

Bakersfield Regular Select Board Meeting
April 24, 2023
7:00pm

Meeting called to order at 7:04pm by Lance Lawyer.

Members present: Lance Lawyer (vice chair), John West, Todd Cosgrove, Terri Gates

Members absent: Josh Goss

Residents/Guests attending: Ryan Ovitt, Linda McCall, Carolyn Bronz, Mac Newett, Alex Barkley, Rosalie Williams, Dan and Katie Forand, Tami Brennan

Previous minutes: John made the motion to accept the previous minutes as amended and presented, Todd seconded the motion and the motion carried with a vote of 3-0. Terri having not yet arrived.

Warrants signed:

Road Commissioner's Warrant order #02-2023	\$1,567.92
Road Commissioner's Warrant order #16&17-2023	\$19,272.36
Road Commissioner's Warrant order #4-2023	\$4,955.50
Equipment Repair	
Selectmen's Order #2-2023 ARPA	\$214,060.43
Selectmen's Order #9-2023	\$15,461.58

Finance- none

John told the board that he attended the MERP class about the Municipal Energy Resilience Program grants. He said that the State Reps and VLCT were there. He said there are grants up to \$500,000.00 available for municipalities. John said they are giving out small \$4000.00 grants to start and help with assessments. He said that Josh had tasked him to go and get an assessment set up, but he said he has learned that the Northwest Regional Planning is in charge of this project. They are our representative and they will assign someone to come and assess our buildings. They said to pick your most important projects first because we probably won't get them all. He said that they require someone with keys to all the buildings to take them through, they are not going to wait around to get in. We are to prioritize the projects we'd like done in the municipality. They said the minimum assessment will be a level #1 survey, but they prefer a #2 level which includes heat images, etc. The assessments will be scheduled through VLCT. Lance asked who will pay for the assessment. John said that's what you apply for the \$4000.00 grant for. John said that he is on the list for email notification, and we still need someone to do our grants. John said the board had decided on Alex. John said they also don't have a project designer, so we have to do our own design and implementation. The grants cover mechanical, electrical and plumbing up to \$500,000.00. John said that he asked about the monies and how they were dispersed. He explained that we were a small municipality and didn't have the cashflow of a larger city like Burlington. They said that the grants were prioritized by

population so the smaller ones should be helped sooner. John said that the government has pulled \$45,000,000.00 from ARPA for green projects. Lance asked if John had any idea when this would begin. John said that he had to reach out to the NWRPC. John gave the board the website to check out: bgs.vermont.gov/municipal-energy-resilience-program

Linda McCall- spoke on behalf of the Cemetery Commission and gave the board a letter. Linda said that she is the new chair of the Cemetery Commission and that last year, volunteers stepped up to work on the village common to make it reflect Bakersfield. Lisa Stone gathered the volunteers and put flowers in the town common and have kept them alive all winter on the second floor of the town hall. Linda said that we are the cemetery commission and not a Town Common Commission and we spent money on flowers and stone last year. Linda said that she checked it out, and state law requires that the money that the Cemetery Commission receives should be used exclusively for maintenance of the gravestones and cemetery grounds. She said that in 1963, the Cemetery Commission was assigned the care of the Town common. Now we have people ready to step up and take positions on a Town Common Commission and take the collateral responsibility off the Cemetery Commission. Lisa and Ivan Stone, and Ann Mittlestatt, are organized and if the Select Board establishes a Town Common Commission, they would be willing to serve on the board. Linda said she had a list of needs, such as fertilizer and mulch, so they are asking for \$350.00 to get started. Linda said the 130 geraniums that they purchased last year are looking really good. Linda said that some people believe that we can bury people in the Town Common, and that is not true. She said that in Land Record Book 1 pages 319-321, holds the deed by which Joseph Baker gave 5 acres to be used for a burial ground and town common, so if anybody violates that the town can be sued. Linda said we may want to rewrite the bylaws, since everybody does not need 16 square feet, which is 5 plots, due to cremation. Lance said that he could donate his because he wants to be spread on the farm. Linda said she could give up hers because she can be buried on the family plot. Lance asked for an opinion. He said he had done his research, but he asked Linda's opinion to speak to the ball field. Linda said that land was part of the Common School, and it was given to the town. Lance said that is the same thing that he has found. Linda said that the Historical Society has their septic tank and leach field on that land as well. John asked Linda if the TCC was requesting \$350.00 in funds. Linda said they would like some starting funds. She said they would also be happy to see Alex come on as a grant writer. She said the cemetery needs some fences and they are pretty expensive.

Ryan Ovitt spoke to the board on behalf of the Bakersfield Little League, to request labor and trucking of a load of Ballfield mix to put on the ball field. He said the board approved that the little league would pay for the gravel and the road crew would transport it to Bakersfield. Lance said that the precedence has been set. John made the motion to have Mac haul a load of Ballfield mix for the

Bakersfield Little League. Todd seconded and the motion carried with a vote of 4-0.

Carolyn Bronz spoke to the board on behalf of the Bakersfield Conservation Commission. She said that she wanted to clarify to the board and get specific approval for a project that the BCC wants to do in the town park, No Mow May. She showed the board some signs that they want to put up in the town park to explain why it looks like a messy lawn. Carolyn said that we don't have to wait until June 1st to mow but what she does is to wait until after the dandelions go to seed, which is close to June. And then after that it is recommended to mow every other week, instead of every week, to make a healthier lawn and it allows plants to grow. She said there would be a strip mowed right next to the sidewalk and a strip mowed around the garden, so it doesn't go right up to the sidewalk. Lance asked her if they planned on sowing some seeds. Carolyn said not right away, they are experimenting. Lance said that there is a program where farmers are asked to grow wettish land areas for the birds and the bees, especially the bobolink. Carolyn said that they are taking it slow, one step at a time, to be pollinator friendly. She said we just wanted to clarify what we have in mind and get your approval to get our signs up. John said that hearing what Linda was talking about, the cemetery commission mows the Town Common and Mac mows the Town Park. John said that if we have the equipment, we should be doing the Town Common. Linda said that Cemetery Commission has been paying for the mowing of the cemetery and common and they just signed a contract with Maria to mow both for the next two years. \$9,660.00 for 2023 and \$9950.00 for 2024. John said that Mac can mow the common. Terri asked Linda for clarification, you want us to take over the Town Common. Linda said they were requesting that a Town Common Commission be established to care for the Town Common. Terri said that the town doesn't want to pay the cemetery commission to mow the common, that the town can mow the common themselves. She suggested the cemetery commission renegotiate their contract with Maria for just the cemetery. Lance said the common is the smaller of the sections with no obstacles to mow around. Lance said that, for now, the common will not be included in No Mow May, it will be continued to be mowed on a regular basis as it is used by a lot of families with children. Linda said that mowing will keep the ticks down.

Alex Barkley met with the board via zoom. John asked if Alex had heard the discussion that the board had earlier in the meeting regarding the MERP grant. Alex said he had not, and John said he would update Alex tomorrow. John said that the board decided as a group to have you start with the MERP grant and that they would pay Alex's rate and see how we go from there. John said that the board has also tossed Alex's name around to other town organizations. Lance said that we have shared your name with several other groups but made it plain that they would be negotiating their own contract with you. Lance said some of them are municipal entities and they will come to us, but we'll stick to this for now. John and Alex agreed to speak tomorrow about contract details.

Roads- Mac gave the board a Road access permit to be signed for Dan O'Rourke. He said the work has been done and it looks good. It is the access permit that Josh wrote on that said if the plastic culvert fails, that it needs to be replaced with a metal one. Mac said it's all set, but he doesn't know if the permit fee has been paid. The board said they would wait for payment confirmation before signing. Mac gave the board a second Road Access permit, allowing for power to go beneath the road. He said we don't charge for that. Mac wanted to make sure the town required the power to come straight from the pole, straight across the road at a 90-degree angle, not diagonally, and continue directly out of the Right-of-way. The board signed to initiate the permit.

Terri asked how Waterville Mountain Road was looking. Mac said it was pretty wet at the top. Lance said that he went up Waterville to check it out and he said up by Bear's Den Hill, it still has frost heaves and is a real mess up there. He said he put his truck in 4-wheel drive and it was passable. Todd said it doesn't get any sun up there so takes a long time to thaw. Mac said maybe in another week it, will be thawed and dryer. Mac said they are waiting for it to get a little drier on Witchcat to deal with the potholes and to do round 2 of grading. Mac said that King Road has stayed really good this year. Todd said that he thought maybe the new grader cuts down deeper and can get the potholes better. Tami said that someone called the office to request that Pudvah Hill Road was improved. She said that he wouldn't give his name. Mac said that they took the grader up with a load of gravel last week. Mac said they got a radio for the new grader and replaced the one on the old grader because that wasn't working right. The radio supplier is going out of business and had these to sell. Todd said that Radio North is a good place to do business and has always been very good to the Fire Dept. John asked what happened Trucks 1, 2, and 3, in regard to the bills attached to the warrant. He said some of the invoices went back to February. Mac said that they have been arguing about the bill, since they believed that some of it should be under the warranty, but when they reset the master switch, the code that came up, they argued was not warrantable. That's why the invoice is older. He said that some of the work done on Mark's truck was covered by warrantee, but then after they got it back, a seal started leaking that they wouldn't cover. Mac said that they also were not getting the statements so there was a delay. Rosalie said that she was very pleased with the roads this year. She said they are well maintained and as an elderly person, she feels at ease that she is not going to get stuck and that an emergency vehicle can get through if needed.

Mac asked Lance if he got the email from Penelope that the papers that they submitted 2 weeks ago was finally signed and she said that it will take 2-3 weeks to get a check written. Mac said this is paperwork that has been submitted before and they ask over and over again for the same information.

Lance said that this is how the State Emergency Management responds. Todd said that nothing goes fast when the State is involved.

John said that the Zoning Administrator said that she can't come to the second Select Board meeting of the month to provide updates, due to another commitment, but that the first meeting of the month should work. John said she asked if attending by zoom was ok, and John said he told her that in person was preferred but, in an emergency, zoom would work.

The board read a letter from the board of the H.F. Brigham Library asking the board to appoint Rebecca Ann Bennet to the library board to serve the 3rd year of a 3-year term on the H.F. Brigham Library board.

Todd made the motion to appoint Rebecca Ann Bennet to the H.F. Brigham library board to serve the 3rd year of a 3-year term. Terri seconded the motion and the motion carried with a vote of 4-0.

The board read a letter from Rick Hayden who has purchased a camp on Belvidere Mountain Rd and whether or not there was a need for a state wastewater to be able to use it as a seasonal camp. The board referred the letter to the zoning administrator and said that she may need to reach out to regional planning.

Other business- Lance said that Dorothy Prescott has not responded to any of Lance's or John's phone calls regarding the Animal Control position. Todd said that the board should send a certified letter to Dorothy, of what we are proposing, and give her 30 days to respond. Lance asked Tami if she could work with him on that tomorrow.

Lance said that Harding and Mazodi is not getting back to him and is only responding to the insurance company. He said that VLCT is requesting more information such as his insurance and SS#. He said the attorney of VLCT is working on this. Lance said that Todd is helping and is not having any more luck than Lance is having on this project.

Lance gave a quick synopsis of the dog bite at Walmart. He said the same dogs had bitten somebody in February and the complaint went to Enosburg since that is the mailing address of the dog's owner. Enosburg then sent them to Bakersfield because the owner resides in Bakersfield. Tami said that she researched the tags that Nigel Churchill showed the board and the vet she contacted said that one of the dogs had an updated rabies shot this year and the other dog's rabies expired in Dec 2022 and has not been updated. The vet sent a copy of the current rabies certificate and contacted the vet in Newport, whom the owner had requested that the dog's records be forwarded to at the beginning of this year, but the Newport vet, said they have not yet seen any of these dogs. John said that when we rewrite the dog ordinance, we need to cover boarding and food for upkeep, and the owner will have to pay what it

costs us. He said the way our by-laws are currently written, they are underfunded. Terri asked what we are going to do for enforcement. Lance said we've got to get someone certified by the State of Vermont to issue citations. John said we've got to get someone and train them and hopefully they will be willing to hold the position for multiple years. Todd says that Ginger needs to write the report if the hospital does not do it, and she always needs to be informed when there is a bite. Lance said the hospital is required to report to the town and the dog has to be quarantined for 10 days to make sure that the animal does not have rabies. Rosalie asked if Mr. Churchill had to be treated for rabies. Lance said he did not get treated and the animals are still alive and healthy. Rosalie said that Mr. Churchill received 37 punctures and if he had been a child, he would not be alive. She asked the board that if something happens, is the town liable if we don't have a person trained to deal with dogs like we are supposed to have. John said that they are collecting the reports. He said we have Nigel's, and we have the New York report. He said we can't go and remove his dogs until we have 3 reports. Rosalie asked if the town was liable if they have not done anything. John said that we can't react without a report and substantiating evidence to respond. Rosalie said what happens when it's a state requirement that we have to have a constable. She asked if the Select Board has to take that position if there is none. John said that we can't approach them without the training. He said we can't find someone to take the position. He asked Rosalie if she wanted to take the position. He said we can get you started on training tomorrow. Rosalie asked if the board has spoken to Lelanie Ward's husband. Rosalie said that he had told her that he was open to it. The board said that if he is willing, ask him to reach out to the Select board. John said we would love it. We'd get to start training immediately. Rosalie asked if we need a dog catcher, a constable or both. Lance said we need both and there is a separate training for each. Rosalie said that she knows the person who owns these animals and if someone tries to take his dogs there may be repercussions. Lance said that is exactly why not just anybody should be doing this job. Todd said that we can't get back up from law enforcement unless you are law enforcement itself. Lance said they won't go without the assistance of a town appointed officer. Terri asked if we could send him an official letter. John said we can send him a letter notifying him that we have two reports of his dogs biting, and if we get a third, then we will need to remove the dogs. Rosalie said that she would do the paperwork. She said when she thinks of the neighbors, she remembers when she walked by, she made fists and held them down by her sides so they would not bite her fingers and stood there and didn't move. Todd said that he made Enosburg Rescue and Bakersfield First Response aware of this property so that if they get a call, they know what they can expect. John said that if we get the Newport report, then we can make a move. John said we should warn people via the Facebook forums about the dogs on Witchcat Rd, that it is not safe. Todd asked about requiring signage on the property. Lance said that when he talked to Trooper Farmer, she indicated that even she couldn't sign on animal violations because she had not had the training. John said that we can't even have a conversation

with someone because we are not properly trained. Lance said that we had contacted Enosburg's Animal Control person and we thought that we had someone who could work on this, but if we don't get a response, we will have to start over with another town. Todd said that we should send a certified letter to the girl we talked about to see if she will contract with the town and see if we get a response. Lance said he has more than he can handle on his plate right now with FEMA, Brigham, etc, so feel free. Todd said that you started it, he is just saying. Todd said that he would go up to Enosburg and he will talk to Billie Jo and see what he can find out.

Rosalie said she is worrying about the possible repercussions. She said that she has heard from others that they have felt unsafe as well.

Todd said that he would go to Enosburg and talk to them up there.

Brigham Academy Update- Lance said that he was meeting with Paul Dreher tomorrow and he submitted the signage that was signed at the last meeting and we will move on from there.

Terri asked if we were ready to put up cameras yet to track the crimes in town. She spoke of the numerous car break-ins into unlocked vehicles that happened in the village. They said that you never used to have to lock your car in Bakersfield. Linda said insurance pays better if you have it locked. The board said these are changing times and to anyone listening to this meeting or reading the minutes, Lock up your car.

Rosalie asked Terri where she is suggesting the town put up cameras. Terri said the parking lot between the Church and historical Society. She said she thinks that Jolly has some and J&A has them. Todd said they have them at the Fire Station. Terri said there is a lot of stuff happening in town between midnight and 4:00am.

Linda said that she returned because it sounded like the board had more questions regarding the Town Common. She said that the CC is planning to have Shane Lumbra take down some dead trees. Terri said that the CC can't touch the town common. Linda said there is not yet a Town Common Commission. John said that Linda said it was illegal to use the CC money on the common. John said just let us know where and why. Linda said they are on the border, and they are dead. John told her to ask Shane to mark them so they know what is dead and then they can determine what needs to come down and take them down.

Terri made the motion to adjourn the meeting, Todd seconded the motion and the motion carried with a vote of 4-0. The meeting adjourned at 8:43pm.

Meeting minutes recorded by Tami Brennan.

