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April 1, 2019

Judith Whitney, Clerk
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620-2701

Re: Case 17-5024-PET Oral Argument of March 29, 2019

Dear Ms. Whitney,

I am compelled to respond to the slanderous statements directed at me made by Attorney Dingleline at the oral argument of March 29, 2019, in the above-captioned matter. Although much of Dingleline's argument was simply an incoherent succession of *ad hominem* and unfounded attacks on petitioner, there is one in particular that is expressly directed at the undersigned as a member of the Vermont bar.

At page 65, lines 15-25, page 66, lines 1-25, and page 67, line 1-3, of the transcript Attorney Dingleline makes the following statements:

[MS. DINGLELINE:] They are actually building a mile extension on that road. The notion --

CHAIRMAN ROISMAN: That road meaning Willow Road?

MS. DINGLELINE: Willow Road. Yes. I'm sorry.

CHAIRMAN ROISMAN: And that extension will be a town road.

MS. DINGLELINE: Who knows. This is -- *I am shocked that a Vermont lawyer would try to represent that somehow they have control over this road.* There is a whole process that one has to go through in order to get the town to take over a road. They have to build it to certain specifications and then 50 feet wide, the whole bit. So who are the people that are giving the town the requisite width that is now required to -- for towns to accept roads? Because they don't go with the 3 rods anymore, 2 rods like in the olden days. And so the fact is, even if they had the rights of way to build this and then to go to the town select board and ask them through the statutory process will you consider taking over my road --

MS. BLOCK: And maintaining it.

COMMISSIONER HOFMANN: Can you just -- I'm a little hung up on the terminology. When you say the extension of Willow Road, is there anything there now, or nothing? Is there no road, not even a cart path?

MS. DINGLEDINE: Okay. There is two things. There is what is the physical status or on the ground.

COMMISSIONER HOFMANN: Yes, I get that.

MS. DINGLEDINE: And there is what is the legal definition. We understand that the mile extension is not a road. It is not on the town road maps. It's not at VTrans. It is not mileage that gets reimbursed by the state for care by the town. None of that.

The only thing “shocking” here is Attorney Dingledine’s willingness to make slanderous statements despite her ignorance of facts. Attorney Dingledine’s “claims” of fact are, like her client’s preposterous claims of “facts”, relating to bulldozing, the apple orchard parcel and other matters, simply false.

The record evidence clearly establishes that Willow Road is a **public** road, named **Town Highway #18**, that extends to the project parcel. That fact is shown in the ALTA Survey, Exhibit CS-BW-5, which is part of the record. Moreover, contrary to Attorney Dingledine’s false assertion, Willow Road is also shown on the VTRANS’ town highway maps as extending all the way to the project parcel.¹

Right now anyone can further verify the accuracy of VTRANS’ maps by going to the satellite imagery on google earth and plainly see that Willow Road extends to the project parcel and provides regular vehicular access to the parcel. Further, the two-wheel path of the public road is plainly seen from space. See the attached images from Google Earth.

Respectfully submitted,

/s/Thomas Melone

Thomas Melone

Bar No. 5456

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http://vtransmap01.aot.state.vt.us/Maps/TownMapSeries/BENNINGTON_Co/BENNINGTON/BENNINGTON_MILEAGE_2017.pdf.

Untitled Map

Write a description for your map.

Legend



100 ft

Google Earth

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Willow Rd



100 ft

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Google Earth

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Untitled Map

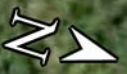
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Willow Rd

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