

TOWN OF TUNBRIDGE

Tuesday July 11th, 2023 at 6:00pm via Zoom and Town Offices

Meeting called to order at 6:06pm

Present: Mariah Cilley, Rodney Hoyt, Mike McPhetres, Gary Mullen, John O'Brien, Jonathan Bicknell, Maureen McCullough, Susan Salster, Elisse Gabriel, Brenda Field, Rebecca Hoyt, Todd Tyson, John Echeverria, Rudi Ruddell, 802-238-0674, iPad, Matt Frost, George White, Ellen Hosford, Thornton Hayslett, Andy Rodgers, Betty Brown

Road Report-Rodney Hoyt

Strafford Road has several pretty bad slides. Unsure what it is going to take to fix these. The river has taken out something under the side and the slope is starting to run down. Not really anything we can do to fix it temporarily. Thomas Hoyt is using his drone to check some bridges that we are unable to see from above. Round bales floated down the river and hit the Howe Bridge and snapped some boards. Land slide at the beginning of Foundry Road. Hoyt and Cilley will finish taking photos for damage first thing in the morning. The crew will head over to work on the road damage near Mary White Road. Besides a few of the bigger issues, the majority of the work will only take about a week to fix and clean up. Mowing won't take place this week. Pickett's is hauling sand now. No new news on the truck that is waiting on the lot for a body.

Orange County Sheriff's Department Check In

Postponed due to the flooding. The Selectboard reads over the contract. Cilley will call to set up a meeting with Windsor County Sheriff's and will postpone signing the contract until they follow up with over avenues. Chair Mullen tabled signing the contract until a future meeting.

Treasurer Check In- Becky Hoyt

At town meeting we voted to move all surplus to the ARPA fund. This totals \$98,885.00 and Hoyt would like to be put this surplus into the Emergency Fund. The current total of our Emergency Fund is \$132,693.29.

Hoyt wants to also start thinking about creating policies for remote workers. For example, stipends for telephone usage, computers, mileage reimbursement policy etc. now that more people are hybrid or remote workers.

McPhetres asks Hoyt about how we determine if high school students still live in town if they go to other high schools. Who checks in on this? Do we know that each tuition we pay for is legitimate?

Legal Trails Discussion- Jonathan Bicknell & Selectboard

Bicknell briefs on the Trails Committee. An info sheet and a legal trail suggestion was created in September of 2021 but remains pertinent today. When this topic went into litigation, the trails committee went into a pause and they worked on other projects. They recently have done some listening series for the public this winter and one of the topics was trail connectors. Want to make sure they can handle a few trails before they have a bunch of them. Recent discussion included an agreement with whoever owned the property regarding trail location and recreational use.

This way the landowner is covered but it also covers the town. Trail signage and parking is also pertinent. This needs to be open to the public, not just Tunbridge residents. We need to have a trail steward who walks it often, keeps an eye on it and make a decision. Other questions are how do we handle maintenance and how do we determine usage.

Tyson asks about using a trail on a landowners property would not really be considered a “right of way” it would just be an agreement.

O’Brien asks about recommendations on the Orchard Legal Trail. : Until the trail can be reviewed by the State District Wetlands Ecologist. Jeff Parsons reviewed and it did find areas of wetlands that are Class 2 or Class 3. Eliza Shumacher reviewed the area after 2021 and bottom line came down to it not being a clear yes or no usage

Echeverria: There are Class 2 wetlands on the existing Orchard Trail. These would present a regulatory issue. A permit would probably be issued though. There are some things you can do in the Class 2 wetlands approved by DEC without requesting permitting such as bird watching, hiking, biking, horseback riding etc.

Matt Frost: Trails Committee should probably close the trails down now until further notice due to the rain we just received.

Tyson: White and Tyson went out and looked at the Orchard Trail to see how they could get around permitting requirements. There are three levels of permitting requirements.

Echeverria and White walked the last Orchard Trail after the last meeting and there is progress being made. More talking needs to happen but it is moving forward.

White discusses his meetings with Echeverria. They looked at the land that was proposed last year again and it seems like there is forward motion of the hurdles that came up last year. White thinks that this is worthwhile to keep pursuing this avenue. In summary, Echeverria is offering to make an uninviting trail route into an inviting trail route that is comparable to what we have now. John O’Brien walked as well and the O’Briens are open to the idea of a reroute through their land. Main issues: 1st- agreed upon route with both property owners. 2nd- to what level should the new trail be constructed to. White and Echeverria are pretty far apart at this point. 3rd- a key component is that the current Orchard Trail be thrown up and exchange the legal right of way to the alternate route. Since this is conserved land, would it be possible to take an established legal right of way and create a new one. 4th- DEC question with Shumacher for a new trail reroute.

White requests to continue on as life as we know it with the previous trail usage, but continue working on the trail negotiation.

Echeverria states that we have made a breakthrough working through these obstacles and it may seem that it will take forever, but he believes that if we work quickly and cooperatively they will be able to have the trail ready for next year usage. Echeverria does not believe that it is hard to throw up a trail. He wants to be able to find a solution that will make the most people happy. Echeverria is happy and fine having walkers continuing to use the Orchard Trail if there was a new trail created for bikers that was well known and marked and with an ordinance in place.

Matt Frost- Any proposal to throw up these roads goes against the Town Plan, and he believes that this should be put to a town vote before it is thrown up.

Todd Tyson- What is the position of the Upper Valley Land Trust on creating a new legal trail under the current conservation easement? Should be easy to find out. Tyson walked the alternative trail which he thinks poses a lot of complications. If there is going to be a change of a right-of-way, who is asking for the change of the ROW? If the town is driving the initiation, then the town is on the hook for the cost. If the land owners are seen as the initiators, then the land owners are on the cost. The people who have walked it do not seem to be thinking that this is a great alternative.

John Echeverria- The trail is cleared and well-marked and he invites everyone to walk it. If this can be done at a reasonable cost then Echeverria will bare that cost. By creating a new trail, we are not reducing the public rights of way. Echeverria can create new trails, allow biking, but cannot not create a new legal right-of-way without approval of the Land Trust.

Matt Frost- What if we established the trail, passed an ordinance saying bikes can't go on Orchard Trail and put signage up showing the new trail for the bikes. If there is a better trail made for bikes then the bikes will go there. We don't know what the future holds for climate change and extreme weather and we shouldn't be

George White- Not totally onboard with the way Frost is describing the trail. To bring it up to the standard of what is already enjoyed is not comparable. It should be the equivalent of what we already have.

Jonathan Bicknell-You can see in the problematic wet area that the Orchard Road has been shifted up.

Gary Mullen- Our attorney has said to not give up our legal right of way. Unless we restrict usage, anything goes, and if we have usage we have the right to repair it.

John O'Brien- This should really be called the alternative legal trail. O'Brien thought it was originally wanting to create a new bike trail to get people off the trail for safety and peace of the Echeverria's but what it really is is that Echeverria wants to close the whole legal trail for his benefit and not just create a new work around for bikes. Echeverria always talks about speaking for the landowners, but that means that he needs buy-ins from abutting landowners (the O'Briens) and the O'Briens are happy with where the legal trail currently is and does not want a reroute on their property.

Matt Frost- Times change, a bike reroute is the best choice, and to let Orchard Trail be kept open as a legal trail.

George White- We continue talking to Echeverria and O'Brien to find a solution to the problem, since it is going to continue being a long process, and in the meantime we open up the legal trail to past usage.

Thorton Hayslett- Is surprised that Echeverria wants the trail to be thrown up but then allow Orchard Trail pedestrian usage. The primary issue is to get bikes off the trail but that the road needs to be thrown up because he wants to have discretion over who can use the trail.

Todd Tyson- Would like to encourage the Selectboard to continue trail usage as it was in the past, and to continue discussing the work around. Tyson believes this is the reverse of imminent domain. Waiting until the trails are so overgrown from lack of use that future Selectboards' decide to throw it up.

Jonathan Bicknell- How will the steward system work- asked by John O'Brien. It would be one person. We provide the guidelines to make the decision to close the trail etc.

John Echeverria- If you want the search for a solution to continue and you want to allow the VAST users to be able to keep using the property, then snowmobilers will use the trail, litigation will continue for years and there will be no further conversations happening. If you want the conversation to continue and to achieve a win-win then we need to keep the trails kept pedestrian use only.

Jonathan Bicknell-Trails Committee suggestions in 2021. Baptist Hill completely closed except for VAST use in the winter. Falls Hill open to pedestrian use only until there is proper signage. Crossroad closed until maintenance and clear signage is updated. Orchard Trail be reviewed by States District Wetlands Ecologist then the trail is only open to pedestrians when the ground is frozen.

Andy Rodgers- There are free apps available to jump on to get your trails on.

Thorton Hayslett- Just to be clear, are you opening the alternative trail to bikes? JE- no, I am only encouraging the people in this room to ride their bike on it. TH- it would be a gesture of good faith to allow bikes to be able to use the trail now. JE- the trail is currently hard to bike. It needs to be improved before it is usable for other people. TH- Frost mentioned that any trail that are high up, an effort to get to it is already restricting the people that are going to use it.

McPhetres makes a motion to go back to former uses on the trails (walking, biking, horseback riding, non-motorized etc.) with a trail steward to overlook the trails and with no organized events going through. O'Brien seconds. All aye. So moved. This date will be 7/25/2023.

Liquor License Approvals

McPhetres makes a motion to approve the liquor license for Alena Inc. O'Brien seconds. All aye. So moved.

Other Business

Judy Howe is wondering about spraying bugs at the Town Hall. Selectboard would like to have her look into it more.

Judy Howe is seeking permission to put up cleaning requirement signs in the Town Hall. Approved.

Approve Warrants:

All warrants signed and approved.

Approve Minutes:

Minutes from 06/13/2023 and 06/27/2023 were signed and approved.

McPhetres makes a motion to adjourn. O'Brien seconds. Meeting adjourned at 8:23pm.

Gary Mullen, Chair

Mike McPhetres, Vice Chair

John O'Brien, Clerk