
In attendance: Bill Perkins, Chair, David Stevens, Peter Hyslop, Melissa Zebrowski, Town Clerk, Jim Barlow, Mary Hunt, Chris Evans, and Peg Hyslop

Bill called the meeting to order at 10:35am.

Additions to Agenda

None

Old Business

- Job's Pond Camp Road

Jim Barlow, Westmore's Town attorney, presented his findings of TH#10 Jobs Pond Camp Road. Jim gave each board member a memorandum of his findings. This memorandum will be filed at the town office. The meeting was recorded and is a matter of public record. In paragraph VI of the memorandum Jim concludes that:

VI. Conclusion.

Vermont law in effect at the time of the establishment of Town Highway 10 required highways to be surveyed and required the survey to be recorded in the town clerk's office where the highway was located. A survey for Town Highway 10 has not been located. However, as explained above, the failure to locate a survey is thought to be a result of the fact that there was no town clerk in Westmore at the time Town Highway 10 was laid out. Hence, complying with the requirements of the statute may not have been possible.

²⁷ This period comprises approximately 1804 to 1879. Subsequent volumes are likely to have other references to the road, but due to time constraints, these volumes have not been examined.

11 of 12

The failure to locate the original survey for Town Highway 10 is an obvious difficulty. Nevertheless, the evidence I have examined, as outlined in this memorandum, strongly supports the conclusion that Town Highway 10 is a town highway under the doctrine of implied acceptance and dedication. The acts of the State of Vermont and Westmore officials and the expenditure of public funds on Town Highway 10 for a period of nearly two hundred years support the conclusion that Town Highway 10 has long been accepted as a public highway. Likewise, long acquiescence to use of Town Highway 10 by the public, allowing repairs to be made to Town Highway 10 at public expense, references to the highway in the chain of title for properties in Lot 11 and 12, and inclusion of Town Highway on the town highway maps are all factors supporting the conclusion that Town Highway 10 has been dedicated to public use.

Considering the original survey for TH 10 has not been located, David moved and Bill seconded to have Peter go to the other towns Holland, Morgan and Charleston as suggested by Jim to try and find the survey and to seek Jim's legal advice when needed. Passed.

Discussion and review of the request from Tim Gray of Sweet Tree to make road improvements occurred between the board and Jim Barlow. A letter will be mailed to Sweet Tree letting them know we reviewed their request and would like a more specific plan outlining the planned scope of work. At this time they feel there isn't enough information to make a decision. This letter isn't granting Sweet Tree permission but rather the board trying to gather more information before making a decision. David moved and Bill seconded. Passed.

Bill motioned to adjourn at 12:22pm, David seconded. Passed.

Signed by,

Melissa S. Zebrowski
Westmore Town Clerk