

Dear Chair Westman & Senate Committee on Transportation Vermont Legislation,

There are TWO definitions of trail in the Vermont statute(10 V.S.A ss442 (3) and (19 V.S.A. 19 ss 301 (8).

Vermont Statutes Annotated only has one place where the term legal trail is used (19 V.S.A. ss302 (iv) this is only in reference to "Unidentified corridors". This may seem trivial to bring to your attention, but please hear this out. Because the key symbol on VTRAN mapping is referred to as -- LT -- LEGAL TRAIL and not just a TRAIL.

When talking about V.S.A 19 the term Legal Trail should be used throughout the entity of the statutes. The term public right of way and highway right of way should have two different terms as well. There is very little clarity in definition 19 V.S.A. ss1. Definitions (12) "says in part of the definition" (12)"Highway"(" includes right-of-way,") "But we know that a Legal Trail is not a"highway ".

When talking about highways and Legal trails these terms can not be intermixed.

19 V.S.A ss301 (7) "Town highways" are class 1,2,3 and 4 highways; 19 V.S.A. ss301(8)"Trail"means a public right-of-way that is not a highway and that: (A)previously was a designated town highway having the same width as the designated; or (B) anew public right-of-way laid out as a trail by the selectmen for the purpose of providing access to abutting properties or for recreational use. Nothing in this section shall be deemed to independently authorize the condemnation of land for recreational purposes or to affect the authority of selectmen to reasonably regulate the uses of recreational trails. .

1. Moretown selectboard has had other site visits on Legal Trails that miss identify current corect numbers and Class of Legal Trails delegation as old Highways numbers.
2. Moretown selectboard currently doesn't know where all of their Legal Trails are located as mentched in past selectboard meetings.
3. Moretown selectboard cost to have all of their legal Trails surveyed could cost the taxpayers \$100,000's if not way more. that's not accounting for court and attorney fees if needed.
4. Moretown has allowed development of single family dwelling and more on Legal trails past & present
5. Moretown selectboard has made Class IV road and Trail Policy not updated secrets 2013 and the policy may not have been followed
6. Moretown is in the process of adopting a new policy which would be in conflict with Vermont statute 19 V.S.A. ss301 & (B) 19 V.S.A by creating new definitions of their own.

In Moretown's new policy section titled: **Definitions and Classification** could authorize the selectboard to take private landowners property for recreational use.

The pending final approval titled Moretown Class 4 highway and Legal Trail policy that was emailed to me on April 28 2025 reads as follows page 1. **see attachment (A2) Moretown Class 4 highway and Legal Trail policy April 28, 2025**

Moretown's new policy, if kept with their current wording, would give the selectboard the ability to hijack private land owned property; this is a misuse of authority by the selectboard according to state statute 19 V.S.A. ss301 (B)

1. Definitions of Classification

Class 4 highways are all other roads not falling under definition of Class 1,2, and 3 roads. Class 1,2, and 3 Highways are defined in Vermont Statutes for the purpose of receiving state aid and are passable by a motor vehicle on a year round basis

Legal Trail

Legal Trail means a public right-of-way which is not a highway and which:

- a. previously was a designated highway having the same width as the designated town highway, or a lesser width if so designated, or**
- b. a new public right-of-way laid out as a trail by the selectboard for the purpose of providing access to abutting properties or for recreational use.**

One could argue the term Trail is different.

It would be important to note: V.S.A. 19 ss301 (B) a new public right of way laid out as a trail by the selectmen for the purpose of providing access to abutting properties or for recreational use. Nothing in this section shall be deemed to independently authorize the condemnation of land for recreational purposes or to affect the authority of selectmen to reasonably regulate the use of recreational trails. well it should go without saying this needs some cleaning up "selectmen" to selectboard.

(Please see attached(A1) 1970's & 1980's photos of the buildings are in the background.) Calvin & Nancy where sent a registered letter form the Moretown dated July 6, 2011 (please see attached B2). After receiving this letter Calvin & Travis Blodgett met with the selectboard at one of their regular meetings. Travis explained to the selectboard that this is his property Calvins placed the so-called berm. Travis also explained to the selectboard if the town where to remove this so-called berm would completely destroy his house and investment. Note: nor Travis or Calvin placed the so-called Berm there. Travis attended another selectboard meet

soon after and explained to the selectboard that they don't know where Legal Trail 17 is located. Travis also explained to the selectboard VTrans mapping of Legal Trail 17 is depicted somewhere else not on "Travis Blodgett's property nor on Calvin Blodgett's and to say off my property" Travis" ...

Travis called to set up a meeting with Mr. Patrick Ross from ANR River Management Engineer was the person that met with the town to consult with this issue, the so called berm issue. During that meeting between Travis and Patrick Ross Travis showed the town letter of intent to Patrick immediately stated " I never gave permission to remove the berm"!

see attached **(B2)- Registered letter from Moretown dated July 6, 2011**

Soon after the town said they are getting a surveyor to have the Trail #49 surveyed. Note: The town during these issues refused to use the proper term Legal Trail 17. Time pass's The Town sends out registered letters informing all parties about a site visit and **Dated 7/16/12 Site visit at trail #49.**

ATTACHMENT C1: Site visit at trail#49 Dated 7/16/2012 & C2 8/20/2012 Blodgett trail #49 decision

Note: let it be known that the mileage certificate has this as an incorrect statement

The town's decision was made on Date 8/20/2012 that placed the Legal Trail 17 path to cross a part of the Calin & Nancy Blodgetts property where the permitted septic system and garage / Accessory Dwelling Unit are located.

This decision made Calvin and Nancy Blodgett home and property worthless putting the Bank and insurance companies at risk. Calvin & Nancy Blodgett HAD NO CHOICE BUT TO FILE AN APPEAL CASE IN COURT please see **attachment (D1) Calvin Blodgett V Town Of Moretown Docket No. 669-9-12**

Wncv. (please note: this is only one of many court transcripts in this case and doesn't necessarily describe everything.)

This could be important to address: The Vermont Senate transportation committee and others please(note: this lawsuit was about the current Legal Trail 17 location not town highway #49. John Croft from VTrans Mapping stated that "Moretown number #49 is a highway number not a trail number". After years and years of litigation selectboard meetings, numbers of selectboard site visits, The paperwork was signed and then a new lawsuit was filed by MONTGOMERY TIMBER COMPANY LLC Plaintiff v. Town of Moretown, Calvin Bldogett Nancy Blodgett, Travis Blodgett, Kathleen Skomitz Defendants CIVIL DIVISION Docket No.399-7-18

. This case gets dismissed and Montgomery Timber Company LLC gives their land of 148 Acres to the Town of Moretown.

The Town of Moretown selectboard took years to file the CERTIFICATE OF HIGHWAY MILEAGE not until 2/23/2022. BUT; This is not the END of this story even though the Town has submitted all required paperwork to VTrans. Moretown's updated April 26, 2024 TAX MAPS still show the location of Legal Trail 17 going across Calvin & Nancy Blodgett Septic system/garage accessory dwelling unit.

Moretown Highway highway #49 now known as Legal Trail 17 in the past as highway #49 showing up in two completely corners of the town. After doing years of research on Legal trails I have found this Legal Trail 17 formerly known for the past the year, 1987 as Class 4 Highway #49 has been indicated to be in; two different areas, complete opposite corners locations in pasted mapping, inaccuracies in mileage and trust in the selectboard/State of Vermont ability to manage Legal Trails.

ATTACHEMENTS LISTED:

A1- 1970's & 1980's photos of the buildings are in the background.

A2- Moretown Class 4 highway and Legal Trail policy April 21,2025

B2- Registered letter from Moretown dated July 6, 2011

C1- Site visit at trail#49 Dated 7/16/2012

C2- 8/20/2012 Blodgett trail #49 decision

D1- Calvin Blodgett V Town Of Moretown Docket No. 669-9-12 Wncv

In closing this is a Pandora's Box that throughout history is the State of Vermont and Moretown has been kicked down the road for far too many years.

My writing of this letter doesn't even touch the surface of what has been going on. Selectboards may have some misuse of power that needs to have some checks and balances, by the state of Vermont. Selectboards may have most of the authority, but are lacking over site.

I Travis Blodgett would like to see the following changes made to Moretown's updated tax Maps to show the new and authorized agreed upon location of Legal Trail 17

The CERTIFICATE OF HIGHWAY MILEAGE YEAR ENDING FEBRUARY 10, 2022 page labelled Town of Moretown Selectboard RE: Laying out a new trail and discontinuing a portion of another trail, Moretown, Vermont section: Finding of Fact reads 2. The selectboard held a hearing on July 16, 2012 at which time the Board decided to confirm the location of the trail according to a survey completed by American Consulting Engineers and Surveyors. The selectboard did not make a public or announcement to go into executive session/deliberate (closed) session decision until Moretown selectboard meeting dated 8/20/2012 Blodgett trail #49 decision

SEE ATTACHMENT (C2): 8/20/2012 Blodgett trail #49 decision (C3). CERTIFICATE OF HIGHWAY MILEAGE YEAR ENDING FEBRUARY 10, 2022

Suggestions for the state of Vermont below;

1. when talking about highways and Legal trails these terms can not be intermixed
2. There is a Lack of oversight
3. Definitions in statute 19 V.S.A. ss301 for the term Legal Trail
4. Definition in statute 19 V.S.A. ss301 for the term Road
5. check and balances
6. Town survey existing Legal Trails
7. Drop all Legal Trails
8. set up a fund for the landowner to help in litigation, court filing fees, something
9. Other things to be aware of Banking and Insurances for example: because Legal Trails are not maintained are not maintained by the can the single family dwelling be insured
10. Insurance companies should not insure vehicles that are off road off highways.
11. Help make statues more clearer
12. Please Do not rush think these though

I appreciate your attention to these matters regarding Legal Trails" S.4: An act relating to the maintenance and use of legal trails".

Travis Blodgett of Moretown, Vermont