

**TOWN OF TUNBRIDGE
SELECTBOARD MEETING**

Tuesday, April 12th, 2022 6:00pm, Town Offices and Via Zoom

Meeting called to order at 6:05pm

Present: Mike McPhetres, Gary Mullen, John O'Brien, Mariah Cilley, Susan Salster, Maureen McCullough, Brenda Field, Mariah Lawrence, Betsy Gaiser, Rodney Hoyt, Liz, Paul Gillies, Nate Stearns, CPF, Fern's iPad, Cal Heminway, Daniel Rudi Ruddell, Michael Sacca, Billie Smith, Betsy Race, George White, Todd Tyson, Johnathan Bicknell, Amy Frost, Matt, Elizabeth Brown

Road Report- Rodney Hoyt

Looking to buy a new truck. The longer we put it off the longer it will take to get it here. Right now they are 18 months out. Discussions of a 4500 horsepower versus a 4700 horsepower. The 4700 would be handy but potentially unnecessary for an extra \$5000. McPhetres discusses trade ins, plows, body's and truck prices. O'Brien asks how trade-ins work if we sign papers but still drive it for the next two years. Hoyt says that the trade in quote is for the two year price. Mullen asks if we can wait and make a decision next meeting. Hoyt is hoping for a decision quickly. A five year warranty is about \$10,000. The 10 Wheeler replacement was slated for next year. McPhetres makes a motion to buy a Freightliner with a 4700 horsepower engine, body and warranty totaling approximately \$186,182. O'Brien seconds. All aye. So moved.

McPhetres motions to approve VTrans Structures and Class 2 Roadway . O'Brien seconds. All aye. So moved.

Mary Pickett has offered to make gravel and sell it to us. The selectboard is leaving this up to Hoyt. McCullough's will make material with less powder and more stone. Where are we with the town garage retrofit? Selectboard encourages Hoyt to keep moving forward and pursuing the next step which would be to hire an engineer.

Library Bikes Discussion- Mariah Lawrence

Lawrence received a grant from the American library association as part of her community conversation. The grant is for the after-school program and the community conversation determined that they wanted bikes for this. Lawrence presents a quote for six to eight bikes from The Gear House in Randolph. They will be available for checkout at the library on Monday through Friday from 3:00 PM on. They will be available to ride on the fairgrounds. Tavian Mayer has written up waivers and the bikes will be stored in the basement at the library for now. Waivers will be kept on file and updated on a regular basis. George White comments and says that we should host a bike repair day at the library. Looking for a pump track in the future? There is grant money available if we can find a space. Space is mentioned by the Town Garage where the pavilion will be built. Michael Sacca notes that. The Ranger is doing a collaborative event on June 11th, which will be a bike safety repair, free helmets, etc. The Selectboard says to forge ahead.

Legal Trails Discussion- Paul Gillies

The floor is opened for public discussion first. Mullen sets a 2-minute limit.

George White- Looking for clarity on legal trail usage. Trying to solve issues satisfactory to both parties looking to maintain rights. Gillies- We can establish an ordinance for all of the four trails and we can set different ordinances for each trail and we do not have to show reason as to why we did this.

Todd Tyson- Who oversees dealing with the maintenance of the legal trails? The Town has no duty but if there is a tree down or obstruction does the Selectboard have the right to decide on maintenance? Gillies- No obligation for maintenance but the Selectboard has full power to regrade to put in culverts. A person goes on the trail at their own risk, but the Selectboard does have the right to maintain the trails.

Michael Sacca- Can we change an ordinance if we decide to? Gillies- Yes, they are always reversible.

Gillies states that there has been some surprising news from the Supreme Courts stating that the Official Town Highway Map does not reflect all roads in Tunbridge. Still could be roads that are clearly observable on the ground and that these roads still exist.

George White- Any laws that state a property owner can control what happens on a trail? Gillies- No. Town owns ROW. If a tree is cut down the landowner gets the wood offered to them. Another factor is that a landowner can do whatever they want on their property as long as the town approves if it affects the ROW. The Selectboard is all powerful over the trail. A landowner cannot build a barrier to the trail.

Mike McPhetres- If we thought someone's road was thrown up according to this rule the road is still there? Gillies- Yes it would be considered a Class 4 road and should be discussed with the AOT to make sure it is on the map.

Brenda Field- If we must update a culvert or put in one where there hasn't been one before would the road crew need to get permission from the landowner. Gillies- Yes, more than permission because if the water ended up on people's property they could sue. Easement for this is the best practice. The DEC has authority over towns if it is in the wetlands.

George White- If there is an existing body of water and we are not redirecting the flow, just making it easier to pass through can we put in a culvert? Gillies- Yes but we are not obligated to.

Paul Gillies- The landowner has no legal jurisdiction to work within the right of way without the Selectboard's permission.

John O'Brien- How are new ROW's created? Gillies- A sight visit and the meeting of the Selectboard and then discussing of what do we owe the landowner if we create a new ROW.

Michael Sacca- If the landowner wants to propose to move a trail or road how does this happen and who bears the cost? Gillies- They would come to the Selectboard and they would decide yes

or no. The landowner would bare the cost. If a tree is down or the road is washed out and you have to go around this then there is a temporary ROW around this obstruction.

Nate Stearns- His client is interested in a Discontinuance of LT#4. His client is willing to turn it into an easement all the way through his property in order to put up a barrier to prevent jeeping. You (Gillies) are noting nothing to stop the Selectboard from doing this. Gillies- No reason why they couldn't. He would be interested in seeing an easement. There is a question regarding if it was properly laid out. Possible the town would be well advised to let the Selectboard allow the restriction.

John O'Brien- Going back to the very beginning, what is the difference between a Class 4 road and a Legal Trail? Gillies- Not a huge difference. Legally, no difference. It is something that results from a hearing of the Selectboard. A legal trail could be more prohibited regarding who can drive it, who polices it, gates it, etc. We can regulate and enforce this.

Gary Mullen- So a Class 3 or 4 road down to a legal trail there is no restriction unless the Selectboard designates it.

Adoption of LEMP- Brenda Field

Adopting what we had from last year. McPhetres motions to approve the document. O'Brien seconds. All aye. So moved.

Town Meeting Warning- Signatures

O'Brien makes a motion to sign the Town Meeting Warning. McPhetres seconds. All aye. So moved.

WEC Permit: Possible Action

Washington Electric Company is putting up a new line on Strafford Road. McPhetres motions to sign the permit. O'Brien seconds. All aye. So moved.

VTrans Grant: Possible Action

Signed during Road Report.

ARPA

Cilley has been advised by TRORC to take the standard allowance on this first quarter of reporting. This allows the town more flexibility with the money. McPhetres makes a motion to allow Cilley to take the Standard Allowance. O'Brien seconds. All aye. So moved.

Audit Review-Betsy Race

The auditors are requesting a full audit review. The last full audit was done in 2019 and then Covid hit. They will be using Sullivan and Powers again. McPhetres motions to approve an audit review for FY 2020. Discussion is held regarding if it should be a review or a full audit. The cost of a review is about \$5000. A full audit is around \$15,000. McPhetres adds to his motion that if the audit will be done after July 1st he would like a full audit. O'Brien seconds. All aye. So moved.

Policy for Honoring Tunbridgians- John O'Brien

O'Brien would like to do something to honor Euclid Farnham at the Town level, but wants to

make sure that it is done fairly so other people who have someone they would like to honor can come to the Selectboard and there is a process. O'Brien's thoughts were for a memorial naming a property, feature, scholarship, forest, bridge etc. Cilley will reach out to other clerks to see if anyone has a similar policy.

Other Business:

Cilley brings forth an email that was received requesting the use of the electronic sign outside of the office. The Chelsea Flea Market would like to display information regarding the market. O'Brien asks who sponsors this event. Thinks we should create a policy for this board.

Cilley requests approval to apply to the CVSWMD Municipal Service Program Grant Program. The Selectboard approves.

Emily Howe is requesting to move back in to the Town Hall for clogging. This is approved.

Densmore Issue: Cilley had another complaint regarding the dogs and trash. Will check state statute for animal cruelty and reach out to VSP since we do not have an Animal Control Officer or constables. Cilley will also reach out to Health Officer Jodi Hoyt to have her take a look.

Warrants: Warrants were signed and approved.

Minutes from 3/22/22 were signed and approved.

McPhetres motions to adjourn. O'Brien seconds. So moved. Meeting adjourned at 8:01 pm.

Gary Mullen, Chair

Mike McPhetres, Vice Chair

John O'Brien, Clerk

