

Bakersfield Regular Select Board Meeting  
Monday, April 22, 2024  
7:00pm

Meeting called to order at 7:00pm by Lance Lawyer

Members present: Lance Lawyer (Vice-chair), John West, Nicky Cribb, Todd Cosgrove

Members absent: Josh Goss (Chair)

Residents/Guests: Brenda and Larry Westcom, Jerry Brown, Gary Denton, Terah Williams, Alice and Gary Foote, Erik Genest, Joe Genest Jr., Sean Taylor, Ewing Fox, Ben Morse, Kathy Lavoie (NRPC-Brigham Project), Tim Smith (FCIDC), Nancy Patch (Forest Parks and Rec), Rosalie Williams, Larry Krygier, Eastman Root, Dillian Westcom, Thomas “Tommy” O’Connor (VASA Director), Randy and Janet L’Esperance, Joe Denus, Tim Carty, Brian Benoit, Maurice Jones, Jacob Jones, Linda McCall, Heidi Groelinger, Steve Groelinger, Chris Bequiregaol, Chade Bartson, Jan Ketchum, William Irwin, Brenda Churchill, Nick Rivers, Andrea Jones, Lisa Stone, Mary Baker, Jennifer Getty, Randy Henninger, Joseph Genest, Ron Harrington II, Sharon Evans, Tim Joyal, Matt Burrington, Dan Forand, Derrick Bilodeau, Carolyn Bronz, Sue Sonski, Mark Doremus, Dave Wilcox, Arnault Baker, Deb West, Tami Brennan

Previous minutes: John made the motion to accept the April 8 meeting minutes as written, Todd seconded the motion and the motion carried with a vote of 4-0.

Warrants signed-

Selectmen’s order #10-2024	\$116.35
Road Commissioner’s order #16&17-2024	\$11,043.23
Road Commissioner’s order #7-2024	\$2,110.62
Selectmen’s order #9-2024	\$13,369.57

Lance made a minor change to the agenda and the board would hear from Brigham Residence Project before Nancy Patch.

Kathy Lavoie, Tim Smith and Jim Cameron met with the board regarding the Brigham Residence Project. Tim Smith from the Franklin County Industrial Development Corp said that they were the organization that gave Bakersfield a \$15,000.00 grant for a feasibility study and to get plans together to find a developer. He said that they are optimistic about the opportunity for Bakersfield to increase housing and their tax base. Tim said that Jim Cameron, a developer from East Fairfield who has extensive experience with restoring old buildings, came on board and increased housing units, as given the housing shortage and Bakersfield’s proximity to Enosburg, Jeffersonville and St. Albans, as it made sense from a business perspective. Jim said that he utilizes tax credits and turns them into cash by selling them to banks, reducing the cost of the project from 20-25%. Jim said they walked through the Brigham

building as a group, including the two architects and Lance, and created a plan for 16 units of 1 to 2-bedroom efficiencies, with the possibility of excavating the basement for more apartments, library or community room. Their aim is to have rentals at a workforce housing rate of @ \$1,700.00 to \$1,800.00/month. Jim said that it doesn't work yet moneywise. Jim said that the relatively accurate estimate for the project is around 3 ½ million dollars and then a reduction of around \$800,000.00 to \$900,000.00 off that amount due to tax credits. He said that People's Trust wants to be on board and support the project. Tim said that Jim has been volunteering his time to develop a strategy to make this work, to get it to a place where this is attainable. Tim said that Jim has restored St. Albans House, St. Albans City Hall and the Court House, The Quincy House in Enosburg, Tim's Place, and the Perlie Block, among others. Tim said that the city of St. Albans has been comfortable with the quotes that Jim had offered on those projects, and they were sound. He said that St. Albans is very thankful to have him work on their projects. He said that Jim has learned the process and is well versed in older buildings. Lance said that Jim has been working on Brigham Residence for close to a year, all donated time, because he thinks that this is a worthy project. According to Doug Kennedy's feasibility study, apartments are the highest and best use. Jerry Brown asked who will be the one to own it, who will manage it and who would be on the hook if something goes bad. Lance said that needs to be determined. Jim said private, private, and private as the answer to all three of those questions. Lance said that for now there are advantages for the town to retain ownership as it makes it eligible for more grants. Jerry said that municipalities make lousy landlords as it shifts from business to political. Private, private, private, he said, if they can make it work, then stay out of the way and then make it work.

Nancy Patch, Franklin County State Forester, met with the board to speak about the ecological impact of ATV use on Belvidere Mtn Rd. The meeting passed to John as moderator and he set forth Robert's rules of order to organize those interested in speaking to this subject. Dave Wilcox, VT Watershed Forester, attended via zoom with drone footage of the affected site on Belvidere Mtn Rd. Nancy said that during an inspection needed for the Current Use program, she was blown away with the amount of damage on the private land off of Belvidere Mtn Rd, and shared the information with the State Forest Parks and Rec agency. She said she is attending the Select Board meeting to pass on this information to the community and leave it in the community's hands. She is not offering any solution to the problem. She said that the best solutions are accomplished by working together. She said that this is not our decision, and she is unsure where it will go in the future. She said there is significant damage that can be seen on the drone footage and photos and a lot of this is happening on private land beyond the legal right-of-way. Nancy said that she is not speaking on behalf of the landowner. The board watched the drone footage which showed the map of the wetlands area, the ATV ruts 50-60 feet out of the ROW, nowhere near the road,

done by ATVs, mud trucks, side-by-sides and dirt bikes near the bog area. John requested a clip of the worse damage be sent to us so that we could put it on our website. Nancy said that the upland wetlands are source waters for the Missisquoi water system. She said it's an important wetland and it's been disregarded by severe mud bogging. Nancy said that they hold their loggers, etc., to high standards and they have worked really hard to manage this property that the owner has placed in the Current Use program. She said this is a situation that needs a solution. She said this is private land and the landowner can no longer use this access as the stream has jumped out of its stream channel and has gone into the road. She said that if this damage had been done by a logger, both the logger and the landowner would be held accountable by the program. Access to private land is only by written permission of the landowner and is a matter of respect to the landowner. Nancy said that it is up to the rider community to manage that community, and this is not the way. Nancy said that the next step would be to engage with the participants. Todd said that he echoes what Nancy is saying and that it behooves all of us as residents of Bakersfield to protect our neighbors land, and it's up to the ATV riders to make sure that they are all riding responsibly so that a few don't ruin it for everyone. Lance asked how many acres were affected and Nancy said around 10-12 acres of wetland. John asked if this was complaint driven by the owner and Nancy said no, it was discovered when she was doing a routine 10-year inspection of the forest to remain in the Current Use program. She said that 10 years ago, there were riders then, but this is much worse, so she called the VT Agency of Natural Resources because this was bigger than she could deal with.

Ewing Fox from Essex said that a lot of us are off-roaders, and he is part of an organization that teaches people to use the roads properly and how to read maps. He said that he has a brain injury and his way to get into the woods is in his vehicles. He said that this is bad behavior, but he is aware that Nancy is involved in Conservation efforts as the vice-chair of a conservation organization to preserve land by shutting down Class IV roads. Nancy said that she was the co-founder of the Cold Hollow to Canada organization, and they have never, ever closed down a road. She said their mission is to steward land that an owner has voluntarily shown interest in preserving and we connect them to people to help in that purpose by putting a conservation easement on their property. She said we don't hold easements ourselves and they do not deal with Class IV roads. She said she is not representing Cold Hollow to Canada during this inspection or tonight.

Tommy O'Connor of Jeffersonville, the Executive Director of VASA, said that he understands about free speech but there is decorum and civil disclosure, and he apologizes for what was said online about his topic. He said that VASA no longer has trails in Bakersfield, but they now have an incredible trails crew that is experienced in wetlands and that they have received significant grants to maintain corridors that we want to keep open. He said they have no standing in Bakersfield but would like to discuss changing that and having trails reopened.

Jan Ketchum of Bakersfield said that she is not sure of where these roads are and she's been hearing how terrible it was but there is part of this road that's not so terrible so it would indicate that people are riding respectfully and safely and riding where they are supposed to be, so we should capitalize on those who are honoring the properties. She said that she is a tree-hugger, that their roots grow deep, and their crowns are amazing, and they are sturdy and strong. She asked that we acknowledge that there is a lot of right among this.

Eric Genest from Monkton said that he has a camp up that road that they built in the 60's, and they have been riding up there for a long time. He said they clean up the roads by filling burlap bags from garbage on the road. He said that they love riding up there and he would hate to see the trails close because of the bad people. He said that they know the people that own the land.

Nancy said that some people may assume that it is open but it's not open, you need written permission from the owner on your person when riding on private land. She said that someone brought in an excavator to push the beaver dam and clear it out so the ATVs could get through and that is trespass. Bringing equipment onto private land is off limits.

Janet L'esperance from Swanton said she apologized for calling Nancy a tree-hugger online, and that she has a camp Belvidere Mtn Rd. She said that she has been walking their dog illegally on that property and she has seen lots of jeeps up there. She said they also fill garbage bags, and they care about other people's property, and if she knew who they were, then she would talk to them.

Todd said that there are no trails up there, that the Class IV Road is the trail. Lance said that everything off the Class IV Road is private land. Nancy said that the Class IV Road is the trail and that the logging roads that go off the road have never been open to the public for ATVs.

Joe Genest from Monkton said that back in '67, he was one of the culprits going through the mud but now I stay out of the mud. He said that he drove 1000 miles out of that camp, and he needs the road to get out. He said that he wanted to work together to keep that Class IV Road open.

Brenda Westcom from Belvidere Mtn Rd in Bakersfield said that she lives on that road year-round and she asked if it could get flagged as to where the road is and where the private property is and people stay off the private property, would the land recover on its own. Nancy said that yes, she believed it could naturalize but she was afraid that just putting signs up wouldn't work because somebody will just tear them down. She said if you could stop the mud bogging and figure out how to get across the wetlands, then the wetlands could recover on its own.

Randy Henninger from Fletcher said that he is an avid hunter and to control who is on my land, I have to legally post my property every year and put posted signs every 200ft. around the perimeter of the property. He said that he likes to mud bog too, but he would like to work with VASA to build up and keep access across the arena. He said that the landowner has not complained, and the land is not posted so we should have access. Nancy said that entering private land that is not posted is only allowed for hunting and fishing because of a relic of the crown lands and is unique to New England and it is not like that any other

place in the country. She said that does not pertain to wheeled vehicles. By law, It is not allowed to have a wheeled machine on another person's land without written permission from the owner on your person at the time of riding. Jacob Dromey said that he is of the younger generation and he doesn't know where the road is, that he just follows the tracks. He said that there is no signage so we don't know where we can ride. He said the landowner hasn't complained and he assumed that the excavator was up there because of logging. Nancy said no it was not logging. She said that just because the owner has not complained, there is still considerable damage, and it is the responsibility of the person riding the ATV to know the laws and a landowner shouldn't have to make a complaint in order to have their land respected. She said that she didn't come here with any intent to close the roads. Tami said that the only real information that anyone knew was posted on the agenda, that Nancy was coming to speak with the Select Board about the environmental impact of ATVs on Belvidere Mtn Rd. That was it. Nothing about closing or placing gates across roads, that was rumor from social media. Shaun Taylor from Burlington said that he is a jeep owner and his father worked in a land trust and he remembers back in the day it was hard just to get access. He said it's hard to call people accountable if there is no enforcement to enforce these rules. He said that ATV is a very specific term and that you can tell by looking at the wheelbase. He said that jeeps were also causing damage.

Tara Williams of Bakersfield asked Nancy if this damage continues will this effect this landowner in the Land Use Program. Nancy said that at the moment, they are not holding the landowner responsible but that is a good question and one that her superiors would have to decide.

Rosalie Williams of Bakersfield said that part of Belvidere Mtn Road is a Class IV Road and asked how far it went, if it went way over the mountain. She said that she thought that Class IV roads need to be kept up to be able to be passable it at least one season a year.

John said that the town doesn't maintain Class IV roads. He said that we have a Class IV Road policy and it's up to Mac to go and inspect the road one a year in the summer.

Someone asked if the town was liable for anyone riding on a Class IV Road.

John said that the town is not liable for anyone riding on a Class III Road so we're not liable the rider on a Class IV road. He said that our current Class IV Road policy was chosen because it had already been vetted and tested in a court case in another town.

Mary Baker from Fairfield, Connecticut, one of the landowners of the land called the arena and the surrounding property, said that she has owned the property since the 60's and she remembers the arena as not being the arena but the beaver pond. She said that she hadn't planned to speak but she keeps hearing that the landowners don't care. She said that the owners do care. She said that she has placed that property in the Current Use Forest Plan and when someone comes in with an excavator to push out trees and knock out a beaver dam, we are not happy about it and don't appreciate it. It's not a mud

bog. It is not an arena. It is a beaver pond. She said that she is part owner of the arena.

Tommy O'Connor explained that the VT State label of ATV is specific to All Terrain Vehicles, but OHV was for Off Highway Vehicles, which are jeeps, trucks, etc.

Janet L'espérance from Swanton said that she owns a camp in Bakersfield and asked if these meetings could be publicized better.

Nicky said that if you are not checking our agenda for every meeting you wouldn't know. We are working on getting a social media presence but for now it would be on our website. John said that the Select Board meets every 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month, and our agenda is always on our website prior to a meeting. Tami said that the agenda is also posted at the library, Jolly store and the Town Hall bulletin board.

Ewing Fox from Essex said that he appreciated Nancy coming and speaking to us and he said that those of us who go up over the mountain have been livid about the way that people have gone up there. He said that their group does rides for free. He said that the state maps are what you need to use to know these roads. He said that signage to show where the road up there would help as the town maps are ambiguous through that area. He said that educating the people who go up there is important as it's very tricky to know where the road is. He said that he was sure people would contribute time and money to get signage up there and proposes that as a recommendation to the riding community.

Randy Henninger thanked everybody for being here and that the actual landowners were on here. He said that if we completely help heal the landowner's land by staying on the town road is a win/win. If the landowner loses and we lose access, it's a lose/lose. He said that we need to respect the landowners as the Class IV still goes through their land.

Brenda Westcom from Belvidere Mtn Road said that we can't ride the trails until a certain date, and we have ATVs riding up there in January and February and the rainiest days are the biggest days that they are there.

Tommy O'Connor said that the state and VASA state that roadways open May 1 and close by Oct 31. If the weather has not dried out the roads, then they bump back the opening to May 15 and then June 1. He said that they provide law enforcement and ticket them.

Ewing Fox said the unofficial group/volunteers that he belongs to has a couple hundred members and they do not ride during mud season, ever, because it causes erosion and damages relationships with the towns. He said that a key component of what we teach is that we respect landowner and the trails or we're going to lose them.

Lance thanked everybody who came tonight. He said that he expected it to be more like the Hatfield's and McCoy's, and it has been very respectful, and we are very appreciative of that.

Nancy said that it was suggested to her that she not come alone tonight, and she said that told them that she knows Bakersfield, that she has worked here

for a long time, her family is from here and that she knows that this community is a kind and caring community.

Dave Wilcox said that they are not interested in keeping people off the road or out of the Right-of-way, just not to go out of the ROW.

Joe Genest said that he spoke with the warden, and we need to keep folks using the ROW effectively and we need to exert some peer pressure to those going out of the ROW and report them to the wardens. He said he has ridden 1000 miles out of there and that when he is up there, he makes sure that they stay out of the mud.

Jerry Brown of Bakersfield said that he the oldest person here and he remembers when you could drive a 2-wheel drive Toyota pickup and a horse and buggy all the way up through there. He said that 2 years ago he tried to drive up there and got just past Bill Bradley's camp. He said that he has watched the road degrade over 30 years and watched mud trucks come out with inches of mud on their side, mud from the mountainside. He said we used to have multiple fences across that road. It was a pent road, that was how it was classified in the past, and if the Select Board hasn't released it, then it is still a pent road. He said that he doesn't think that anybody really knows where the road is.

Nancy said yes we do.

Jerry said you may think that you know. He said he has the title surveys from the Marsett's....and there are descriptions in those deeds.

He said that he remembers Brenda Westcom's grandfather driving his Model T up there to lovers lane.

Carolyn Bronz of Bakersfield said that she is proud of this community and proud of how the community is handling this issue.

Road Report- Mac isn't here. Todd asked Tami to ask the crew to put some gravel in some large potholes on the Avenue where it turns to dirt and hits Egypt Rd. There have been no responses to the Road Commissioner ad or the grader ad.

Todd made a motion to readvertise the grader. Tami said that the grader ads are still up. Todd modified his motion to extend the bid period of the grader to May 15 and repost. Also, to post on Facebook Marketplace, Bakersfield Community Page and Bring a Trailer. Nicky seconded the motion and the motion passed with a vote of 4-0.

Hole in the Town Hall Roof Update- Josh was to talk with his neighbor about this. Josh will be at the next meeting.

New PC for Main Lister Computer in office-Tami said that Sue Sonski is having problems being able to do all that the listers need to do on the old computer and they are asking the board to consider a new computer. John said that the computer is ancient and it's having problems running the programs. Tami said that computer is the brain for the other computers also running NEMRC software so that computer is very important, so we need one to that can do the

job. The board asked if they had any prices yet and Tami said we wanted to get the board's ok to look.

Todd made the motion to get a price and bring it to the board. Lance seconded the motion and the motion carried with a vote of 4-0. Tami said John needs to get with NEMRC and do this as he would know what we would need.

Constable Update- Todd said that he believes that Enosburg is moving forward toward having their own police force. He said that he told them that Bakersfield is interested in this, but cost is a factor. Todd said that Belvidere is interested, and Sheldon is interested.

Tami said that Chris Ward is coming to the May 13 meeting to get an update of what his duties are as town constable.

Municipal Social Media Notifications Update- The board received a packet on Municipalities and Social Media. No Updates yet.

Swiss and Bloom liquor license- Todd made the motion to approve the liquor license for Swiss and Bloom, Lance seconded the motion and the motion carried with a vote of 4-0.

Milton Cat worked on the school generator and sent the board the Inspection Report. It has a leaky oil valve, and they suggested that the anti-freeze be emptied, cleaned out and then refilled and then some belts need to be replaced. It is the town's responsibility to upkeep the routine maintenance.

**Reminder- Brigham Residence Project Presentation on May 13, at 5:00pm at the Town Hall.**

Executive Session- Lance made the motion to enter Executive Session to discuss Land Use and Permitting. Todd seconded the motion and the motion carried with a vote of 4-0. The board entered Executive Session at 9:13pm.

Todd made the motion to exit Executive Session, Lance seconded the motion and the motion carried with a vote of 4-0. The board exited Executive Session at 9:30pm. There were no decisions made during Executive Session.

Lance made the motion to adjourn the meeting. Todd seconded the motion and the motion carried with a vote of 4-0. The meeting ended at 9:31pm.

Meeting minutes were recorded by Tami Brennan.



