

Bakersfield Regular Select Board Meeting
Monday, April 25, 2022
7:00pm

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

Members present: Josh Goss (chair), John West, Brenda Churchill, Terri Gates

Members absent: Lance Lawyer

Residents/Guests attending: Maria DeRosia, Pat Evans, Josh Pryor, Linda McCall, Deanna and Rodney Allen, Kathy Westcom, Laura S., Laura and Ron Hathaway, Tami Brennan, Katie and Dan Forand, Carolyn Bronz

Warrants signed:

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| Selectmen's Order #9-22 | \$8,366.58 |
| Road Commissioner's Order #16&17-2022 | \$10,895.31 |

John made a motion to accept the March 28, 2022, minutes as written, the motion was seconded by Brenda and passed with a vote of 3-0, Terri having not yet arrived.

John made the motion to accept the April 11 meeting minutes with the following amendments: Linda McCall said that the grant denial letters the historical society had received, were for grants that were applied for before they received the loan. She said the grants were denied because it was before they had the architect's report, and they were unable to get an architect in there because of Covid. Josh also noted that the roads to remain closed to ATVs are Academy Lane, The Avenue, and Skinner Hill Rd, which is no longer a road but has been downgraded to a gated, legal trail, with no motorized vehicles allowed on it at all. Brenda seconded the motion and the motion passed by a vote of 3-0, Terri having not yet arrived.

Finance- Maria DeRosia

Maria presented the board with an updated report that included the requested third column showing the balance remaining for each line item. She said that she also added, under Road, how much we borrowed on the FEMA LOC, how much we have received from FEMA to date and what we have received for State Aid, and how much we still owe. Josh requested that his name be removed from under the Salary column since he only helped out once and should not continue to be listed there. Maria said that she would take his name off the list under salaries. Maria said that she will be away from the 28th to the 2nd and Vera will be covering for her and doing the library warrant.

Conservation Commission- Pat Evans- Returning on the issue of the naming of the Brook that they had proposed to name Heron Brook. Lance had informed Pat at a previous SB meeting that the brook that was proposed to be named Heron Brook had already known as Bub's Brook for the last 100 years. Pat said that the CC was asking the board to sign a letter with the names of the brooks brought to the board as Page Brook, School Brook and Bub's Brook. Josh told Pat that the board had received a letter from the State Dept of Libraries with

write-ups to sign for Page Brook and School Brook. Pat had a copy to sign with the changes made to Bub's brook and he said that if the board is happy with it, then they can sign it tonight. Brenda made the motion to approve, accept and sign the renaming of the brooks as recommended by the Conservation Commission and the Vt State Dept of Libraries. John seconded the motion and the motion passed with a vote of 4-0. Pat said regarding John's question at the previous meeting about Fairfield being made aware of the naming of Page Brook, that Fairfield has also received a packet from the State Dept of Libraries regarding the naming of the brook, so they had been made aware. Pat said that he would bring in the petitions that had been signed as support for the naming of the brooks.

Josh brought the boards attention to letter that Tami forgot to give to the board at the last meeting. It contained a complaint about ATVs and a complaint about the board not returning their call. Josh said that calling Select Board members at their homes and expecting a direct response is not the way that any issue should be handled because no one on this board can act alone and make a decision, so any complaints should be brought to the Select Board meetings where the whole board can be addressed. Josh said that he reiterated at the last meeting that the roads are not open to ATVs in Bakersfield until May 1 and it is recorded in the April 11 minutes in the third paragraph on Page 7. Josh said that the board has tried to get money passed in the budget for enforcement of ordinances and it gets voted down every time, which leaves us with little that we can do when we get a complaint about a violation. Josh said if anyone wants to run for the board, they are more than welcome. He said that the board gives up time with their families and he felt a letter like this was not helpful.

Roads- Mac said that the roads are getting better, dried out and hard. Josh said that he had traveled the roads last weekend and the roads were good. There were some flat spots with a little washboard but for the most part, very good. Josh said that we have received no complaints. Terri said that Waterville Mtn Rd was better, and King Rd was much better. John said that the roads were excellent. Josh asked Mac if he had a chance to go down to the John Deere dealer. Mac said that he went down, and the guy wasn't there. He spoke with the guy later and the guy said that a sale takes priority over rental. He said that the minute the used equipment comes in, it is gone. Mac said that a rental would cost \$5000.00/month. The board asked Mac what it would be to purchase new equipment. Mac said that a new 672 is now equivalent to an older 772. They are both all-wheel drive. Mac said it would be \$370,000.00 for a 772 with a wing and \$40,000.00 less for a 672. Mac said the guy will keep looking for us. He has had a couple come in and go out. He's given us no used price yet. Josh said that if we are buying a used one for around \$200,000.00, we should think about it. Mac said that he agreed with Mark that they really needed a 6 wheel-drive for the heavy work that they need to do. Josh said that the state is having an auction next week in Barre. Mac said that they usually

don't have graders and usually have used pick-ups, etc. but he will go on the state website and see what they have.

Josh asked Mac, that if we did go new, would there were any other things you would want on the equipment. He said that in Enosburg, they have a brush hog attached. Mac said for the \$50,000.00 extra cost, you are probably better off bidding it out. Josh said he just wanted to consider if we were going to go the new route, what's the best way for us to go.

Brenda said that she and Mac spoke to Laura Hathaway who said that Ron had changed the driveway back and Mac went up and it looked like the driveway is still pretty much as it was. He said that they tore up the pillars where the cabin was. Mac said the Road access permit looks ok. Josh asked Mac if it meets the criteria we set forth. Mac said it did, that you can't put a culvert in that spot. Mac said that just past there, there is a little water bar which is taking water. Brenda said that this will let us go forward and get a 911 address and go forward with a building permit for the camp.

Josh asked about the Egypt Rd application for the driveway access permit for Sarah Jo Marcotte. Brenda said that currently they only have an agricultural access and they have put in a change of use permit and then we need to put in for a Road Access permit. Mac said there was no problem there and no need for a culvert because the water there runs away from the road.

Brenda said she also talked to the people putting up a sugar house behind the Doane Farm. There is no permit needed for ag buildings as long as the setbacks are followed. Brenda said that she believed that they planned to build a house up there at some point as well.

Mac said that at some point the board needs to discuss access policy. He has one resident that wants to widen a culvert, and somebody who had added to a culvert on their own and made the culvert fail. Currently the property owner is responsible for the initial installation and if the culvert fails, then the town is responsible to repair it. You put it in, and we maintain it, but we don't have a policy. Josh said that some of the houses on the back roads put in before the access permit policy, have sometimes 7 pieces of culvert pieced together because that is what they had available. Josh asked Tami to contact VLCT and see what they have for policy for Driveway access for new Construction and driveways put in before the present access permit policy. Josh said that some people that have received road access permits don't understand that they have to come back after the driveway is in place and get the access finalized. The board signed the Road Access permit for Ron and Laura Hathaway, and they signed the Change of Use permit for Sarah Jo Marcotte. The board also signed the updated ATV Ordinance with the updated paragraph as follows: The use of ATV's is authorized on all town roads located East of 108 in the Town of Bakersfield except TR#1 (Boston Post Road), all town roads located West of 108 in the Town of Bakersfield except Academy Lane, Avenue, and Skinner Hill Rd.

Signs are to be posted on these roads. Boston Post Rd is closed as well, so the signs will be at the junction of 108 and Boston Post Rd, on Boston Post Rd at the Enosburg Town line, 108 and the Avenue, and the intersection of 108 and Academy Lane. The signs will say NO ATVs, but we are not going to police it because we don't have the authority or the money to pay the authorities to police it.

Select Board Contact information- The Select Board personal phone numbers will no longer be posted on the Town Website. Brenda checked with VLCT regarding person information protocols and they highly recommended removing personal contact information from the Town Website. There is now a Select Board email posted on the town website that the Select Board members will be checking and have access to. Tami is also to check and print off concerns and place them in a NEW EMAIL folder, to be presented to the board at Select Board meetings, or to notify a board member for issues needing immediate action. Phone calls that come into Kathy at the Town office, if not immediate, will be documented and placed in the new mail folder for the next Select Board meeting. If the concern is immediate, the Select Board is still responsible to fill the role of Animal Control and Constable, which is basically for animal control, because no one is currently filling those positions. The Town Constable has no authority to issue citations without the state required training at the Police Academy and we don't send those filling this position to the required training to be able to act. Josh said that it is not expected or recommended that any Select Board member respond to an issue on their own. Lance said that he has had the police refuse to respond to an animal call. Josh said that he really didn't know how to go forward with this. He asked if we had a facility to hold an animal. Mac said that he thought there was still an animal cage in the North Station. Josh asked who is liable if the Animal Control officer gets bit. John asked if we had a pole with a collar to use with aggressive dogs. Terri said no. Other than the State saying that we have to have these positions, there is not much to say. The couple of people that have shown interest in the position in the recent past were under the impression that it was an adequately paid position. The Constable in order to have the authority to enforce ordinances, is required by the State to attend the parttime police academy. If we vote this position off the floor every year, it hardly makes sense for the town to spend the money for this training and the candidate to put in the time, just for the year, if someone else gets voted in. A full-time constable could write out tickets for ATV ordinance violations. Kathy asked that if she gets a phone call or email that needs immediate attention, is she just to call the five board members until she reaches someone. Josh said to call John first, and to send Josh a text so that he is aware of the situation and can contact John as soon as he is available to do so. Terri said that the Road crew should be the Animal Control, that it says in their job description they are to do duties as assigned. Tami asked what happens with phone calls after hours that are immediate. Terri said it they really want to find us they will find us. Kathy said that if she gets

road complaints at the office, she contacts Mac immediately and he takes care of it.

East Bakersfield Culvert- Josh said that he saw the email dialog between Brenda and Luke regarding moving ahead with the East Bakersfield Culvert Design, done at no cost to the town with no obligation to proceed in replacing the culvert at the present time.

External Audit- No responses received to date.

Brigham Residence- The town has asked the school to remove their stuff from the Brigham Academy and it is currently being removed.

Linda McCall asked who is responsible for taking care of the green at Brigham Academy because there are a couple of trees that have some large dead limbs that should probably be taken off before they fall off. She said that the last time that we had a car show there, we had some people that refused to park in certain places. Linda said that the Historic registry dictates that they be looked at by an arborist to make decisions of what gets pruned. Josh said that there is a resident of Bakersfield who is an arborist that they can contact for advice.

Plow Bill- Josh said that the board is still waiting for more information on how to submit the bill to FEMA. Terri said they are also going to check with other people who plow for a cost comparison. Tami told the board that Danielle called to check status on the letter that the board had told them would be sent as a response. Josh said that we can't send a letter until we know how to bill it. We can't do anything until we know.

ARPA Update- Josh said that due to continual changing of the ARPA guidelines, the board will not be approving or denying any claims until ARPA has decided how to disperse monies, so we don't run the risk of having to pay wrongly dispersed funds back to the US Treasury. Brenda said that she has 4 more days until the legal report has to be sent to the Treasury Dept. She will account for the audio-visual equipment expense that was needed to conduct successful remote meetings and any salaries incurred. Terri wanted to know what salaries were paid. Brenda said that she gets \$25.00/hour as the ARPA Administrator and that Tami had received \$25.00/hour as ARPA clerk to take the required minutes of the only ARPA meeting that was held in Bakersfield. Terri said that she didn't remember voting on that. Brenda said that appointing an ARPA clerk was at her own discretion as ARPA administrator.

Linda said that the Cemetery Commission was interested in ARPA funds to repair the Hearse House. She said that the roof is swagging, and the porch is a safety hazard. Brenda said that Vermont Preservation Trust is interested in helping repair that property with possibly matching grants. Brenda said that she would like to reformulate the ARPA committee and actually bring them

here to talk to the town's people to keep the meetings public and transparent. Linda said that the Hearse House is not on the registry as an historic building. Linda said that the Cemetery Commission is interested in having the Select Board do some research for the actual boundaries of the Cemetery land on the South side of East Bakersfield Rd. She said that when the Town was considering relocating the Recycling to area by the town garage, that they called the Cemetery Committee in to ask for their permission to do so and was granted permission for a period not to extend beyond 5 years. The Cemetery Commission wants the town to designate what are the areas that they can extend the Cemetery into, and where the boundaries for the Common School property begins. Linda said that part of the South side is leach field and septic tank for the Historical Society on top of the knoll. The school owned the property of the Common School and then Quit Claimed it to the Town. She said when the Historical Society bought the building and installed septic in the late 1990's, they updated an existing system. Josh said that we can budget for a survey for next year and the Cemetery Commission could go 50/50 with the survey expense with the town. The finance report showed that the Cemetery Committee has \$40,154.37 in its account. Josh said that Linda could call Maria anytime and get the current balance. Linda said they were having two trees taken down this coming Wednesday that were hanging over gravestones and electrical wires. Josh said the last time the Road crew did it, they did exactly what we agreed to at our meeting and then they got a lot of flack for it. Mac said they were just interested in traffic control. Terri said that also included in that is the money to trim the grass around the stones on the hill. Terri said that the stones on the hill have not been getting trimmed.

Terri said that somebody called her because they thought that the town owned the path behind the school, but that path is owned by the Doane's. They said that there are a lot of needles in the dugout and the path behind the school. The Dugout and the property at the top of the hill is owned by the water district and the school. She said that they had locked the bathrooms and the doors are already smashed and ripped off their hinges.

Brenda made the motion to adjourn the meeting, Terri seconded it and the motion carried with a vote of 4-0. The meeting adjourned at 8:23pm

The next Regular Select Board meeting is Monday, May 9, 2022, at 7:00pm.

Meeting minutes recorded by Tami Brennan.