From: Croft, Johnathan
Sent: Friday, March 09, 2012 12:59 PM
To: Dunleavy, John; Cole, Chris; Rice, Bill
Cc: Moulton, Sara
Subject: FW: Barnard trails
Attachments: Final_J Croft Letter 3 1 12 (DRAFT 3).docx; Barnard town Highway map.pdf; Ancient Roads Assessment in Barnard.docx; DOC030212.pdf

Good afternoon John, Chris and Bill,

I have received the request from ANR to drop several roads from the Barnard Town Highway Map. I will work to craft a letter to Barnard regarding the issues once I have fully reviewed the roads in question. If there are significant enough deficiencies, I will make error corrections and recommend the town supply additional documentation if they wish to add the highway back.

I will start working on this early next week.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

From: Royar, Kim
Sent: Friday, March 09, 2012 12:50 PM
To: Croft, Johnathan
Cc: Englander, David; Decker, Tom
Subject: Barnard trails

Hi Jonathan: As per our discussion a couple of weeks ago, attached is a letter and electronic documentation regarding the road situation in Barnard. The attached ancient road assessment is attorney/client work product. This privilege is being waived with regard to this document. I am also sending a hard copy as the clarity of some of the scanned documents is lacking. Please let me know if you need anything else. Thank you very much for your help on this issue.
Kim

Fish & Wildlife Department
103 South Main St., #10 South
Waterbury, Vermont 05671-0501
www.VtFishandWildlife.com

[phone] 802-241-3700
[fax] 802-241-3295
[tdd] 802-828-3345

Agency Of Natural Resources

February 24, 2012

Jonathan Croft
VTrans Mapping Unit
National Life Building
Montpelier, VT

Dear Mr. Croft:

I am writing you regarding the Town of Barnard's recent additions to its town maps. The Department is concerned primarily with certain claimed town roads that travel over, or provide vehicular access to, the Les Newell Wildlife Management Area. For the reasons listed below, we believe that several of the roads were placed on the town highway map in error and we are asking that they be removed.

Following the submission of the Town's Mileage Certificate Change 2010 (attached), the Department engaged the services of attorney Paul Gillies, a noted expert on roads and ancient roads, and a researcher to investigate historical documentation and to review what had been provided by the Town in support of its claim concerning these roads. In addition, the Department engaged Lisa Ginett, a surveyor to determine what was "on the ground" and how it compared to the available documents (see attached documentations).

As a result of the information that we received, it appears that there are three roads that apparently lack the necessary documentation to be placed on the town or state maps. Specifically, there were no surveys submitted that matched the ground location of TH-90 (BRC-119) French Road, TH-91 (BRC-120) Old Hathorn Road, and TH- 88 (BRC-115) Gardner Road. Based on this lack of survey, these roads should not have been placed on the map.

In addition, portions of the Packard road, TH 89 (BRC-118) have no recorded Certificate of Opening and according to our experts, may never have been a through road from Stockbridge to Davis Hill road. You referenced 19 V.S.A. § 717(a) in a discussion with Department staff, noting that "The lack of a certificate of completion of a highway shall not alone constitute conclusive evidence that a highway is not public." While this statement speaks for itself, it does not end the analysis. 19 V.S.A. § 717(b) goes on to state:

A town or county highway that has not been kept passable for use by the general public for motorized travel at the expense of the municipality for a period of 30 or more consecutive years following a final determination to discontinue the highway shall be presumed to have been effectively discontinued. This presumption of discontinuance may be rebutted by evidence that manifests a clear intent by the municipality or county and the public to consider or use the way as a highway.



Fish & Wildlife Department
103 South Main St., #10 South
Waterbury, Vermont 05671-0501
www.VtFishandWildlife.com

[phone] 802-241-3700
[fax] 802-241-3295
[tdd] 802-828-3345

Agency Of Natural Resources

According to the historical research, and the condition of the road, TH- 89 Packard Road has not been “kept passable for use by the general public for motorized travel.” Indeed, on a site visit undertaken by Agency staff the road was barely passable on foot.

In addition, the Vermont Supreme Court has held that, even with survey, the town must formally “lay out” any road to be claimed by a municipality. See *Austin v. Town of Middlesex*, 987 A.2d 307, 310 (2009). This holding takes into account the 2000 repeal of the Certificate of Opening requirement. *Id.* Given the lack of survey, lack of Certificate of Opening or other formal act of laying out the road, and the impassability of the road, TH-88 Gardner Road should not be placed on a state map or considered a public highway.

I understand that you must discuss this with the Town of Barnard. I look forward to working with Vtrans in coming to a common understanding.

Sincerely,

Patrick H. Berry
Commissioner



Ancient Roads Assessment in Barnard

October 28, 2011

Based on work done by Paul Gillies, Esq. and Lisa Ginett, Sunwise Surveying

Map #	# Records	Name	Survey	Selectmen	Year	Certificate of Opening
#1 (#5) (previously #10) BRC-111	43b	Hayes Brook Road	Yes	Yes	1823	No
	48c	Goes from Hayes Brook to Stockbridge town line	?	?	1827	No
Alignment: Existing road generally follows old survey except by stream crossing.						
#2 (previously #1) BRC-118	21a	Packard Road	?	Yes	1799	Not in 1799
	42b (TH89)		?	Yes	1822	??
	41d* (TH89)		?	Yes	1821	No
Alignment: Doesn't appear to connect nor did it ever appear to connect to Davis Hill Road. It looks to have been accessed from the Stockbridge side. Only 21' between road that goes from Ephrem Berry's to Robert Brown's 1821 down to Simeon Nott's house*.						
#3 (previously #5) (previously #7) (previously #8) BRC-115	49a (TH88)	Gardner Road	No	Yes	1826	No
	71a	Parallels 49a ends @ Alonzo Packard	Yes	No	1851	No
	6d	Extension off above	Yes	Yes	1788 or 1787	Not needed
Alignment: Only goes a short distance (~2,000') from Hayes Brook and dead ends. No evidence that it was ever a through road to Packard Road. (Currently A. Johnson built road). There is a definite ending according to surveyor Ginett.						
#4 (previously #6) BRC-120 BRC-119	29a (TH 90/91 – not a road, TH 45 – legal road)	French Road Hathorn Road	No	Yes	1805	Not needed
Alignment: The portion of the road from Smith Hill to intersection of old so-called Hathorn Road is documented and legal. Hathorn Road (TH 91) has no survey. Remainder to Buster's B's is also not documented by survey.						
#5 (previously #2)	27a (TH 26)	Davis Hill				Legal road
#6	TH 43	Porter Road	?	?		
Alignment: Is it a legal road? Was it ever a historical road (legal) beyond the point where it was discontinued?						

Sunwise Surveying
193 McKinistry Road
Cabot, VT 05647

August 20, 2011

426 - 3025

VT Dept. of Forest & Parks
100 Mineral Street Suite 304
Springfield, VT 05156

Attn: Aaron Hurst

Re: SW Barnard roads

Dear Aaron,

Enclosed you will find the mapping which is the product, to date, of our work to identify the Town Highways which affect the Les Newell Wildlife Management Area(s) in the Southwest corner of the Town of Barnard, Vermont.

I have also enclosed a brief report regarding our work on the project to date. I will send all of this information to Paul Gillies as well along with an invoice for our time on the project to date which I have also enclosed for your information.

If you have any questions or comments, want a more detailed report on the road clues and their placement or have any other work on the project that we could help you with, please feel free to contact me at any time.

Sincerely,

Lisa Ginett

**Report on Study of Town Highways claimed in the Les Newell Wildlife Management Area
in the South West corner of the Town of Barnard Vermont completed for the
State of Vermont Dept. of Forests and Parks**

This is a brief report of our findings pertaining to the roads in the South West corner of the Town of Barnard, Vermont. It should be used in conjunction with the mapping provided on an Orthophoto background which together show the results of our studies of the subject roads to date. We have identified the old roads found in the early road survey book of Barnard by their page number and their letter. With the help of the Orthophoto background as well as the GPS streams along the ATV trails provided by Aaron Hurst of the VT Dept. of Forest & Parks (shown as red lines on the Orthophoto background) we can definitely place the roads described on (Page / Letter) 43 B, 48 C, 49 A, 42 B, 27 A and 29 A. With the exception of 49 A we can now see the shape of all of these roads on the mapping as well as locating the roads by their descriptive clues.

We have a tentative location for the roads found on 71 A and 21 A but their locations are not based on the descriptive clues as we could not prove the clue location in the time that we spent in the Land Records. The short section of 61 D cannot be proven by clues and is too short for its shape to be conclusive.

The roads described found on 45 A & 45 B seem to be in another location entirely. Although Lot 206 is shown as a school lot and the beginning clues for both these roads are the School Lot now occupied by Samuel Ball, the ending clue of 45 A identifies the end point as Lot 162 which puts the Ball School lot over to the East as shown. We can see the shape of at least 45 B underlying the road as shown on the zoomed out version of the mapping and think we are seeing the probable location of 45 A as well.

Any of the ATV trails in red based Aaron Hurst's GPS work which are not covered by any of the road descriptions that Paul Gillies, Esq. identified in the area would not be Town Highways unless there are other road descriptions that we do not have.

We have identified the limits of the Les Newell Wildlife Management Area(s) by using the GPS point file also provided by Aaron Hurst (points show as red stars) and the State of Vermont General Highway Map for the Town of Barnard which shows the LNWM limits. As there was no accurate mapping to use they could be way off but I put them for general identification in the area.

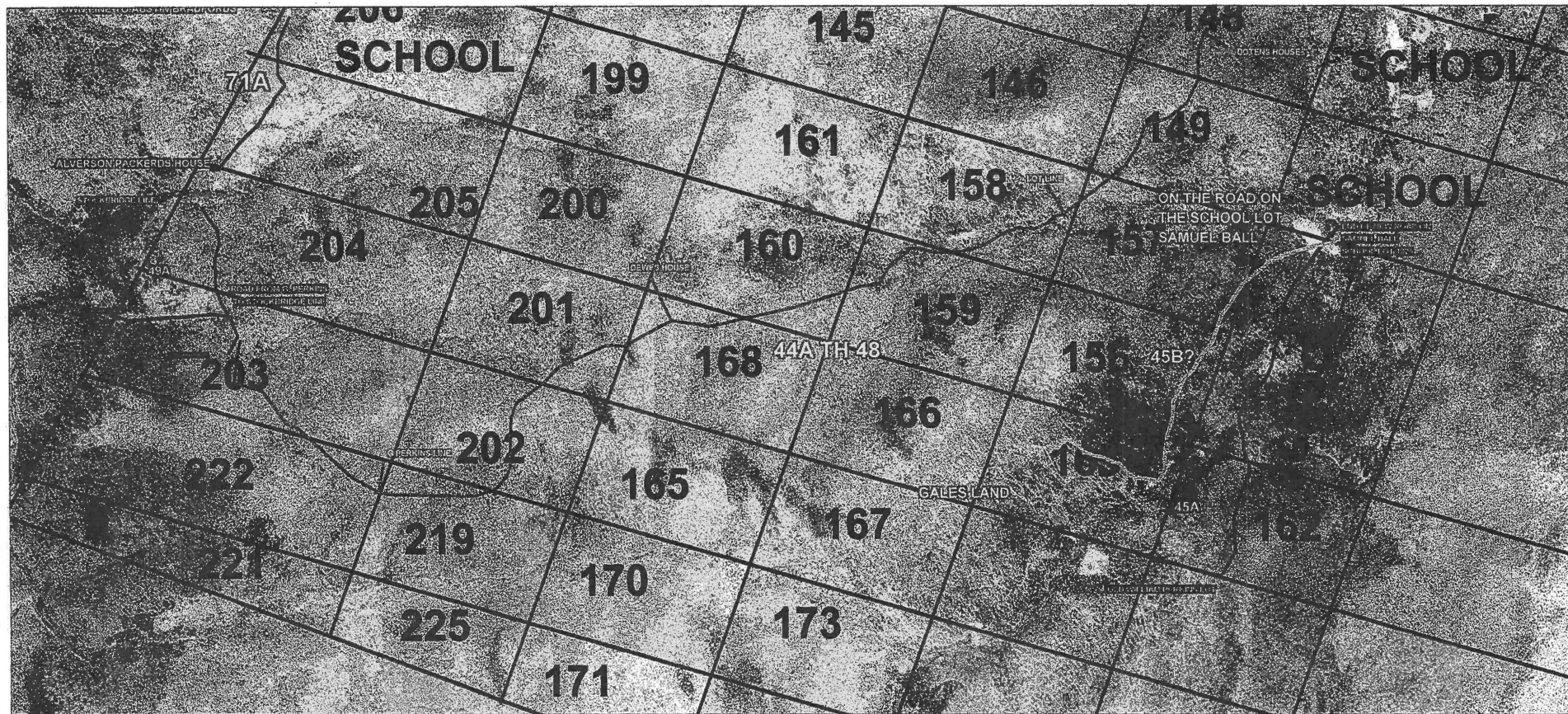
I would also mention that there are several (we have found 3) Lotting plans for the Town of Barnard. We started our Lot Line and numbering system off one of them and found that there are large discrepancies, particularly in the South of Barnard. The first plan that we used was drawn in 1972 by Mirville Merton Burns for the Vermont Forest Service. The plan says that it is "a faithful reproduction of a map on file in the office of the Town Clerk" which was dated 1895. The second plan was also appears to be dated 1972 by M. Merton Burns but it shows very different Lot numbers in the South of Town. The third plan was discovered on the old-maps.com site and we have not done a lot of work to check the differences. It was signed by Levi Hazen, Surveyor and the date is illegible.

The differences in the Lotting plan only seem to affect one group of the road descriptions which are the three roads attached to the Gardner Perkins Lot. We found no mention of Gavis Perkins (clue in 43 B) but that description also mentions Gardner Perkins who owned Lot 203. Based on the first lotting plan that we used that lot is to the South by 2 lots from where the roads come together on the ground. The other lotting plan, however, shows that Lot 203 is where the roads describing the G. Perkins lot all come together. With the knowledge of the ATV trail locations we can see the shape of these roads and feel confident that regardless of the changes in Lot numbers, the G. Perkins lot is either Lot 205 (on the first Lotting plan) or Lot 203 as per the second plan. Without the GPS runs along the actual ATV trails it would be difficult to come to a conclusion about location.

It is my opinion that the ATV trails located by your GPS runs which have overlying Road Page / Letters are Town Highways. I have no knowledge of any other possible Town Highway Alterations or Discontinuances which might effect the status of any of the Town Highways.

VT Dept. of Forests
Town Highway Survey
Barre, VT
27K
8/20/2011





Barnard Fish & Game
South Part

Moulton, Sara

From: Croft, Johnathan
Sent: Monday, February 27, 2012 10:06 AM
To: 'Michael Baldwin'
Cc: Moulton, Sara
Subject: RE: Status on Old Hill Road

Good morning Mike,

We have received the Mileage Certificate for Barnard and the only changes submitted are the discontinuance of TH-100 and reclassification of TH-66 and TH-80. There are several items we need clarification from the town and will request the correction to TH-13 (BRC-228) based on the Settlement Stipulations.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

From: Michael Baldwin [<mailto:mike@lewisandbaldwin.com>]
Sent: Sunday, February 26, 2012 6:52 PM
To: Croft, Johnathan
Subject: Status on Old Hill Road

Johnathan,

Any word yet from Barnard regarding throwing up that portion of Old Hill Road (BRC-228) running through my property that Barnard was attempting to secure? If you recall, we won our case against Barnard (see attached), and I was hoping the town submitted the necessary paperwork to reflect this change. I hope all is well with you and yours and hope to hear from you soon.

Thanks,
Mike

IP and Patent Counsel
Lewis & Baldwin PLLC
P.O. Box 221, 28 N. Main St.
Randolph, VT 05060
802-728-9604 (Office)
802-356-7400 (Mobile)
Mike@LewisandBaldwin.com

Moulton, Sara

From: Croft, Johnathan
Sent: Thursday, February 23, 2012 1:08 PM
To: Royar, Kim; Purvee, Meghan; Englander, David; Gallant, Keith; Decker, Tom
Cc: Dunleavy, John; Moulton, Sara
Subject: Barnard Town Highways and the Certificate of Completion and Opening citation

Good afternoon,

Based on our discussion this morning, I will await your letter regarding the findings of the record review and surveys of several roads that were added to the Barnard Town Highway Map in the area of the Les Newell Wildlife Management Area in 2010. Once this letter has been received, the Mapping Unit will evaluate the submitted documents from ANR and craft a letter to the Town stating the new information and any defects in the alignments and documentation. Ultimately, town highways and legal trails are under the authority of the Selectboard, and we need to work with the town to make corrections, although I will speak with John Dunleavy regarding the VTrans Mapping Unit's authority to make error corrections in light of new information.

The citation regarding the Certificate of Completion and Opening that I was thinking of is as follows:

19 V.S.A. § 717. Evidence of highway completion or discontinuance

(a) The lack of a certificate of completion of a highway shall not alone constitute conclusive evidence that a highway is not public.

<http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=19&Chapter=007>

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

Moulton, Sara

From: Croft, Johnathan
Sent: Thursday, February 23, 2012 2:21 PM
To: Cole, Chris; Dunleavy, John
Cc: Moulton, Sara
Subject: Barnard Town Highways, Les Newell Wildlife Management Area and ANR

Good afternoon Chris and John,

I met with Kim Royar, Keith Gallant, Tom Decker and Meghan Purvee (via telephone) this morning regarding our process to add town highways that fall into the realm of ancient roads. The core of the issue for ANR Fish & Wildlife is that several highways in Barnard seem to have been added without the proper documentation and the information supplied with the 2010 Mileage Certificate does not match or support the alignments that were added. There are several roads that cross the Les Newell WMA that are being significantly damaged by 4-wheel drive vehicles and creating erosion issues. ANR retained Paul Gillies and Lisa Ginett, a surveyor to assess the documents regarding the laying out of the roads in question and has determined some of them to be defective and ANR has requested the highways be removed from the map.

I discussed our role as being administrative and the Mileage Certificate process and that we would need to work in concert with the Town to make any changes.

ANR will be sending a letter that details the highways that they have determined to be in error and which alignments are not accurate on the current Town Highway Map. They will also be sending along supporting documentation regarding their findings. I agreed to send along a letter to the Town of Barnard based on any defects or deficiencies that are brought to our attention. At this point, it should be in Town's hands to make the necessary changes, but it is suspected that they may be unwilling to do this.

Do we have the authority to drop a town highway from the Town Highway Maps and the mileage from the Mileage Certificate without concurrence from the Town if the documentation provided shows the highway has not been legally established?

The request from ANR is to drop the roads from the map immediately to minimize any further damage that may be occurring. It is not a typical practice for us to take information from a third party, in this case a landowner and make changes to town highways and mileage. The only exception is through court orders following litigation between landowners and Towns.

Any guidance on this matter will be helpful, as this seems to be moving toward litigation if ANR and the Town can't come some level of agreement on these roads.

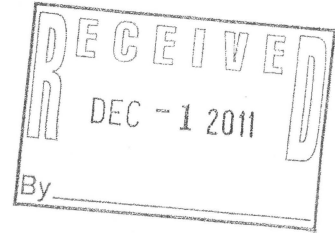
Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

STATE OF VERMONT

SUPERIOR COURT
WINDSOR UNIT

CIVIL DIVISION
Docket No. 119-3-10 Wrcv

The Hellinger Family)
Limited Partnership,)
Michael D. Baldwin, and)
Lisabeth H. Baldwin,)
Plaintiffs)
)
v.)
)
Town of Barnard, Vermont,)
Defendant)



STIPULATION OF SETTLEMENT

The parties have reached agreement on the dispute between them and agree to the following stipulation of settlement:

1. The parties agree that the road which the Town has labeled as BRC-228—to the extent that it crosses lands of Plaintiffs, beginning at the Hellinger driveway and continuing eastward across Plaintiffs' land--is not a public highway or unidentified corridor.
2. The Town does not now and will not in the future claim that BRC-228—to the extent that it crosses lands of Plaintiffs-- is a public highway.
3. The Town will take steps to remove any reference or drawing of BRC-228 — to the extent that it crosses lands of Plaintiffs--from the official town highway map, working with the Vermont Agency of Transportation as necessary.
4. This stipulation of settlement shall not affect the present maintenance or classification of Old Hill Road (T.H. 13) to the Hellinger driveway.
5. The parties shall bear their own costs and attorney's fees.

6. The parties agree that the Court may dismiss this matter with prejudice.

Dated this 17 th day of November, 2011, at Montpelier, Vermont.

PLAINTIFFS

By: Paul Gillies
Paul Gillies, Their Attorney

Dated this ___ th day of November, 2011, at Woodstock, Vermont.

TOWN OF BARNARD

By: Thomas Hayes
Thomas Hayes, Its Attorney

So ordered, Theresa S. DiMauro
Hon. Theresa S. DiMauro 11/30/11
Presiding Judge

FILED
NOV 30 2011
VERMONT SUPERIOR COURT
WINDSOR UNIT

Croft, Johnathan

From: Mike Baldwin [mike.baldwin@spiritcom.com]
Sent: Wednesday, January 04, 2012 3:08 PM
To: Croft, Johnathan
Cc: Paul Gillies (pgillies@tmgmt.com); 'Mike Baldwin'; Lisa Baldwin; Noel & Elizabeth Hellinger (neuh@dishmail.net)
Subject: Hellinger/Baldwin v. Barnard Final Stip
Attachments: Settlement Stipulation (Executed).pdf

Johnathan,

It was nice catching up with you again, and Happy New Year to you and your family. As we discussed, we won our case against Barnard with the tremendous support and assistance from Paul Gillies. Enclosed, you'll find the final stipulation requiring Barnard to remove that portion of BRC-228 running through the Hellinger and Baldwin properties. Would you please let me know if/when Barnard makes the appropriate corrections to the town road maps to reflect this change? Thanks again for all of your assistance and I look forward to speaking with you soon.

Thanks,
Mike

IP and Patent Counsel
Lewis & Baldwin PLLC
P.O. Box 221, 28 N. Main St.
Randolph, VT 05060
802-728-9604 (Office)
802-356-7400 (Mobile)
Mike@LewisandBaldwin.com

Check Status of litigation and send any changes based on a decision on the Barnard Mileage Certificate

Croft, Johnathan

From: Mike Baldwin [mike@lewisandbaldwin.com]
Sent: Wednesday, September 01, 2010 12:28 PM
To: Croft, Johnathan
Subject: RE: BRC-228 Litigated Town Road
Attachments: Summons Final - 3-3-10.pdf; Complaint Final 3-3-10.pdf; Windsor Court Receipt & Docket Assignment.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Johnathan,

Thanks for the information and nice speaking with you again. As we discussed, I've attached copies of the Summons, Complaint, and Windsor Superior Court Receipt and Docket Assignment (Docket 119-3-10 Wrcv). The case was filed against the Town of Barnard on March 3rd, 2010, and we are currently in litigation. Please let me know the nature of the "Note" that you intend to add to this ancient road (BRC-228), and when this Note will be provided back to the Town. I sincerely thank you for all the assistance you've provided. Talk to you soon.

Thanks,
Mike

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From: Croft, Johnathan [mailto:Johnathan.Croft@state.vt.us]
Sent: Monday, August 30, 2010 10:42 AM
To: 'mike@lewisandbaldwin.com'
Cc: Dunleavy, John; Moulton, Sara
Subject: RE: BRC-228 Litigated Town Road

Good morning Mike,

The VTrans Mapping Unit does not currently tag or note highways that are under litigation. We have added a note to the road that was dropped as a town highway due to the court decision in the case of Austin v. the Town of Middlesex. There is currently no mechanism for the VTrans Mapping Unit to be notified of any legal action that may be pending in regards to town highways or changes that have been submitted on the Mileage Certificate.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

From: Mike Baldwin [mailto:mike@lewisandbaldwin.com]
Sent: Wednesday, August 25, 2010 9:10 AM
To: Croft, Johnathan
Cc: neuh@dishmail.net; Lisa Baldwin
Subject: BRC-228 Litigated Town Road

Hi Johnathan,

Just as a follow-up to my earlier phone call, I filed suit against the Town of Barnard regarding proposed town road BRC-228 back in March, 2010. There are a number of pending motions before the Court. My question to you is "does VT's Agency of Transportation tag proposed highways that are in litigation pending the outcome of the litigation?" I would assume that the agency would not pursue adding highways to Vermont's road network pending the outcome of litigation simply to avoid rework. Are my assumptions correct? If not, how does the agency treat roads that are in the midst of litigation? I hope you enjoyed your vacation and I look forward to speaking with you upon your return.

Thanks,
Mike

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From: Croft, Johnathan [mailto:Johnathan.Croft@state.vt.us]
Sent: Monday, February 22, 2010 9:49 AM
To: 'mike@lewisandbaldwin.com'
Subject: Barnard Mileage Certificate excerpt

Mike,

Please find attached an excerpt of the Barnard Mileage Certificate submittal related to BRC-228, as per your request. Please feel free to contact me with any questions or comments related to this Mileage Certificate, or mapping in general.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600