

Bakersfield Regular Select Board Meeting
Monday, April 12, 2021
7:00pm

Meeting was called to order at 7:01pm by Josh.

Members present: Josh Goss (chair), Lance Lawyer, Gary Denton, Brenda Churchill, Terri Gates

Members absent: none

Residents/Guests: Melanie Riddle, Deanna and Rodney Allen, Debra Mason, Dan and Katie Forand, Jean-Marie Clark, Linda McCall, Catherine Keller, Tim Joyal, Abbey Miller, Mac Newitt, Paul Stanley, Jeff Billado, Julie Kyle, Jamie Rushford

Terri made the motion to accept the March 22 meeting minutes as written, the motion was seconded by Lance and passed with a vote of 5-0.

Warrants signed:

Road Commissioners Order #14&15-2019	\$19,303.15
Road Commissioners Order #FEMA	\$13,675.00
Road Commissioners Order #9-21	\$4,950.56
Selectman's Order #5-2021	\$2,026.23

Josh brought forward an email regarding the resolution signed at the last meeting that put Melanie Riddle on with Lance as BCBV grant application authority, saying that the State had denied Melanie, saying that the second person to have access to the grant application authority had to be the chair of the Select board, so Josh has to take the position. The motion for Josh to be appointed to the position was made by Josh, seconded by Gary, and passed with a vote of 5-0.

The board signed an updated ATV ordinance making two changes on the ordinance. The first change is that the date that the roads, available to ATVs, will become open on May 1 instead of April 1. The second change is that the section of 108, from the intersection of Rt 36 to the store, is now open to ATVs. Tim Joyal provided the Select Board with the documentation from the State showing that VASA had been given permission to ride on this section of road. The Select Board signed the updated ordinance, that will take effect as of tonight, and replace the existing ordinance on the town website.

Jamie Rushford and Julie Kyle attended to tell the board about Cat Crusaders. Julie introduced the organization by saying that Cat Crusaders began as a spin off from Feline Friends in Lamoille as their pilot program in Franklin county, that spays, and neuters stray cats and for those whose owners can't afford to have it done. After the pilot program ended, individuals decided to form their own 501C3 non-profit organization because of the huge problem with cats in Franklin county. Julie said that as a large animal vet she sees the problem first-hand on the farms who have dozens of cats. Some of the farms feed the cats, some do not. People drop off cats to farms all the time. Cats get hit in the

road, etc. Cat Crusaders volunteers each began by just doing it on their own using their own funds, but they found that they were more effective working together. They operate off donations and fundraisers and are asking the towns that they service to contribute somewhat towards what they do. They catch cats on farms and strays and transport them in a rented, air-conditioned U haul to Dr. Laura in Danville, who is capable of dealing with feral cats, to neuter and spay and feed. They also provide inflated boxes so the cats have a place to lay in and stay warm in the barns. The cost to neuter one cat is \$70.00. The vet tips an ear so they can keep track when looking for cats that need to be spayed. They have done 13 cats in one day in Bakersfield. One farm had 50 cats and they were able to catch 30 to take and neuter. Each trip with a load of cats, costs \$2500.00. Each trap costs \$100.00. CC also works with older people with very little resources who have cats. Another problem that they see is that people in rented apartments leave cats behind when they move and that landlords should be aware of what animals are in their rentals to be on the watch for animals that are left and need help. Lance walked over to Julie and Jamie and contributed \$100.00 from his wallet and thanked them for helping and feeding stray cats. The organization also helps to find homes for the strays. Lance also asked them why it costs so much for an ordinary person to take a cat to get spayed...hundreds of dollars...Julie and Jamie said that that didn't make sense to them either. They said there used to be spay/neuter clinics offered, but those shut down during COVID, hopefully they will open again when things get more toward being normal. CC plans to do one trapping a month from April to October...\$2500.00/month. They pick them up, and bring them back cleaned, fed, spayed/neutered.

Josh said that it had been an oversight when the board was putting together the town warning for the ballot for town meeting that excluded Cat Crusaders from the ballot. The board had spoken about not including anything new this year. Terri told Julie and Jamie that the board would have to discuss it and they would get back to them.

The Board discussed the request after the presenters left and after a brief discussion, Terri made the motion to make a \$250.00 donation to Cat Crusaders and to encourage them to come back to the board next year with a letter presenting their request. Lance seconded the motion and the motion passed with a vote of 5-0.

Paul Stanley from the Fire Dept came to speak of the FD's decision about the July 4 celebration. He said that the FD had discussed this, and one member wanted to push forward and have it, but the general consensus was that we should not do it this year. The Special Concerns committee were of the same thinking. The construction on 108 presents severe safety concerns regarding parking, etc. and the construction on the Historical Society, which is slated to begin in June, would present safety concerns as well.

Josh asked if there had been any discussion of having a celebration in the Fall for Founder's Day, after all the construction was finished. Paul said that they hadn't discussed that, not knowing where the construction would be at that

point. Lance said the trustees had had a meeting with Gary Foote and Linda McCall and they hoped to have the Historical Society finished by then, but we couldn't be certain. Paul said that was also making the big assumption that all restrictions would be removed by then. The Select Board agreed with the Fire Dept's decision. Lance made the motion to support the Fire Dept and Historical Society and Special Concerns committee in postponing July 4th activities until 2022. Terri seconded and the motion passed 5-0.

Melanie Riddle sent the Select Board an updated fee schedule for the board to look over, along with fee schedules from Fairfield, Enosburg and Fletcher. She said that the new fee included the clerk fee. Previously, people had to write two checks. The zoning permit fees have not been updated in Bakersfield for many years. Terri said she found the fees a little steep. Lance said that they looked more in line with the other towns. Melanie's thought is that the board has added more weekly hours for the zoning administrator and that the updated fees would cover the cost of that position, taking that load off the taxpayers. Abbey said that last year the ZA account ended the year \$1,300.00 ahead but she believed that was due to the fact that we had no Zoning administrator in the position for the later third of the year. The year before last, the ZA account finished the year \$1500.00 behind and had to be drawn from the general fund. Lance said the ZA account typically runs at a deficit. Terri said that she thought that the fees had gone up too much, that she understood that there was need of an increase but that this was a pretty big increase. Brenda asked Terri what her fear was in raising the fees. If someone wants a building permit, etc, how would they know that the fees had been raised. Terri said she would know, and her children would know when they tried to get a permit. The building permit fee went up to \$215.00 with an additional 0.15 per square foot. Gary said that Enosburg's building permit fee was \$150.00 with no square footage fee. Fairfield's building permit fee is 500.00 plus 0.15 per square foot. Melanie said the average house being built in Fairfield was between 1500-1800 sq., on the smaller side, which adds \$225.00 to \$270.00 to the permit fee. Lance said that he would like to see the zoning board have a positive balance at the end of the year for a change instead of taking it out of the general fund. There was some discussion on the pool permits. The inground pool and pond permit fee \$85.00; permanent above ground pools is \$25.00; temporary pools require no permit. Josh said that he didn't think that it would hurt to go with these fees and see how it goes, if there was any push back. Discussion regarding the sign permits started with looking at the sign permit categories and fees. Sandwich signs had a one-time \$40.00 fee, meaning a business would pay the one-time fee to use a sandwich sign as many times as it wanted to, without paying additional permit fees. Terri asked if that was just businesses or did this include non-profits. And what about seasonal signs like garage sales and Christmas tree signs. She asked if we could just exclude some of the permit requirements. Josh said that maybe we should have the Planning Commission come to the next meeting to discuss the sign permit fees. Melanie said that she would review the sign ordinance in the bylaws again but that

while the board determined the fees, they could not determine what permits were required. Linda McCall asked if the Planning Commission had given their input to the changes in fees. Melanie said that the Planning Commission comes up with the bylaws and determines what is permitted and what is exempt, and the Select Board approves the bylaws and determines the fees. They can set a fee to 0.0 but they cannot determine an exemption. The Planning Commission has nothing to do with the fees. Melanie read off the list of signs that were categorized as exempt from permitting. The exemptions include any sign the town puts up, signs put up for safety, and temporary signs including Real Estate signs, political signs, lawn sales, etc. that are taken down after the event. The little Christmas tree signs that go up, Melanie said were temporary and therefore exempt. Gary said that in Enosburg village, if the sign is in the town's right of way, then it needs a permit, if outside the right of way, then it is exempt. Maximum sign sq. footage in Vermont is 30 sq. ft.

There were questions about the demolition permit. Melanie said the permit goes to the listers to adjust the landowner's tax bill. The Planning Commission made this a two-part process such as in a boundary adjustment. Two separate permits with two publicly warned hearings on those applications.

Greenhouses had no size restrictions, tend to be smaller, these could almost be categorized as a shed, since things are stored in them through the winter similar to a shed.

Josh said let's give the new fees a try. Gary agreed. Brenda said they that the zoning fees haven't been changed in umpteen years and that nobody would even notice them, it would be nice if this branch of government can run without a deficit.

Gary made the motion to set the fees as recommended. Brenda seconded the motion and the motion passed with a vote of 4-1, with Terry opposing.

The new fees take effect immediately. No retroactive charges, this is for new permits only.

Jeff Billado attended the meeting via speaker phone to address a concern that he had regarding a neighbor. He informed Josh that this neighbor had pot plants growing on Josh's property. Josh said that as long as the plants didn't affect his view, he was ok with it and that it was legal to grow marijuana. Jeff also said that the neighbor had a burn pile out there and Jeff has COPD and has had to close his windows and the neighbor is drunk all the time and driving while drunk. Josh said that when that's happening, then Jeff should call the State Police. Josh said that this is not a town issue. This is an issue with your neighbor and your landlord. Josh said that he, personally, had paid a visit to said neighbor last year about the issues that Jeff had reported, and he was cordially received, and the neighbor said that he would address the issues. Josh said that he wished they could help more but they just can't. He told Jeff that if he was not satisfied that he could call the Franklin County Sheriff's dept or the State Police. Jeff said that he had called the governor's office. Jeff said that maybe the town should have the state police patrol 20 hours a week. Josh said they have tried to get that passed, but the voters keep

voting it down. Jeff said that the neighbor also runs a go-cart and the carbon monoxide is not good for him with COPD. Jeff said he had the Fire Marshal come to check on a grill too close to the building and the Fire Marshal came and removed the grill. Jeff asked if the board had thought of installing cameras in the town and Josh said that the town was not interesting in viewing its residents. If you see something to report, alert the State Police. Jeff said that his neighbor burns without a building permit. Josh advised Jeff to call the Fire Marshall when that happens, and he will come and dump water on it. The board gave Jeff, Fire Warden Robert Willey's number 827-6164. Jeff wanted to know if Bakersfield had a Health Officer and was given the name of Ginger Parent. Jeff said that he had COPD and hadn't had a COVID shot yet. Jeff said that with no noise ordinance, the Select Board is making it legal for his neighbor to do what he is doing. Jeff asked Josh if Tom was his Uncle. Josh said he didn't see how that was relevant but yes. Jeff asked if Tom had these concerns, would Josh just tell him to call the police. Josh said yes, if Josh had already addressed it and it continued, he would have him call the State Police.

Abbey attended the meeting to update the board and have them sign the TAN loan. She said that Audrey was going to be here tonight, but she was unable to attend at the last minute. Abbey informed the board that getting the loan this year was more difficult and she had to jump through a lot of hoops. She is afraid there may be a point, in the near future, when the town won't get approved for the TAN loan because of the way our finances run. The town was approved for \$199,000.00 at 2.2%, which was only \$1000.00 less than last year so we should be fine. Abbey presented the board with the reports using Quicken pointing out the differences from what they are used to seeing with Peach Tree.

She gave them the Profit and Loss report for the first quarter showing what the town brought in and what the town paid out, and the report showed that the town is running at a deficit at the end of the first quarter. Abbey advised the board to begin working on the budget for next year now. The board had projected trying to adjust the schedule for the budget for the town in 2024, but Abbey pointed out that that is 3 years away and the TAN is not a guarantee because of how our cash flow rolls. Josh said that he thought that after the informational meetings, the town was finally beginning to understand the difficulty of the timing of the way the town sets, approves and collects the budget, that a lot of the town residents didn't realize. Highgate, Fairfax, and Montgomery went to a fiscal year this year. Sheldon a few years ago. Abbey said that 90% of the towns don't break apart all the accounts and vote on each line item, they vote on one lump sum, which gives the town the opportunity to move it around when applying for a TAN loan. The different line items are all reported in the town report but voted on as one sum. Terri said that the school budget is killing us and as a town we need to start to think about what we are to do about that. We didn't get what we were promised.

Another report presented was the Budget vs Actual, which is perhaps the most important and will help to budget for next year.

Abbey said that she is still coming in 2 days/wk and she is trying to scale down to just one and then to take a break before beginning taxes.

Terri asked Abbey how the training was coming, and Abbey said that there was a learning curve with the training, and they have made some progress and were getting it. She and Audrey had a talk today about figuring out Audrey's schedule.

FEMA – Abbey said that their extension got approved today and there is another conference call at 10:00 tomorrow morning. She said that she gave Tyler permission to speak on behalf of the town. She and Lance said that Tyler has been worth his weight in gold, very thorough, he clears up permit questions instantly. He's getting the job done. He knows his stuff and is great to work with.

Abbey said that she talked to Jason Bapp and he accepts the boards appointment as auditor. He is booked with taxes right now, so the audit for Jan/Feb will happen mid-May. It can wait and Abbey anticipates it to take a day to a day and a half.

Paul Stanley said the Fire Dept has begun to go over their budget and requests to be put on the board's agenda for May 10 for the board to review it.

Tim Joyal-ATV club- checked in to make sure that the Select Board received the documents that he had provided from the State to allow ATVs to travel the short stretch to the store on 108. The board confirmed they had received them and that they had made and signed the change into the Town ATV ordinance. Josh said that he didn't do anything about Witchcat and that he assumed that was a change that Tim would make. Tim said he would keep his word and post signs on Witchcat for No ATVs. Josh said the town changed their opening to May 1st to match the ATV club's opening day. Josh spoke to Tim about the stickers that the town is requiring, and Tim said that he could put that information on the Club kiosk so the members would know about it. Josh said that the Bakersfield deli was not as willing to sell them, so to purchase a sticker, someone would need to stop in at the Town Clerk. Kathy, the president of the ATV club, asked if she could get some stickers to get them out at their meetings. Josh said that he would be ecstatic to do that. She said that riders will be paying VASA to ride on their trails and Bakersfield to ride on their roads. She will emphasize that this is the way to go. Their concern is that ATV riders will go to other clubs but still use VASA's trail head. Tim asked how the town is going to enforce it, if riders don't get a sticker. Josh said that in Newport, riders pay VASA and a 15.00 town fee. He said the town is mostly concerned with repairing the damage done to the roads by ATVs. He said that it is great to see you guys enjoying the roads, but we need to recoup some of the expense of repairs. Tim said that he would check with other clubs to see how

they are doing it and get back to us. Tim said that he had been up by Gary Denton's and he picked up 3 cans up by the arena. Gary said that the riders that are not members are ruining it for the VASA members. Brenda told Tim and Kathy that she would get the stickers to them. Tim told the board that he had the VASA landowner permission form for the board to sign. Josh said as far as the permit deal, let the board know and Brenda will contact them by the next meeting April 26.

Roads-

Mac said that Mark has been on the grader two weeks now. Lance said that the boulder that Mark had picked up with the grader, Lance had gotten out of the road. Josh said he had received all positive feedback. Someone said Witchcat was rough, and Mac said that he would check that out tomorrow. Mark had been over to Egypt road and it was still a bit too wet to work, they will have to wait for it to dry out more, hopefully by the beginning of next week.

The board thanked the road crew for tackling mud season the way that they did. They definitely wanted to note the board's thank you to the Branon's for the 12 loads of product that they have given for us to use on the roads and that it has all been put on them.

Terri asked about getting the guardrails in this year. We need to talk to someone as to how much it would cost.

The properties on Skinner hill have been measured for gates on each end of the legal trail. David said that 2 6-footers would be best with a gap in the middle for someone to walk through since the trail is open to hiking, biking and horseback riding. No motorized vehicles allowed on the trail. Josh said he wanted to get the gates up as soon as possible to end some of the issues that landowners are having. The board talked about putting huge stones on both outside ends of the gate to prevent attempts to go around the gate. Dave said that once the town gets the gates, he'll set the posts for them. Mac was to check with Kathy for any more info. Josh said he would rather go heavy on the gates, rather than lite and to push the gate up to the end of the field on the southern end to prevent people from bypassing the gate by going through the field.

Lance checked to see if Kathy Lavoie had contacted Tami to get the previous minutes that she needed for the grant and Tami said that Kathy had emailed her saying that she had found what she needed for minutes and she was all set.

There was a complaint about the house and two trailers on The Avenue regarding a build-up of trash. It was noted that this has become a yearly issue. Previous years, when it's been addressed, there has been an attempt by the residents to clear away the trash and then the town eases off as it sees the progress and then it all relapses back to the trash. We need to call Ginger Parent to begin the process of investigating and then contacting the VT Health Dept. There was talk of the possibility of the residents having been issued a

conditional use permit as they worked on getting a septic, which apparently, as they understand it, as long as it is still in progress, the permit stands, but as of now there is still no septic design. The residents have dug some trenches, but they are not legal. The Select Board is to have Melanie, our ZA, to research the history on this subject.

Terri is to reach out to Ginger.

There was talk about permanent access links to the Select Board zoom meetings. All the SB zoom meetings are recorded and are to have access links that stay on the town website. The question is where to put them. Tami mentioned that, at present, the links are still on the Bakersfield Home Page but that was not going to work for long. The Welcome to Bakersfield part is now half-way down the page under the links as it is. Brenda is to speak with an IT friend to seek a solution.

A BIG THANKYOU TO MEGAN BUCKLEY for donating her time to set up and run the camera, mics, etc. to make the zoom meeting possible. VERY MUCH APPRECIATED...Megan saved the day and because of her, we have a recording☺

Brenda gave an update on the town's purchase of zoom equipment. She has purchased a laptop that will stay at the town office for zoom use and a new camera. The camera, belonging to NWATV, that has been used for the zoom meetings cost around \$5000.00 and Brenda found one that will work for \$89.00, with a tripod so it can be positioned where needed. She is still shopping for cabling, adapter, and mics and a large 70" screen TV that will be mounted on the wall permanently for multiple uses. She found that there is enough Wifi when she uses the free Wifi produced by the booster that was recently installed on the Townhall. She also said that the free wifi is being used by students etc.

Brenda said that it's time to recertify herself and Heather Jewett to represent the town in the NWCUD. There are grants out there coming from GMP and the CoOp for people served in our territory that will reimburse companies that are taking broadband to the last mile. Working on updating and getting a network in place- 100mg mesh for faster service, currently upgrading facilities that are 50 years out of date with copper wire which oxidizes and breaks down over time. Fiber optic does not break down and the government is to provide money that will let them update infrastructure for internet and cell service. Brenda predicted that, 2 years from now, we'd see a whole new landscape of broadband.

Josh said to put Heather and Brenda on the agenda for the next meeting for the board to recertify them.

The board spoke briefly about getting some bids for an outside audit to be voted on at next year's town meeting.

Tami presented research on the creation of the Bakersfield ATV sticker. Grizzley Graphics in Sheldon said that they could do the sticker for 0.25/sticker for an order of 50-100 and for an order over 100, it would be 0.21/sticker. The board decided for bright, highly visible, orange stickers for the kick-off year. Josh thought that 500 stickers, which would cost \$105.00, would be a good amount, especially considering the number of ATVs in town. Town residents will get a free sticker but still must register for a sticker and place it on their ATV.

The board read a letter from the Enosburg Ambulance Service, giving them a heads up in needed changes to funding, structure, etc., of the Enosburg Ambulance service and invited the board to a meeting on June 7 to discuss this issue and its impact on Bakersfield residents. The board is to do some research to discover exactly what medical emergency service options are out there for the town.

The board spoke briefly about how little impact the completed rail trail through the extreme southwest corner of the town will most likely have on the town. Creating a site for parking would be Bakersfield's responsibility. The vast trail is to be two rods wide.

Gary made the motion to adjourn the meeting at 9:27pm, Brenda seconded, and the motion passed 5-0.

Impromptu discussion continued after adjournment and since there was a quorum, it is included in the minutes.

The board discussed creating an "ad hoc" position for the Road Crew that the Select Board would have to vote on that would allow a person, with proper credentials, but not employed by the town, to operate town equipment to help the road crew if needed, such as heavy, continuous snow; road blockage; etc. The Select Board is to look deeper into this possibility regarding liability, pay, insurance, etc...possibly signing them on as a sub-contractor with their own insurance. As it stands now, if a Select Board member assists the Road crew, it would be as a Select Board member hourly pay and not as an ad hoc. The board wants to get a general policy in place that would cover handling these circumstances.