

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2017

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2017 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 FAIRFAX in FRANKLIN 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 columns: Town Highways, Previous Mileage, Added Mileage, Subtracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 2, Class 3, State Highway, Total, Class 1 Lane, Class 4, and Legal Trail.

\* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are 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. [ ]

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

Handwritten signatures of Randy J. Paine and Sheri A. Rawville.

T/C/V Clerk Signature:

Handwritten signature of Sheri A. Rawville.

Date Filed:

2-2-2017

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

DATE:

3/30/2017

**Received**

**MAR 02 2017**

Policy, Planning & Intermodal  
Development Division

**Vermont Statutes Annotated**

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

**Received**

**FEB 07 2017**

Policy, Planning & Intermodal  
Development Division

**§ 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.

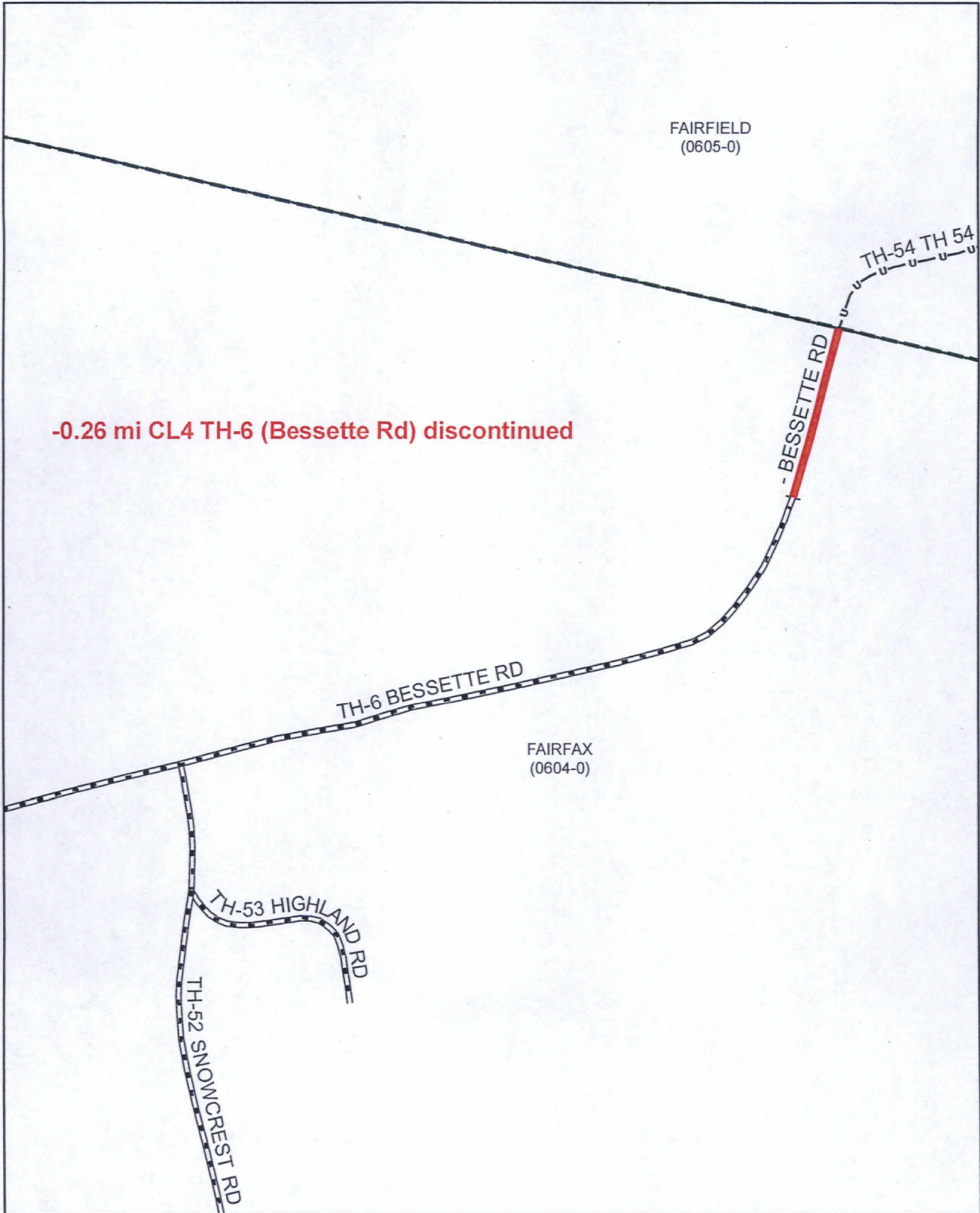
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of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

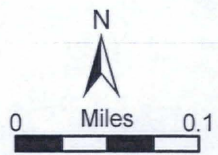
Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <http://legislature.vermont.gov/statutes/section/19/003/00305>

December 2016



**Mileage Certificate Changes 2017  
FAIRFAX (0604-0)**

Mapping Section  
Division of Policy and Planning  
Vermont Agency of Transportation -- February 27, 2017





## 2015 TOWN OF FAIRFAX

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**SELECTBOARD MEETING  
MONDAY MAY 4, 2015  
7:00 PM**

The drafted minutes presented below are unapproved subject to corrections and/or additions at the next Selectboard meeting. Those corrections and/or additions will be written to an amended version of the minutes, which will also be made available to the public.

**Selectboard Members Present:** Tom Fontaine, Chair, Lauri Fisher, Vice-Chair, Peter King, Randy DeVine, and Leebeth Ann Lemieux.

**Public Present:** Barb Murphy, State Representative, Sally Sweet and Peggy Gilbert, Suzannah Chamberlin and Roberta Rodimer.

**Staff Present:** D. Jay Leach, Road Foreman.

**Call to Order:** Tom called the meeting to order promptly at 7:00 p.m.

**Minutes:**

4.20.15 - Leebeth made the motion to accept the minutes as written seconded by Peter. The motion carried with a vote of 3-0. (Randy, Peter and Leebeth.)

**Payroll and Order Warrants:** Leebeth reviewed the payroll and order warrants, which were approved by the Board.

**Public Comment:** N/A

**D. Jay Leach, Road Foreman:**

D. Jay is here for a review of activity in the highway department. He has been acquiring quotes for a new loader either to purchase or lease, as requested by the Board at the meeting of 4.20.15. He presented the quotes to the Board for review. A discussion ensued on the condition of the current loader. No action taken on the loader at this meeting. F.W. Webb will be delivering culverts tomorrow. D. Jay expects the cost of the culverts to be about the same as last year. The plow equipment has been removed from the trucks. D. Jay has been receiving requests from residents asking to apply chloride on the roads due to the dust from the dry weather. He has put water down on some roads to help alleviate the amount of dust. D. Jay informed the Board that the price of gravel is up and that he no longer has a supplier in Fairfax.

5.4.15 SB Minutes Cont.

**Randy DeVine, Utility Superintendent:**

Randy reviewed his activities for the month of April with the Board. Spring clean-up at the plant has been taking place picking up tree limbs and debris. He prepared the lawn-mower for summer use, which needed a new battery. Randy had a discussion with Ken Yelsey, State of Vermont hydrologist, on water allocations. The current gallons per minute per bedroom are 150 gallons. It was the consensus of the discussion that maybe the figure per bedroom was too high. Randy will continue to keep the Board informed of any new information. The Agency of Natural Resources did an inspection of the plant, which received a rating of 4 out of 5 (5 being excellent). The "disconnects" for water are caught up. Lagoon #2 is being aerated. Randy talked to Amy, Utility Manager, on purchasing new aeration tubing at a cost of \$4,600.00. A tree was cut down on Maple Street by a professional tree surgeon for which Green Mountain Power took responsibility of. Manhole repairs will continue this summer.

**Other Business:**

1. A letter was received from Jodi Wheeler, Recreation Director, dated 4.29.15, requesting a road closure for the 15<sup>th</sup> Annual Egg Run, Saturday August 1<sup>st</sup> from 8:30 am. - 10:30 am. The Board approved the road closure requesting Jodi notify the appropriate personnel as stated in the Road Closure Policy.
2. Road Closure Policy - an updated version of the policy will be reviewed at the 5.18.15 meeting.
3. Bessette Road - The Board is looking into discontinuing a portion of Bessette Road. Certified letters will be sent to interested parties, abutters and the Town of Fairfield. A site visit will be held on June 9<sup>th</sup>, a Tuesday, at 3 pm. with a hearing, testimony and evidence scheduled for 6 pm. the same day.
4. Duffy's letter, dated 3.3.15, regarding Act 148 was again discussed. Tom will take the lead on this by talking to Duffy's. A follow-up letter will be sent as to the expectations the Board has with Duffy's in helping the town with the requirements of Act 148.
5. Baptist Building - Lauri talked to the various parties attending the meeting tonight in regards to the Memorandum of Understanding vs. a Purchase and Sales Agreement. She will work on the MOU and send out a draft to all interested parties. (Baptist Trustees, CFC, Recreation Department/Commission et al.)
6. The orders and payroll warrant schedule was updated through June 29<sup>th</sup>.
7. The Constable position will be put on hold and addressed at a later date.
8. Tom signed two documents: Municipal Complete Streets Compliance Form and the Union Bank for employees with direct deposit.

**Adjourn:**

Peter made the motion to adjourn the 5.4.15 meeting at 8:29 pm., which was seconded by Lauri. All were in favor vote 5-0.

The minutes were respectfully submitted by Stacy Wells, Adm. Asst. to the Selectboard.

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Tom Fontaine, Chair  
Fairfax Selectboard



## 2015 TOWN OF FAIRFAX

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**SELECTBOARD MEETING**  
**MONDAY June 15, 2015**  
**7:00 PM**

The drafted minutes presented below are unapproved subject to corrections and/or additions at the next Selectboard meeting. Those corrections and/or additions will be written to an amended version of the minutes, which will also be made available to the public.

**Selectboard Members Present:** Tom Fontaine, Chair, Randy DeVine, Leebeth Ann Lemieux and Peter King.

**Public Present:** Jim Minor, Cemetery Commission Chair, Sally Sweet, Doug Collins, Ian Mercer, Peggy Gilbert, Barb Murphy, Keith Gallup and Robbie Rodimer.

**Staff Present:** Deb Woodward, TC & Treasurer; Amber Soter, Zoning Assistant, and LCATV videotaping.

**Call to Order:** Tom called the meeting to order at 7:00 p.m.

**Minutes:**

Randy motioned to accept the minutes of 6.1.15 as written, seconded by Leebeth. The motion carried with a vote of 4-0.

**Payroll and Order Warrants:** Tom reviewed the 6.15.15 payroll and order warrants, which were approved by the Board. Leebeth reviewed the payroll and orders from the previous week June 8<sup>th</sup> - which were approved.

**Public Comment:** Jim Minor, Cemetery Commission Chair, is here to talk to the Board regarding Mudgett Cemetery. The Board received a letter from a resident regarding her dissatisfaction with the current condition of the Mudgett cemetery. Jim was notified and asked to come in to address the concern. Doug Collins and Ian Mercer were also in to address the cemetery as well as the access to it from Fletcher Road. Ian Mercer and Doug Collins feel that access from Wilkin's Road would be more favorable. The Development Review Board will be notified as well as letters will be sent to adjoining landowners for approval of change of access. A need for a gate, as well as a maintenance schedule for the cemetery, was also discussed. Amber Soter, Zoning Assistant, will contact Jim with a list of requirements needed for the DRB.

SB Minutes 6.15.15 Cont.

**Amber Soter, Zoning Assistant:**

Amber is here this evening in Skip's absence. Amber handed out their "activity report" for May 18<sup>th</sup> through June 15, 2015. Amber stated that things are picking up with permits and subdivision requests.

There's a concern with people camping on a piece of property located in the village. The property is close to the brook and a concern of where they are discharging was mentioned. Amber stated that they have investigated the concern and found that no violations currently exist. She stated that they will re-evaluate if the inhabitants remain on the property for more than 90 days.

Amber wanted the Board to be aware that a resident has submitted a request to the PC asking that they change the definition of "family" in the bylaws. The property owner has posted two signs on his property, which appear to be in compliance, stating his requests. The PC meets on July 7<sup>th</sup>, at which time the letter will be addressed under the "mail" portion of the meeting.

**Other Business:**

1. ~~Bessette Road~~ - Tom reviewed the criteria for the closure of a section of Bessette Road to the Town of Fairfield line. The Department of Forests, Parks and Recreation needed to be notified, which was not. Therefore, another date will be set for a site visit and hearing. The appropriate parties will be notified by certified mail and a notice placed in the St. Albans, Messenger. (The next site visit and hearing has been slated for July 27<sup>th</sup>, a Monday, at 3 pm. for the site visit and 4 pm. for the hearing.)  
**Action:** \*Peter made a motion to go through the process on the Bessette Road closure, seconded by Leebeth. The motion carried with a vote of 4-0.
2. Line of Credit, Resolution and Tax Certification - Union Bank, presented by Deb Woodward, TC & Treasurer. **Action:** The Board by consensus agreed to sign the documents.
3. Canon copier contract: **Action:** By consensus of the board the contract will be renewed with no changes made to the contract.
4. Ordinance Review: We will have each Board member take a couple of ordinances to review for possible updates.
5. Pete will get with Stacy to discuss management of the municipal ordinance tickets.
6. Tom gave an update on the pavilion and bathrooms.
7. Tom suggested that when the roads are being paved we should coordinate with the sheriff departments to have them patrol on the road being paved for safety.
8. Pete wanted to congratulate Barb Murphy for getting 104A paved.
9. Randy congratulated the Boy's baseball and the Girls' softball team for being State Champions as well as the football team.
10. Randy was curious as to who has placed the flowers on the bridge by the blinking light on Main Street. The Board would like to thank Annette Koch on doing that.

SB Minutes 6.15.15 Cont.

**Adjourn:**

\*Peter made the motion to adjourn the meeting at 7:45 pm., which was seconded by Leebeth. All were in favor vote 4-0.

The minutes were respectfully submitted by Stacy Wells, Adm. Asst. to the Selectboard.

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Tom Fontaine, Chair  
Fairfax Selectboard  
TF/sw





## 2015 TOWN OF FAIRFAX

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**SELECTBOARD MEETING**  
**MONDAY July 20, 2015**  
**7:00 PM**

The drafted minutes presented below are unapproved subject to corrections and/or additions at the next Selectboard meeting. Those corrections and/or additions will be written to an amended version of the minutes, which will also be made available to the public.

**Selectboard Members Present:** Tom Fontaine, Chair, Lauri Fisher, Vice-Chair, Randy DeVine, Leebeth Ann Lemieux and Keith Potvin.

**Public Present:** Tim Smith, Franklin County Industrial Development and Kevin Hastings, owner Morse Hardwoods and Amoskeag; Joe Trask, Duffy's Trash & Recycling; Doug Collins, Cemetery Commission and LCATV.

**Call to Order:** Tom called the meeting to order at 7:00 p.m.

**Minutes: 7.6.15**

\*Randy motioned to accept the minutes as written - seconded by Keith. Motion carried, vote 5-0.

**Payroll and Order Warrants:** Tom reviewed the payroll and order warrants.

**Public Comment:** N/A. Deb Woodward informed the Board that currently the line of credit is at \$25,000.00. Deb stated that there has been some big expenses as well as the first bond payment on the town office has been paid.

**Deb Woodward, Town Clerk & Treasurer:**

Deb is here this evening to present the tax rate for approval: Residential rate 1.8196 and non-residential rate 2.0846. The Board approved the rate by consensus; Tom signed off on the 2015 tax rate.

Deb addressed the Board on how to handle late homestead filing fees. There's an option that the Board can agree to waive all penalty fees. By consensus of the Board they agreed to *not* waive the penalty fees for filing late.

**Skip Taylor, Zoning Administrator:**

Skip handed out his Activity Report dated 6.16.15 through 7.20.15, which the Board reviewed. Skip talked about possibly retiring in November or December and the possible options for staffing the zoning office. We will meet with Skip and Amber at the August 17th SB meeting to discuss. It was noted that building permits are down from this time in previous years. The property located at MA1126 was discussed regarding water allocations. The owner would like to rebuild on the lot in the same footprint of the former building.

SB Minutes 7.20.15  
Skip Taylor, Z.A. Cont.

Skip received a packet of information from the property owner of MA1166. The property is currently permitted as a rooming and boarding house. The owner has an issue with the description of a "household unit" living as a "family". The owner referred to them as "living as slaves". Skip informed the Board that he has handed the owner's concerns over to the Planning Commission.

**Tim Smith, Franklin County Industrial Development Corporation**

**Kevin Hastings, owner Morse Hardwoods and Amoskeag:**

Tim asked the Board that due to the sensitivity of their visit they would like to go into executive session.

\*Randy motioned that they enter into executive session due to the information being discussed is of a private nature, seconded by Keith. Motion carried.

\*Lauri motioned that the reason to go into executive session is the consideration of records, document and that information is not public. The motion was seconded by Keith, so moved, vote 5-0.

The Board entered into executive session at 7:45 pm. and exited out at 8:15 pm.

Action: Lauri made the motion to move forward with the CBG (Community Block Grant) with the Boards approval. The CBG is administered by the Agency of Commerce.

Kevin Hastings invited the Board to take a tour of the facility.

**Joe Trask, Duffy's Trash & Recycling:**

Joe was asked to come in this evening to discuss Act 148. Randy asked Joe how far they want to jump into this with the town. Duffy's presented a proposal to the town in the amount of \$7500, which would cover up to July 2016. (Please see SB minutes 4.6.15.) The Board asked Joe to present a more detailed list of what the \$7500 would include. A discussion ensued on various options between the town and Duffy's as well as possibly joining a solid waste district. Joe will supply the Board with a more detailed list and a discussion will take place at the August 3<sup>rd</sup> SB meeting.

Duffy's contract is up for renewal December 2016. The Board would like to extend their contract another six months so bids are being taken in July as opposed to December.

**Doug Collins, Cemetery Commission:**

Doug is here to discuss access to Mudgett Cemetery for maintenance purposes. We will acquire the cost of the survey as well as the estimate for the road. Tom will contact the Vermont Department of Environmental Conservation, Watershed Management Division in the meantime. We will put this in the 2016 budget if found to be feasible.

Doug was asked about a couple of incidents that occurred at the Beaver Meadow cemetery. Doug was advised on how to handle any incident in the future. He was also advised to refer anyone to the Selectboard if there's a problem.

**Other Business:**

1. A letter was received from the Lister's, dated July 7, 2015, asking the Board to approve a change to the 2015 Grand List due to a recent PVR procedure change. The Board, by consensus, approved the change noted on the letter. All Board members signed off on the letter in approval.

SB Minutes 7.20.15  
Other Business Cont.

2. The IT room at the town office, where all the electronic devices are stored, is having a problem with executing heat due to poor ventilation. A discussion was undertaken as to the best and cost effective way to solve this problem.
3. The Board was reminded regarding the upcoming Bessette Road site visit and hearing Monday, July 27. The site visit at Bessette Road will be held at 3 pm. and the hearing at the town office at 4 pm.
4. Tom signed the Wastewater Permit Program June Operations Report Aerated Lagoon. It will be returned to the Vermont Department of Environmental Conservation Watershed Management Division.

**Adjourn:**

\*Lauri made the motion to adjourn the meeting at 9:11 pm., seconded by Leebeth. The motion carried, vote 5-0.

The minutes were respectfully submitted by Stacy Wells, Adm. Asst. to the Selectboard.

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Tom Fontaine, Chair  
Fairfax Selectboard

TF/sw



## 2015 TOWN OF FAIRFAX

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**SPECIAL SELECTBOARD MEETING  
SITE VISIT AND HEARING ON THE DISCONTINUENCE OF BESSETTE ROAD  
MONDAY, July 27, 2015**

The drafted minutes presented below are unapproved subject to corrections and/or additions at the next Selectboard meeting. Those corrections and/or additions will be written to an amended version of the minutes, which will also be made available to the public.

**Selectboard Members Present:** Tom Fontaine, Chair, Randy DeVine and Leebeth Ann Lemieux.

**Property Owners/Abutters and Interested Parties Present:** Liam L. Murphy, Esq., Katelyn Ellermann, Associate MSK, Belinda Gardner, Keith Gallup, Joshua and Heidi Silman, Kurt Magnan, James Magnan, Dana Decker and Linda Smith. Kevin Brown and Bill Hannon - interested party status not established.

3:00 PM - A site visit was held at the border of the Fairfield town line and Bessette Road, TH 6.

**Call to Order:** Tom called the hearing portion of the meeting to order at 4:07 p.m.; testimony/evidence will now be taken.

Keith Gallup presented a highway map, dated 1981. A page from a deed recorded December 6, 1982, stating in the description Lot No. 1: Being a parcel of land with buildings thereon, located on the easterly side of Town Road #6 (abandoned) in the Town of Fairfax an aerial view of the property and a letter from Bellows Free Academy, dated January 12, 1996. Mr. Gallup stated that he has lived on the property for thirty-five years (SV0197). He stated that there are four ways to exit the property located in Fairfield. He feels that due to the family circumstances of the current owners, the Silman's (BS0161), one has to be careful even driving into the driveway to not hit the child. Mr. Gallup stated that to put a road through there would be nothing short of "cruel". Mr. Gallup also had a concern as to where the bus would turnaround.

**SPECIAL SELECTBOARD MEETING  
SITE VISIT AND HEARING ON THE DISCONTINUENCE OF BESSETTE ROAD  
MONDAY, July 27, 2015**

Bill Hannon, a Fletcher resident, addressed the Board about his concern with the "Notice" and that it wasn't a real meeting. He stated that there was a meeting at 4 pm., but that it didn't say where it was; he stated that the notice says there's a site visit at 3 pm., but doesn't say where it was; that there's a site visit but you list three highways on the notice, Bessette Road, TH 5 and Scenic Vista Road. The warning doesn't state the time and place of the meeting. Mr. Hannon doesn't see how we can have a meeting when you don't state the time and place. (Please see the notice attached to these minutes.) Linda Smith, abutter to the property, asked Mr. Hannon who he was. Mr. Hannon stated his name. Linda asked him if he lived around there, for which he replied that he lived in Fletcher. Mr. Hannon stated that he didn't know what road we were talking about. Mr. Hannon stated that he used that road, referring to TH 5. He was asked if he wanted to see a map, which he replied no. Mr. Silman told Mr. Hannon that there was a typographical error and that a memorandum had been sent prior to the meeting informing people of the error. The memorandum regarding the error was sent out from the office of Murphy, Sullivan and Kronk on July 22, 2015. Mr. Hannon was asked which road he uses which he stated TH 5 (Brick Church Road). He was asked in what way he used it. He stated that he uses it sometimes in the winter to travel to and from work when the roads are bad and for commerce. Mr. Hannon was asked by Ms. Lemieux, SB member, if he was at the last meeting, for which he replied yes. Ms. Lemieux stated you knew what road we were talking about. Mr. Hannon stated that it was not what it says. Ms. Lemieux asked if the road has nothing to do with TH 5, why are you here? Mr. Hannon was informed that a letter/memorandum was sent out from MSK, as noted above. Since Mr. Hannon wasn't an abutter/property owner, he did not receive the memorandum. Mr. Hannon read verbatim a section of the first paragraph of the notice stating that the notice is intended to provide information to the public and interested persons, about the process for the purpose to consider certain changes to a section of the road. Mr. Hannon stated that he had been sitting here now and hasn't heard Mr. Fontaine offer any information. He asked Mr. Fontaine if he was going to offer any information, and why do you want to close the road? Mr. Fontaine stated that they are here to collect testimony. Mr. Hannon stated that the notice stated that they (the SB) were going to offer information. Mr. Fontaine asked Mr. Hannon if he was here just to argue with the SB. Mr. Hannon replied no that he was here to say that this is bogus and that it's not a meeting. Tom asked the abutters that would be impacted by the decision if they understood the warning, or were confused by this. All agreed they understood the warning. Mr. Hannon stated that it doesn't mean anything. Mr. Hannon asked where is this meeting supposed to be held, as it don't say.

**SPECIAL SELECTBOARD MEETING  
SITE VISIT AND HEARING ON THE DISCONTINUENCE OF BESSETTE ROAD  
MONDAY, July 27, 2015**

Again, the notice was read to Mr. Hannon. Mr. Silman stated that not to play the devil's advocate, how did you know to show up here? Mr. Hannon stated that he didn't. Again, Mr. Hannon stated that he didn't think this was a legal meeting if you want to keep going you can keep going. Mr. Fontaine stated that if Mr. Hannon wants to talk about the issue to please continue, we heard you last time if you have more to add. Mr. Hannon - so this is your second try at it, I don't know where you are getting your advice or information, probably from someone who's incompetent; as how I read this, you know, I just don't see you going through the process properly. You are going through this a second time now and I think you've already made up your mind that you are going to discontinue the highway, otherwise you wouldn't be going through it again and you will probably be going through it a third time. I think you've already made up your mind and I think it's irrelevant. I know that there was testimony at your last meeting and I look at the minutes of your last meeting and you didn't even acknowledge who was here or what they had to say. So, there again, I don't really think what people have to say is going to make any difference. Mr. Hannon was told that there was an attendance list for the meeting which was attached to the minutes, as noted in the minutes. The minutes don't really reflect anything that was said at that meeting and that it was kind of late. Mr. Fontaine offered to have Mr. Hannon review the tape of the testimony given at that meeting - he declined. He doesn't know why it wasn't in the minutes. Ms. Lemieux asked Mr. Hannon what he was really here for as she's not sure. He stated that he thinks what we are doing is wrong. He doesn't want to be here but he is. Mr. Hannon had some questions that he handed out to the Board, which he also read to the Board. Please see the list from Mr. Hannon attached. Tom stated that his questions will be addressed and he will receive a reply. Mr. Hannon stated that he's not mad at anyone; that he just doesn't understand why this is going on. He thinks it's discrimination. He was informed that the minutes of the June 9<sup>th</sup> hearing reflects that there is a sign-in sheet of attendees if he would like to see it.

Tom asked if there was anyone else that wanted to offer testimony or evidence at this time.

Liam L. Murphy, Attorney for Josh and Heidi Silman. For the record: Attorney Murphy provided town highway maps and how they have developed from the 1930's to the present. This portion of Bessette Road, which is the last little portion of Bessette Road, has not been used since the 1940's. It shows on the 1948 map in Fairfax and the 1949 map in Fairfield that they were listed on the state maps as "primitive or untraveled" since 1948. The notice that was put in the St. Albans Messenger, dated July 15, 2015, was also put into record.

**SPECIAL SELECTBOARD MEETING  
SITE VISIT AND HEARING ON THE DISCONTINUENCE OF BESSETTE ROAD  
MONDAY, July 27, 2015**

A letter from MSK, dated 7/23/15, stated the protocol that you have to go through to make this determination. Some pictures showing the current condition of the road that were taken at the first hearing/site visit on June 9<sup>th</sup>. The area hasn't changed from the time it was visited in June to the visit today. Attorney Murphy addressed the Board that their job is to determine if it's in the public good to keep the road open or to discontinue it. He asked us to think about it in a different way than normal and that is if this road were not show on the map would you be sitting here thinking that we should open this portion of the road. What benefit, what is the public good and necessity to the Town of Fairfax for having this little end portion of a road opened. He doesn't think there is any. Therefore, since the road hasn't been used for decades, that it doesn't provide access to any properties within the town, that the only result of opening this road could be to increase your road maintenance cost because more people would be using it as a cut through to your town and the result would be more highway maintenance, that it really would not benefit to leaving it open for any other trail or recreational purpose. Attorney Murphy stated he thinks you could make a finding on just those issues, outlined in the MSK letter. Attorney Murphy asked if there were any questions. The Board didn't have any questions.

James Magnan, an abutter, stated that in the 1960's he use to drive his car through there. His only concern that he has now is, instead of taking that road, some snowmobilers and pick-up trucks go through his field to cross into Fairfield.

Mr. Gallup stated that everyone should note that they (Gallup and Gardner) paid for that road from the brow of the hill all the way up almost a mile out of their pockets. A lot of people have had the use of the road over the years. Scenic Vista road is basically nothing more than their driveway.

Linda Smith, BS0121, Wade and she are all in agreement with Attorney Murphy, wondering if there were absolutely no road there would Fairfax, for whatever reason, say gee I think there ought to be a road there - let's put one in. To me essentially the way that the "road" is now there would have to be a substantial amount of town money spent to bring it up to code to be able to use for whatever, open traffic, or just for a lesser grade road. To use, even if it's a lesser grade road possible, it's still going to take a huge amount of money. Tom informed Linda that the only thing the town would pay for are culverts and bridges. Linda stated that their fears would be what would the speed limit be if the road was opened up. A lot of people walk their dogs on the road and children ride their bikes. The reason they bought and built there twenty-seven years ago was because it was a road that didn't go through and it would be a disappointment. She stated that they wished the road would stay closed for good.

**SPECIAL SELECTBOARD MEETING  
SITE VISIT AND HEARING ON THE DISCONTINUENCE OF BESSETTE ROAD  
MONDAY, July 27, 2015**

Kevin Brown, question of interested party status, asked if anyone had approached the landowner as to what his plans are with the road. Does he plan to open it? Mr. Gallup stated that he wanted to build a home there. Again Mr. Gallup reviewed exit options for the landowner in Fairfield. Mr. Gallup stated that the Fairfield landowner told him that he planned to put a housing development in. Mr. Gallup referred to the Town of Fairfield's SB minutes of August 15, 2014 stating "we gave permission to trim brush only. No new road. Mr. Gallup stated that the trees were trimmed and the ditches were cleaned out. He stated that sometime this summer crushed rock was brought in two-thirds of the way up the road.

Dana Decker, asked the Board what was stopping the landowner from driving through there now. Attorney Murphy stated that the SB has controls of the road as it's currently labeled as a Class IV road and that a permit needed to be obtained. The issue is that if it's not discontinued anyone can cut through from town to town.

**Adjourn:**

\*Leebeth made a motion to adjourn the special meeting at 4:47 pm., seconded by Randy - so moved.

The minutes were respectfully submitted by Stacy Wells, Adm. Asst. to the Selectboard.

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Tom Fontaine, Chair  
Fairfax Selectboard

TF/sw





## 2015 TOWN OF FAIRFAX

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**SPECIAL SELECTBOARD MEETING  
DISCONTINUE A PORTION OF BESSETTE ROAD - DECISION  
THURSDAY SEPTEMBER 24, 2015**

The drafted minutes presented below are unapproved subject to corrections and/or additions at the next Selectboard meeting. Those corrections and/or additions will be written to an amended version of the minutes, which will also be made available to the public.

**Selectboard Members Present:** Tom Fontaine, Chair, Lauri Fisher, Vice-Chair and Randy DeVine.

**Property Owners/Abutters and Interested Parties Present:** Keith Gallup, Belinda Gardner and Josh Silman.

**Call to Order:** Tom called the "special meeting" to order at 6:05 pm. The public was asked if they had any comments, questions or concerns. Randy stated that it would be nice to keep the area open to the public as it's a Class IV. Keith Gallup agreed saying that he would like the area to be open for hunting, jogging, walking and bicycling. Josh Silman stated that he was not opposed to hunting as long as he was aware of who was going through his property with guns. Randy reiterated the sentiments of the Town of Fairfield as stated in their minutes "no new roads". Tom stated that we can't keep up with the roads we have now. Josh doesn't feel that there's any benefit to the Town of Fairfax to open it up as a road. Lauri felt that for all the reasons stated, the road hasn't been used since the late 40's; it doesn't meet the definition of a trail by statute and does not benefit our inhabitants of our town.

\*Lauri move that we discontinue a portion of TH 6, which would be described as (we don't have a survey) approximately 800' from Bessette Road starting at the intersection of Scenic Vista and continuing approximately 800' to the town line between Fairfax and Fairfield. The motion was seconded by Randy.

Motion passed, vote 3-0.

Special Meeting - Decision on Discontinuance of Bessette Road Cont.:

Adjourn:

\*Lauri made a motion to adjourn the special meeting at 6:20 pm., seconded by Randy - so moved.

The minutes were respectfully submitted by Stacy Wells, Adm. Asst. to the Selectboard.

---

Tom Fontaine, Chair  
Fairfax Selectboard

TF/sw

## **TOWN OF FAIRFAX**

P.O. Box 27  
12 Buck Hollow Road  
Fairfax, Vermont 05454  
Tel. 802-849-6111 x 16 / Fax 802-849-6276

sboffice@fairfax-vt.gov

### **NOTICE TOWN OF FAIRFAX**

May 26, 2015

Re: Bessette Road, Town Highway #5/Scenic Vista Road, Private

Dear Adjoining Land Owners, Town of Fairfield and Interested Parties

The Town of Fairfax Selectboard will be performing a site inspection on a section of Bessette and Scenic Vista Road, to the Fairfield town line, on **Tuesday, June 9<sup>th</sup> at 3:00 pm**. The purpose of the site visit is to consider certain changes to a section of the road.

A hearing will take place the same day **Tuesday, June 9<sup>th</sup> at 6 pm**. at the town office located at 12 Buck Hollow Road. Testimony from adjoining landowners and interested parties as to the discontinuation of that section of road to traffic will be heard at that time.

If you have any questions or concerns prior to the date set above please feel free to contact Stacy Wells, Adm. Asst. to the Selectboard at 849-6111 x 16.

Sincerely,

The Fairfax Selectboard

# TOWN OF FAIRFAX

12 Buck Hollow Road  
Fairfax, Vermont 05454  
Tel. 802-849-6111 x 16 / Fax 802-849-6276

sboffice@fairfax-vt.gov

## Special Meeting – Bessette Road

Re: Site Visit & Hearing

June 9, 2015

Subject: Whether to discontinue a portion of Bessette Road

Site Visit: A site visit was held at 3 pm on Tuesday, June 9<sup>th</sup> at 3 p m. Tom Fontaine, Randy DeVine, Leebeth Ann Lemieux and Peter King were present from the Board.

The hearing was held following the site visit at 6 pm. at the town office. Please see sign in sheet for attendance.

Call to Order: Tom at 6 pm.

Several in attendance spoke on their support either for or against the discontinuance. Two letters were received into evidence, which were reviewed. Minutes of a Fairfield Selectboard meeting, dated August 25, 2014, stating they (Fairfield Selectboard) gave permission to trim the brush only – submitted into evidence.

6:35 PM: Peter motioned to adjourn with Leebeth making the second. The motion carried with a vote of 4-0.

A decision will be rendered in the sixty-day timeframe.

The minutes were respectfully submitted by Stacy Wells, Adm. Asst. to the Selectboard.

---

Tom Fontaine, Chair  
Fairfax Selectboard

TF/sw

## FAIRFAX SELECTBOARD

Tom Fontaine, Chair

Lauri Fisher, Vice-Chair

Randy DeVine

Leebeth Ann Lemieux

Peter King

# TOWN OF FAIRFAX

12 Buck Hollow Road  
Fairfax, Vermont 05454  
Tel. 802-849-6111 x 16 / Fax 802-849-6276

sboffice@fairfax-vt.gov

BESSETTE ROAD DISCONTINUANCE –

JUNE 9, 2015 SITE VISIT 3 PM & HEARING 6 PM (Tape 3)

A second hearing was scheduled due to not notifying Ryan Horvath, State of Vermont Department of Forests, Parks and Rec.

JULY 27, 2015: SITE VISIT 3 PM & HEARING 4 PM (Tape 5)

## Questions that need to be addressed:

1. How many other town roads, Class IV, will the Selectboard look into closing?
2. Was there a vote at the 5.4.15 SB meeting to petition to D/C highway? Liam Murphy
2. Please see Bill Hannon's questions attached.

## Timeline documentation:

1. Date: 8.25.14 – Fairfield SB minutes “we gave permission to trim brush only. No new road.”
2. Date: 9.15.14 – SB minutes Landowner's resolve on their own, or seeks a declaration of a scope of rights from the court. (Access permit application returned to Mr. Jette.)  
  
On 1.6.15 we received another access permit application with a check for \$30.00.
3. Date: 2.2.15 – Email from Brian Monaghan “you need to have a joint notice process and joint hearing with the Fairfield SB to D/C highway.
4. Date: 3.2.15 – Fairfax SB minutes to accept permit application, get road foreman's recommendations and decide after that to approve or not. D. Jay would not make recommendations on permit.
5. Date: 4.7.15 – Letter from SB to Deb Woodward re: Rene Jette a motion was made to not approve an access.

## FAIRFAX SELECTBOARD

Tom Fontaine, Chair

Lauri Fisher, Vice-Chair

Randy DeVine

Leebeth Ann Lemieux

Keith Potvin

# TOWN OF FAIRFAX

P.O. Box 27  
12 Buck Hollow Road  
Fairfax, Vermont 05454  
Tel. 802-849-6111 x 16 / Fax 802-849-6276

sboffice@fairfax-vt.gov

June 25, 2015

To: Property Owners and Interested Persons

From: The Fairfax Selectboard

Re: Discontinuance of a portion of Road

The Fairfax Selectboard has called a hearing for Monday, July 27<sup>th</sup> at 7:00 pm. to consider certain changes in a road in Fairfax, namely the discontinuance of a section of Bessette Road, Town Highway #5, and Scenic Vista Road to the town line of Fairfield. This memo is intended to provide information to the public and interested persons about the process.

1. Hearing. (A site visit was held on June 9<sup>th</sup> at 3 pm.) The Selectboard is very interested in your opinions about this project, and hopes to give everyone interested in the project plenty of time to address their concerns at the hearing.

2. Decisions. The Selectboard will need to come to a resolution about these questions within 60 days of the hearing, and will issue a written decision that will address all of the concerns and decide whether to discontinue the portion of road in question. Once the decision is issued, there is an appeal process to superior court available for those who disagree with the decision, although it is the Selectboard's hope that the decision will be satisfactory to the landowners affected by the project.

Your continued participation and assistance will be gratefully appreciated.

Thank you.

Fairfax Selectboard

**BESSETTE ROAD  
DISCONTINUANCE HEARING**

**JULY 27, 2015  
7:00 PM - 2<sup>ND</sup> HEARING**

**ABUTTERS LIST  
ADVERTISING  
ACCESS PERMIT APPLICATION  
CERTIFIED RECEIPTS  
CORRESPONDENCE  
FAIRFIELD SB MINUTES  
FAIRFAX SB MINUTES  
HEARING ATTENDENE LIST  
LEGAL CORRESPONDENCE  
VARIOUS MAPS  
WARNING & NOTICE**

BESSETTE ROAD - DISCONTINUANCE  
2ND SITE VISIT HEARING

LAST NAME	FIRST NAME	ADDRESS	CITY	STA	ZIP	CERT.
BARKYOUMB	ALAN	106 BRICK CHURCH RD	FAIRFAX	VT	05454	C
COLLINS	DALE	2072 LOWER NEWTON	ST. ALBANS	VT	05478	C
FAIRFAX	PLANNING COMM.	12 BUCK HOLLOW RD	FAIRFAX	VT	05454	R
FAIRFIELD TOWN OF	AMANDA	P.O. BOX 5	FAIRFIELD	VT	05455	R
GARDNER	BELINDA & KEITH GALLUP	197 SCENIC VISTA RD	FAIRFAX	VT	05454	C
HANON	BILL		JEFFERSONVILLE	VT	05464	R
HORVATH	RYAN (FOREST, PARKS & R1 NAT. LIFE DR. DAVIS 2		MONTPELIER	VT	05620	C
JETTE	RENE & LEEANN	4847 NEWTON ROAD	SWANTON	VT	05488	C
MAGNAN	JAMES	527 CHERRIERVILLE RD	FAIRFAX	VT	05454	C
NELSON	SAM & ELIZ.	108 BESSETTE RD	FAIRFAX	VT	05454	C
SILMAN	JOSH & HEIDI	161 BESSETTE RD	FAIRFAX	VT	05454	C
SMITH	HAROLD	62 WEST ST.	FAIRFIELD	VT	05455	R
SMITH	WADE & LINDA	121 BESSETTE RD.	FAIRFAX	VT	05454	C
WIMBLE	RICHARD & PEGGY	2595 MAIN ST.	FAIRFAX	VT	05454	R



**ORDER OF DISCONTINUANCE OF A PORTION OF  
TOWN HIGHWAY 6 / "BESSETTE ROAD"**

**Re: Discontinuance of a portion of a Class IV road known as Town Highway 6 and Bessette Road, starting from the intersection with Scenic Vista Road and continuing to the Town Line between Fairfax and Fairfield.**

September 24, 2015

The Fairfax Selectboard made a motion on June 15, 2015 to begin discontinuance proceedings for a portion of a Class IV road known as Town Highway 6 and Bessette Road, starting at the intersection with Scenic Vista (a private road) and continuing approximately 650 feet to the Town Line between Fairfax and Fairfield, as shown on the attached plan. Prior to the adoption of this Order, the Fairfax Selectboard had publicly warned and held a site visit and hearing on June 9, 2015 to consider the possibility of such discontinuance. Because it had failed to make a motion or to notify the Vermont Department of Forests, Parks and Recreation prior to the first site visit and hearing, the Fairfax Selectboard restarted the process on June 15, 2015.

Pursuant to the June 15, 2015 motion to begin the discontinuance process, a public notice warning a July 27, 2015 site visit and hearing was posted in the Town of Fairfax Town Office on June 24, 2015 and published in the St. Albans Messenger on July 15, 2015. On June 24, 2015, notice was sent by certified mail to interested parties, the Planning Commission, the Town of Fairfield and the Commissioner of Forests, Parks and Recreation. Copies of the notices and a list of recipients are attached.

An initial site visit and public examination of the property was held on June 9, 2015 at 3 p.m. and a public hearing was held the same day at 6:00 p.m. at the Town of Fairfax Town Office. A second site visit and public examination of the property was held July 27, 2015, at 3:00 p.m. and a public hearing was held the same day at 4:00 p.m. at the Town of Fairfax Town Office. Minutes of the June 9 hearing and the July 27 hearing are attached.

Based on information provided during the public hearings and the site visits and examinations of the premises, the Fairfax Selectboard determined that the above-identified portion of Town Highway 6/Bessette Road should be discontinued.

This action was taken for the public good, convenience and necessity of the inhabitants of the Town of Fairfax and is supported by the following:

1. This portion of Town Highway 6/Bessette Road is a Class IV road and has been labelled as a portion of an "Untraveled Road" on the Town of Fairfax Town Highway Map since at least the late 1940s. This portion of Town Highway 6/Bessette Road has not been used by motor vehicles as a "through road" for residential or commercial purposes. It has been used for agricultural purposes in the past.
2. Traffic travelling along Town Highway 6/Bessette Road toward the Fairfield Town Line, including school buses, typically turns around at the intersection

with Scenic Vista, which is not located on the portion of the road to be discontinued.

3. Beyond the intersection with Scenic Vista, the westerly edge of the public right of way for Town Highway 6/Bessette Road runs along the fence line and stone wall, between the properties on either side, before the public right of way intersects with the Town Line between Fairfax and Fairfield.
4. Beyond the intersection with Scenic Vista, Town Highway 6/Bessette Road has no roadbed or surfacing. Any travelled way that previously existed is grown in with grass, brush, trees, and other vegetation.
5. Beyond the intersection with Scenic Vista, a driveway branching from Town Highway 6/Bessette Road leads to the property easterly of the old roadbed, known as 161 Bessette Road, which contains one single family dwelling.
6. The property westerly of the old roadbed is served by a separate access on a different portion of the property.
7. Beyond the intersection with Scenic Vista, Town Highway 6/Bessette Road does not and cannot serve as an access to any additional properties within the Town of Fairfax. Rather, if improved to allow for through traffic, this portion of Town Highway 6/Bessette Road would only serve as an access to property located in the Town of Fairfield.
8. Fairfax residents have sufficient routes to all points in Fairfield, and an improved and maintained route across Town Highway 6/Bessette Road to the Fairfax/Fairfield Town Line could lead to unnecessary liability and expense on the inhabitants of Fairfax.
9. Given the short length and location at the terminus of the existing town highway, the discontinued portion is not useful as a trail or recreational path.
10. Upon discontinuance, the owners of the abutting lands may continue to use the road to access their properties.
11. Pursuant to 19 V.S.A. § 771(c), notice of this discontinuance proceeding was given to the Town of Fairfield and to the Commissioner of Forests, Parks and Recreation.

WHEREFORE, it being determined that the public good, necessity and convenience of the inhabitants of the town support discontinuance, the above-identified portion of Town Highway 6/Bessette Road is hereby discontinued immediately.

The title to the discontinued right of way shall be returned to the underlying landowners, Silman, Gallup, and Gardner, in accordance with 19 V.S.A § 775.

This order and the attachments shall be recorded in the Land Records of the Town of Fairfax.

**SELECTBOARD OF THE TOWN OF FAIRFAX**

By: [Signature]

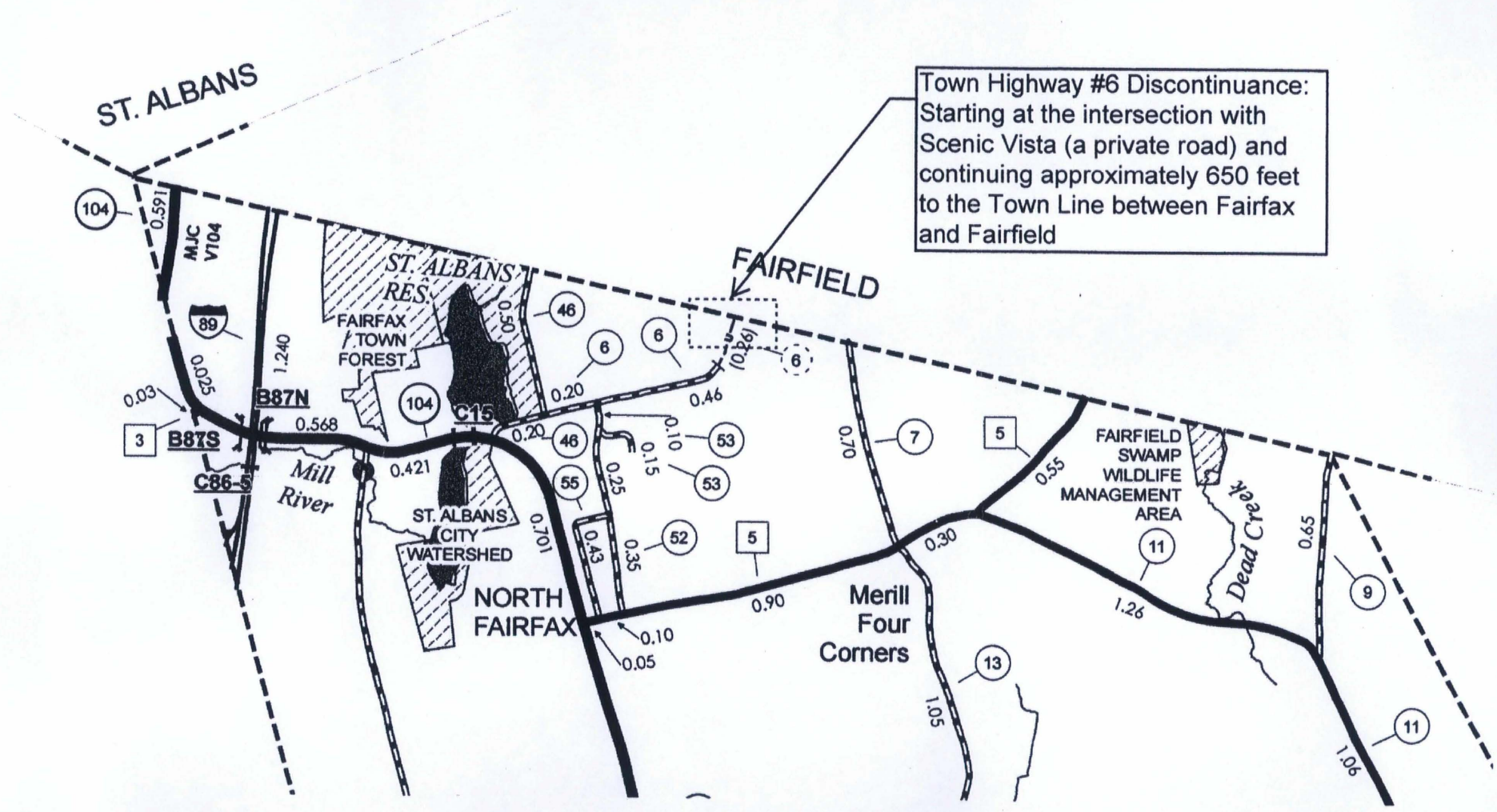
By: [Signature]

By: [Signature]

By: \_\_\_\_\_

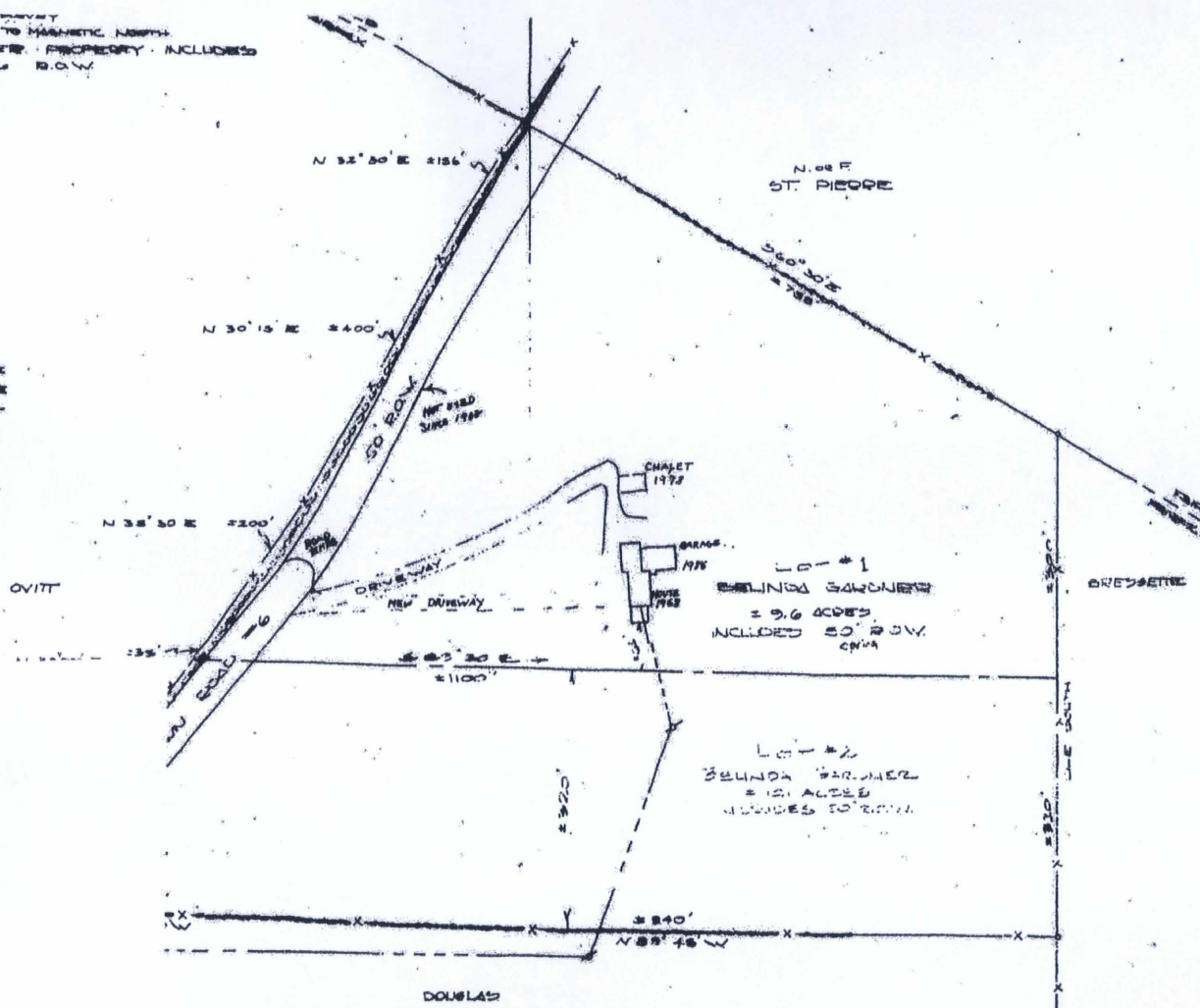
By: \_\_\_\_\_

Motion made by Lauri Fisher to accept decision as written. Randy Devine seconded, voted in favor. Approved by a vote of 3 to 0.



145 DEGREE TO MAGNETIC NORTH  
OK GARDNER'S PROPERTY INCLUDES  
1 ROAD 56 B.O.V.

END  
PIPE SET  
POLE  
POWER LINE  
FENCE LINE  
STONE WALL



SCALE: 1"=100'

TOWN OF FAIRFAX  
RECEIVED FOR RECORD AUGUST 11,  
2005 AT 3 PM. A TRUE RECORD.  
ATTEST: *[Signature]*  
ASST. TOWN CLERK

I CERTIFY THE ABOVE PLAT TO BE  
CORRECT BASED UPON CHAIN & COMPASS  
SURVEY, EXISTING FIELD EVIDENCE AND  
INFORMATION PROVIDED BY ROBERT DOUGLAS  
AND ROBERT MUELWER.

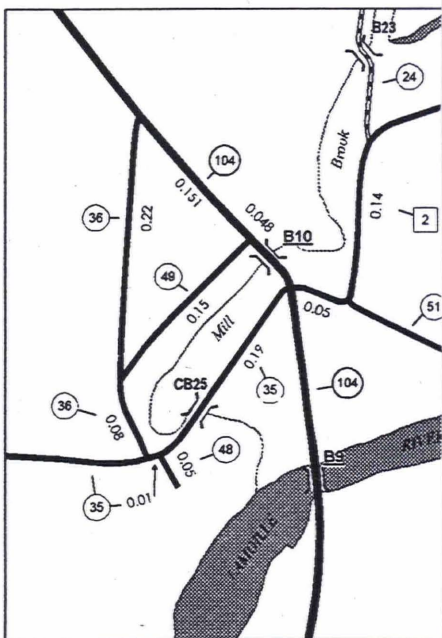
SUBDIVIDED  
REVISED 9/18/82 M.M.



*Mark Y. Ward*

RD#1 BOX 1590  
PROPERTY SURVEY FOR  
BELINDA GARDNER  
KEITH GALLUP 524 9007  
FAIRFAX, VERMONT

PALMER COMPANY LTD  
SOUTH BURLINGTON, VT.  
OCT. 17, 1977 SCALE: 1"=100'  
DRAWN BY: O. DUCKETT  
SURVEYED BY: M. WARD



FAIRFAX INSET 1  
0 0.08 0.16 Mile

- D - GREEN MOUNTAIN NATIONAL FOREST
- D - STATE MUNICIPAL
- ISONS
- IDARY
- IDARY
- IDARY
- IPACT BOUNDARY
- Y
- BROOK
- RT
- CULVERT > 20'
- CULVERT 6' - 20'
- DGE
- .VERT > 6'
- GE OR CULVERT IDENTIFIER
- GE OR CULVERT IDENTIFIER

- FEDERAL CLASSIFICATION IDENTIFIER
- FAU URBAN ARTERIAL OR COLLECTOR
  - MA MINOR ARTERIAL
  - MJC MAJOR COLLECTOR
  - MNC MINOR COLLECTOR
  - PA PRINCIPAL ARTERIAL

ite Plane Coordinate System  
can Datum of 1983  
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eference System 80  
r grid, Easting - Northing