

SELECTBOARD MEETING MINUTES

Tuesday, August 1, 2023, 5:30 p.m, Old Schoolhouse Common and Zoom

Present: Selectboard members Richard Baker, Justin Campbell, and Michele Gonzales; Town Clerk Bobbi Brimblecombe; Visitors: Rachel Hellman, Allen Banbury, Melissa Seifert, Jaquelyn Rieke, Michelle McCormick, Greg Western, Sonia Carrasco, Drew McNaughton, Mark Kaufmann, Philippe and Susan LeClerc, Lane, Larry, and Lloyd Larrow, Tim Hicks, Richard Cowart, Michael Stark, Norbert Barnett III, Norbert Barnett IV, Diana and Loucias Quintin, Will and Amanda Austin, Ed and Cheryl LeTourneau, Tom Jamieson, David Herring, Jim and Sue Richardson, Andrea Hill, Ronald Gingras, Greg Western, Bob Hill, Kim McAdams, Jan and Cary Smith

At 5:50 p.m. the meeting was called to order by Chair Richard Baker

Changes or additions to the agenda: soccer field, Scott Franks resignation, Grants in Aid

Public Comment:

Minutes: tabled

Reclassification Public Hearing:

Rich stated that in October 1974, the Depot land was deeded to the Town. There were a series of hearings and minutes, and in May 1997 the Selectboard adopted the railroad bed as a Class IV road. The Town had been maintaining it but it wasn't actually a town road until 1997. According to statute, rights-of-way shall be 3 rods wide and the property is 5 rods wide, so there are no abutters. The purpose of the hearing is to hear what people have to say about the reclassification of the road.

Rich noted that there is severe flood damage beyond this section of the rail bed. That section is also Class IV road.

Larry Larrow: His family has the green camp at 750 RR Bed East. The RR Bed was going to be resurfaced from the Depot to Bailey Pond Road. Rich affirmed that we were planning to do that before the flood; there was money offered by the Cross Vermont Trail and some town funds, and he has applied for other grants. He noted that a Class IV road is not eligible for any funding but trails are eligible for grant funds. Now we don't have a plan right now. He also noted that the Town does not have responsibility to maintain Class IV roads, other than bridges and culverts. Mr. Larrow indicated that at least one culvert was overtopped.

Greg Western stated that the culvert under the rail bed near Bailey Pond was too small. Since the culvert is too small, one possible solution is a larger culvert there to allow the water from Sleeper Road to flow to the pond.

Michael Stark: He used to live on a Class IV road. He was under the impression that the Town

would grade it once a year. Rich stated that according to statute, it is up to the town to decide.

Richard Cowart: He is a camp owner on Turtlehead Pond and an owner of land. He is concerned about access. The notion that there are no abutters is not appropriate. He wants to make sure the camp owners can use the trail to access their camps. Rich explained that the two camps would still have access from Bailey Pond Road.

Fred Barnett: He is concerned that if his son wants to build on his land, it will be difficult because he won't be able to access his property from the railroad bed. He also uses the railroad bed to access his maples during sugaring season. He does not want to see the road gated. Rich stated that he brought it up because he has seen damage from people driving on the road in mud season. The hearing is only to hear opinions.

Michael Stark: He sees the Forest Farmers doing more damage to the other end of the road than Fred.

Cheryl LeTourneau: She asked if the Board is asking this because we will get more money, or because they don't want to see people on it. Rich restated that the town will be eligible for more funding, and he does not want to see it rutted because it makes it difficult for bikers and walkers.

Ed LeTourneau: He worked for the Town in the early 70's. He doesn't think it has been graded. He thinks Rich does not want to allow the Barnetts to use it for sugaring. Ed thinks that it has never been graded. Rich reiterated that we are only here to listen.

Fred Barnett: Wants to go on record that the tractor did not make the ruts that the cars did.

Cary Smith: Feels that even if the property is 5 rods wide, the adjoining landowners should still have access. Rich explained that whether it is trail or Class IV, the road is still not as wide as the property.

Bob Hill: He is concerned about access. He has not seen ruts. His family drives cars to the camp. Going Bailey Pond Road, there is no way that they could get through in a car – they would need four wheel drive and higher clearance. He needs to maintain access from the parking area. He doesn't want to see it gated.

Michele Gonzales: Are vehicles allowed on a trail? Rich stated that it is up to the Town. We can't say what a future Selectboard would do. She stated that we need to be aware of who is tearing up the road. She acknowledged that the Barnetts clean up after their use but others may not, but it comes down to Class IV = no funding, Trail = funding

Bob Hill: He has not seen much change in the road for as long as he has been using it.

David Herring: Asked to clarify the funding. Rich explained that the Cross Vermont Trail Association gave \$10,000, the Town earmarked \$5,000 from ARPA money, and he applied for

another \$10,000 from a grant. David asked where the money would be used. Rich explained that it would be for the entire section from the parking area to the intersection with Bailey Pond Road.

Cheryl LeTourneau: Asked for clarification about the Cross Vermont Trail. Greg Western explained that the Cross Vermont Trail is not a legal designation – it is a scenic bike route that can be on roads or trails.

Drew McNaughton: He explained that it could have been called the Cross Vermont Route. Cheryl feels that it is too iffy to rely on future boards to gate it or not gate it.

David Herring: Noted that the part we are talking about is the only section that is driveable right now. What is going to happen when this section is nice but the further section is not? Rich explained that the hearing was set before the flood. David thinks that if the legal trail is gated, the mudders will just move over to the Bailey Pond Road.

Layne Larrow: He is part owner of the family camp. They bought it 26 years ago. He has brought his kids here and he now brings his grandson here. He appreciates what we have here. He doesn't think the landowners are responsible for the ruts. He thinks it is vandals. (Rich agreed). He noted that the other end has been terrible for years, and he doesn't want to have to go down and access it through the other end. He doesn't think his taxes will go down due to the loss of access. If there is a gate, he wants to have a key. He has seen kids tearing up the road.

Bob Hill: Agreed that owners would need a key, but he feels that if there is a gate, motorcycles are still going to go through and cause damage. He feels that the landowners are good stewards.

Tim Hicks: Wants to clarify that if the road is made a legal trail, they could lose access in the future. Justin asked if it is possible to have a legal trail with deeded access to landowners. Bobbi explained that it is possible but the Townspeople would have to vote to grant easements.

Layne Larrow: He thinks there is no problem with changing it to a trail but the problem is with limiting access.

Fred Barnett: He has a problem with changing it to a trail because of the depreciation to his son's property. He has a camp on Hardwood Mountain Road and they deal with mud trucks.

Michael Stark: He reminded the Town that when a bridge was out on Bailey Pond Road, the railroad bed was used as an alternate access until the bridge could be repaired. It was plowed through the winter.

Richard Cowart: Is there any other section of the railroad bed where the town is claiming a 5-rod right of way? Rich explained that no, the town owns this parcel fee simple, but in most places the town only owns a right of way and the landowner owns the land underneath the right of way. Justin explained that there is one other parcel where the 3-rod strip of land that is the railbed belongs to a private landowner. Richard Cowart supports the Cross Vermont Trail but he also supports the

rights of the landowners to have access.

Larry Larrow: He noted that he enjoys his property during all four seasons, and does not support the idea of a seasonal restriction

Bob Hill: He agrees with Larry Larrow, he does not support seasonal access.

Tim Hicks: Asked if the property could be Class IV and a trail? Rich explained that the Cross Vermont Trail can donate money to anything, but there are state grants for recreation that do not allow funding for Class IV roads.

Bob Hill: He is also concerned about emergency services. Rich explained that the Town is not required to maintain Class IV for EMS.

Carey Smith: If you go through with this, you are trading access for landowners for a few dollars.

Michele Gonzales moved to table the conversation until we have time to grant access to landowners. Rich explained that the Board has 60 days to make a decision but no one came out to speak for recreation.

Drew McNaughton: He feels that recreation users did come out but they are not opposed to keeping access open for landowners.

Greg Western: The Cross Vermont Trail doesn't have a position on Class IV vs. Trail, but he noted that having dual purpose (vehicles and bikes/walkers) is more expensive than having just cars or just bikes/walkers. The CVT is committed to helping maintain the road or trail. They are in favor of keeping the CVT in the woods, in favor of Class IV or trail but not Class III.

David Herring: Nothing is going to stop bikers/mudders. If it becomes a trail and they tear up the gate, are they going to keep fixing it?

Ed LeTourneau: Is the washed out part the same Class as this part? Rich explained that it is the same classification. Ed asked why the town doesn't put in a larger culvert near Bailey Pond to prevent it from washing. He feels that there is a selfish interest only for bikes and he likes to drive it. It should be kept open.

Rich asked if there is anyone here who wants to see it changed to a legal trail? No one spoke up.

The hearing closed at 7:05 p.m. Rich stated that it will be on a future agenda.

Michele asked if we could solve all of the issues by allowing easements. Rich stated that allowing vehicle access makes it ineligible for the grants.

Rich moved to drop it. Michele asked if we could do some more research. The Board agreed to

put it on a future agenda.

Flood Damage

Holt Rd: Justin stated that the State feels that the closed bridge is an emergency situation and they recommended that the Town should pursue a temporary bridge, so he asked Bobbi to issue an RFP. And just because we bid it doesn't mean we have to accept the bid. Rich noted that we still have to pay 7.5% even if FEMA does approve the expense. The Road Crew placed blocks to prevent cars from crossing it.

Hardwood Mtn: The Town received a request from Ron Smith for reimbursement of materials to make repairs on Hardwood Mtn Road. He would do the work himself if we paid for the materials. Rich explained that we have a Class IV roads policy. It is a slippery slope if we start fixing Class IV roads. He feels that when people buy property on Class IV roads, they should know what they are getting into. Rich explained that people are supposed to get permission from the Board to work on town roads. Justin will talk to the Road Crew and see what their thinking is, what the cost would be, and what the condition of the road is. Rich noted that we may have to make some exceptions to the policy for Class IV roads in the situation of a flood.

Folsom Hill Rd: The road is open all the way to the top. It is passable but in need of finished repairs. Justin met with Patrick Ross to view the road drainage. He made some recommendations about larger culverts and headwalls. He is going to come back with some more formal information. The road is functional but still has some drainage issues.

Old Schoolhouse Common: There is still water in the elevator shaft. Drew McNaughton turned on the sump pump.

Justin noted that the Library Trustees have asked for a permanent sump pump but it may be some time before we could look at that. It will be major construction. There would need to be a trench dug in the gym. Bobbi will check with the insurance company to see how much they will fund. Michelle McCormick asked whether the Preservation Trust of Vermont would have funding available. In the meantime, there could be a portable sump pump that switches on and off automatically. Michelle McCormick has one that we could borrow.

Rich stated that Scott Franks has resigned, so we have no maintenance person. Susan feels responsible for the Town. She supports Scott and the Selectboard and she hopes that the email about mold issues did not offend people. She asked if we should section off the gym. Bobbi is concerned that shutting off that part of the building may increase the likelihood of mold in the gym. Rich suggested that we should have ServePro come back and see what they recommend. Justin feels that we should limit our investment to things that we know the end cost of. We need to be careful and cautious about our expenses. Rich will talk to ServePro and see if they can do mold testing, and if they have other recommendations.

Grant: The Board authorized Bobbi to apply for a \$5,000 grant from the Block Foundation for

the Old Schoolhouse Common.

Flood Repairs:

Onion River Road: The School has stated their intention to close the emergency access across their property. We have issued an RFP for several bridges, including Onion River Road. Mark Kaufman thanked Bobbi for putting information out and thanked the Selectboard for their efforts. He asked about debris removal. Bobbi indicated that the Town will talk to the State debris management team about the issue. The bridge bids will have an estimated schedule in them, and that will help us to plan for debris removal.

The Board explained the bid process and the procurement requirements.

Rich explained that the school has stated that they will not allow access to campers. They are only willing to allow property owners to use the access. He heard that the campground is planning to reopen. Jaquelyn Rieke asked about the lower road that was discussed. Rich explained that there are several issues that prevent the road from being a solution. Because of the floodplain, the road would only be allowed for 180 days. The school district can not grant an easement. Justin explained that we cannot operate outside of our legal right of way. Michelle McCormick asked if the town owns the property. The answer is no, it belongs to the Twinfield Union School District. Mark Kaufman explained that the school board was not opposed to having the road built along the river bank, but they learned that they do not have permission to grant an easement. That requires a vote of the school district.

Rich explained that if campers want to leave, they should do it now. He noted that he has contacted VLCT about the campground and whether it is an issue for the health officer. He explained that it is not an issue for the health officer because it is not a public health risk. VLCT also noted that if people want to stay in their homes it is their choice and the town does not need to send a letter.

Michelle McCormick asked if the people at the campground are in a position to leave. Jaquelyn explained that it has been difficult to deal with the situation and it has been difficult to be made to feel like a pariah. She mentioned that there are 7 vulnerable family units at the property and she is not charging them for staying there. She indicated that the unhoused population is a focus for Phil Scott. She is grateful that Green Mountain Power has found a way to restore power. She explained that these 7 families are planning to stay for 90 days. They typically have food insecurity but they are currently being fed. She tried to explain how important free access is when you are hemmed in by every other circumstance. Rich asked if the people could be moved to another campground where access would be better. Michelle McCormick stated that the unhoused people who were kicked out of motels were not allowed to move into state parks. Drew suggested that maybe people could park where people usually park to watch soccer games, and walk in and out of the campground.

The Board explained that we do not have any authority over the School property. Justin suggested to Jaquelyn to send a letter to the Superintendent and ask permission for people to walk across the

school property along the river so that they can park their cars on the Nasmith Brook Road. Bobbi explained that the Superintendent has expressed concerns about motorcycles on the property. Drew explained that the motorcycles were school students, not campers.

Cassady Rd: Alan Banbury is concerned with the access to the Cassady Road bridge. Justin is aware of the situation and he indicated that we will know more next week when we open the bids.

Debris Removal: The Board authorized Justin to sign a Memorandum of Understanding to take part in the state contract.

Emergency Watershed Program: The Selectboard authorized Bobbi to send a letter applying for the program.

Hazard Mitigation/Buyouts: Bobbi reported that she has notified the State that we have homeowners that are interested in buyouts.

Grants In Aid: The Board authorized Rich to sign the grant agreement for next year.

Soccer at Old Schoolhouse Common: Pam Quinn asked permission to stripe the Little League field so that it can be used for soccer. The Board approved.

School St: Justin has received complaints about the dust on School St. He will talk to the Road Crew about it.

Resignation: The Selectboard regretfully received a resignation from Scott Franks.

Schedule: The Board will have a special meeting on August 8, regular meeting on August 15, and meet on August 29.

Expenses, Permits & Payroll: Selectboard members read and approved reports for Payroll.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,
Bobbi Brimblecombe, Town Clerk

The foregoing is a true copy of the Minutes of the August 1, 2023 Selectboard Meeting.
A True Record. Attest, _____, Town Clerk
