

Kathleen Ramsay

From: Garrett Baxter [gbaxter@vlct.org]
Sent: Wednesday, June 26, 2013 4:41 PM
To: Kathleen Ramsay
Subject: RE: Process for Designating a Pent Road

Dear Kathleen,

As far as making a trail or road into a pent road, the process requires that the selectboard discuss the issue at an open meeting and then issue a decision in writing as to whether permission will be granted to gate the road/trail. Such decision must be recorded in the town highway/land records in the clerk's office. If there are to be regulations for the use of such pent road, those can be codified in a town highway ordinance, which must go through the ordinance approval process. Essentially, you would be creating a local law in the form of an ordinance in doing this, and it would be subject to the permissive referendum process before it could take effect.

19 V.S.A. § 304. Duties of selectmen

(a) It shall be the duty and responsibility of the selectboard of the town to, or acting as a board, it shall have the authority to:

(5) grant permission to enclose pent roads and trails by the owner of the land during any part of the year, by erecting stiles, unlocked gates, and bars in the places designated and to make regulations governing the use of pent roads and trails and to establish penalties not to exceed \$50.00, for noncompliance. Permission shall be in writing and recorded in the town clerk's office;

Sincerely,

Garrett A. Baxter

Garrett A. Baxter, Esq.
Staff Attorney, Municipal Assistance Center Vermont League of Cities and Towns
1-800-649-7915
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-----Original Message-----

From: Kathleen Ramsay [mailto:kramsay@TownOfMiddlebury.org]
Sent: Wednesday, June 26, 2013 11:45 AM
To: Garrett Baxter
Cc: Sover

Subject: Process for Designating a Pent Road

Hi Garrett --

Thanks for your help with our inquiry about installing a locked gate on a Class 4 Town road. The information you provided was very helpful to the Board.

Is there any process required by statute for designating a Town road as a pent road? Is it simply a vote of the Selectboard?

Thanks for your help.

Kathleen

Kathleen Ramsay
Town Manager
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