

Bakersfield Regular Select Board Meeting  
August 9, 2021  
7:00pm

Meeting was called to order at 7:15pm by Lance. The Select Board waited until then to have a quorum.

Members present: Lance Lawyer, Brenda Churchill, Terri Gates

Members absent: Josh Goss (chair), Gary Denton

Residents/Guests present: Mac Newitt, Ewing Fox, Allen Hurlbert, Linda McCall, Jerry Brown, Tami Brennan, with Dan and Katie Forand, Deanna and Rodney Allen attending via zoom

Previous minutes: Brenda made the motion to accept the previous minutes as written, Terri seconded the motion and the motion passed with a vote of 3-0.

Warrants signed:

Selectman's Order# 18-21	\$298.90
Road Commissioner's Order #10&11-2021	\$7,241.77
Road Commissioner's Order #11-2021	\$265.36
Equipment Repair	
Road Commissioner's Order #FEMA 8/9/21	\$1,576.46
Selectman's Order BCC#04-21	\$800.58
Selectman's Order #17-2021	\$3,059.96

Audrey gave the board the treasurer's report showing balance of funds in a different format, before the meeting was called to order. The board said that they liked the new report format, that it was straight forward and easier to read. Lance said that it was a lot easier to follow and a lot better. Terri asked about the balance on the Road account and Mac said that amount was what was physically in the account at the time. The board noted that tax bills are out, and that the only significant tax rise was from the school board side. Terri asked Mac what broke on the mower. Mac said 3 teeth, so they needed rivets. Brenda made a motion to accept the report from the treasurer. The board was pleased with the new accounting sheets. Terri seconded the motion and the motion passed by a vote of 3-0. Lance said that he told Audrey not to try to bring the board half month balance sheets. The board will receive a balance sheet at the first meeting each month listing all the completed transactions from the previous month.

The Board read Melanie Riddle's letter of resignation as Zoning Administrator for Bakersfield. Melanie is willing to fill a position on the Town's Zoning Board of Adjustment. Brenda said that she spoke to Melanie about her interest in filling the position of ZA for Bakersfield. She said that Melanie has presented to Brenda, what she has been working on and what has been accomplished since she has had the position. Lance asked Brenda if being the Zoning Administrator was one of the offices that held conflict of interest for a Select Board member. Brenda said that she would check into that tomorrow. If so, then Brenda is willing to be interim for the position until the position is

decided. It is unlikely to be a conflict of interest since if there is no ZA, then the Select Board is collectively in the position of ZA. Terri said that the town had to advertise the position first. The board decided to place an ad in The County Currier for two weeks and to advertise on the VLCT website for two weeks as well, at no charge. Terri made the motion to accept Melanie Riddle's resignation, Brenda seconded, and the motion passed by a vote of 3-0. The board decided to table the decision as to the interim job until they had more Select Board members in attendance. Lance told Brenda that it would be helpful for her to take the Zoning Administrator classes either way because it would be great for someone on the board to have that knowledge.

Linda McCall attended the meeting to discuss the curbing that the State is putting in along Main Street. Lance confirmed that the town was aware that it will be the town who is responsible for upkeep and snow removal from the sidewalk and roadside parking areas. Linda asked if the State can reduce the height of curbing. Lance said no. He also said that there had been four informational meetings way back before things began, with displays and drawings, etc, all laid out, and that he had been the only Bakersfield resident who attended. Linda said that she had spoken to the workman and said that she didn't have a complaint but that the curb in front of her house was not ADA compliant as it was too high for a wheelchair to cross. The workman said that it was to match the curb on the curb across the road. Linda said that there was not a house across the road. Linda said that she had spoken to Bruce Martin directly, about the height of the curbing back before they started, and it was like talking to a post. He insisted that the mailbox was to be right on the road, but when she talked to the representative for postal service about it, the postal rep said that the mailbox needed to be off the traveled portion when the location is near a highway intersection. The board said that that is a state issue. Linda asked if the board knew the curbing was going to be this high. Lance said that the board at the time this was being discussed, Brian Westcom and David Ovitt, were aware of the heights. The original sidewalk plan went into agreement before he went on and when he was just new on the board. There was discussion as to the previous discussion on sidewalks years before the project began. When the board had been asked who would be responsible to upkeep the sidewalks, Brian had said the homeowner. When asked who was liable if there was an injury on the sidewalk, Brian had said the homeowner, so the homeowners had objected to the placement of sidewalks on their land. Linda said that the high curbing made for a dangerous situation at the Post Office. Lance said that was all set by the State. Linda said that she had told Bruce Martin, back before any dirt moved that this isn't going to work. Allen Hurlburt said that the curbing was going to be a hazard for the Fire Dept. Jerry Brown said that he went to at least one meeting and raised the issue, but he had only gotten the dog and pony show answers. Jerry also asked the board what they knew about Right-of-Way limits. He believed the state thought Egypt Rd had a 3-rod ROW but the records show that it has a 2-rod ROW. Jerry said that he had had someone from Munson say that he could go right through the

corner of his house because of ROW, and he was escorted off the property. Jerry said that he also felt like he had been talking to a post. Lance agreed that dealing with the state can be a lot like that. Jerry said that it is not up to us to tell the State how to do their job. They have engineers that have to meet all the State regulations. He also said that it will be interesting to hear what the sound will be when the plow goes by. And the guys will have to figure out what to do with the snow, since they won't be able to bank it anymore.

Brenda asked Jerry to move closer to a microphone so that the people attending the meeting via zoom would be able to hear him. Jerry said that he preferred to stay where he was, that he was addressing the Select Board and that they were able to hear him ok and that was what mattered. Jerry also asked the board if they knew what the projected upkeep costs were that would get dumped on the town. He asked if the Select Board could ask the Road crew to keep the expenses in a separate ledger and to log the hours and equipment expense in order to record the extra expense incurred due to the curbing, so that we can see how good a deal we got. Lance said that his mother had said that it was too dressed up for a one-horse town. Linda also said that she had spoken to Bruce Morton before COVID about the storm water drain and asked how many drains would be put in place around her property. Bruce had pointed out 4 areas. Linda said that would send a lot of extra water down into the ditch and she asked him if he had spoken to Lucas' about how the extra water would affect their property. His response was 'That is not my territory.' Linda told Lisa Lucas that she might want to look into it. Jerry said that he was not a civil engineer, but he thinks that the State is responsible for their runoff. Lance said maybe morally but he was not sure about legally. Jerry asked if it would be possible to invite an engineer to come and talk to us because we have issues and questions about the way things will work. Jerry said that he felt that two things could happen...either folks are going to deal with it themselves, or the state will come in and explain why it needs to be this way and no other. He also asked the board if they had estimated the cost of maintenance to maintain the improvement and the cost of operation. He said maybe if one of the State plow trucks damage the curb, the state will repair it. Jerry said that the workmen had paved up Egypt Rd a little way up, outside of their right-of-way, and his concern was that that piece of road was going to glass up quickly without grit from the dirt road, and that it's going to be a toboggan ride into Rt 108. Mac said that the boys do salt that area in the morning when they do the black top. Jerry said to remember that that is a 2-rod ROW up through there and it doesn't leave a lot of room to move even if you wanted to. Linda asked if the board had had any feedback from the Fire Station. Lance said not yet. Linda said that she doesn't think that Jay Hutchins is in agreement with the State engineers. Jerry asked the board if the Town asked for this or if this was the States idea/decision. Lance said that the town did not ask for this. This was the State. Linda said that she had heard it was the State's idea to do this in small towns in an attempt to slow down traffic. Jerry said, we'll see how that works. Linda said that these spots will need to be mowed. One of the workers said that you can put flowers in there.

Mac said that the town has a lawn mower and there are other places that the town mows. Lance said that the town doesn't own the State ROW, but the town needs to maintain it. Jerry said that the state has an easement for the ROW, but the town owns the property.

Lance asked if they felt that it was the board responsibility to involve the State and Linda and Jerry both said yes. Lance asked if we wanted to ask them to attend our next Select Board meeting to discuss concerns and they said yes. Linda said that they did come and take out a high section in front of her house and replaced it with an ADA level curbing. Linda said that the sidewalk has been in front of her house since before 1955. Jerry said that he remembered the sidewalk on the west side went all the way down by Alcide Murcury's garage. They said that the sidewalk isn't the issue, the curbing is the issue. Linda asked why the curbing was built so high? Jerry said probably because it formed a clear line of demarcation, and it keeps the runoff contained and it rattles the truck drivers. Jerry said if it gets too high, you won't be able to open your car door. Mac said there is supposed to be a 7" reveal left after the additional pavement layers go down. Jerry asked if the state has a rep on site. Mac said yes, they do...a VTRANS rep. Jerry asked if the engineer that is in charge of the project was on onsite. Mac said that he would think not. Lance asked Mac if he could approach the state engineer and tell him that the town has concerns. Lance said that he would go with Mac. Lance said that the last info meeting was held about 3 years ago. Jerry said that he had come to one and there were concerns back then. Lance said they started talking about this project at least a decade ago.

Allen Hurlbut attended the SB meeting because of concerns on East Bakersfield Rd. He said that he has had concerns for quite a while. The pavement on the new section toward Cold Hollow was done half ass, he doesn't think it could have been laid down thinner and is full of potholes. He thinks it should be paved where it has started to break up. He said that once a road is improved you don't knock it into gravel. Mac asked How should we do it. Allen asked why they did it that way. Mac said they were not supposed to go up that high, they were supposed to stop at Todd's, but they had extra pavement, so they used it. Mac said to do it right, you need to rip it up and prepare the subbase. Allen said then at least do the part from Dan Gaffney's to Todd's, just before Phil Gagne's driveway. It's been terrible for months. They take gravel from the gravel pit and throw it in there and after the first rain, it's gone. Allen asked why the town couldn't take some of the paving grant from Boston Post Rd and use it on that spot on East Bakersfield Rd. Mac said that if you use a paving grant, it's for one mile in a specific place. You can't move it around. And these paving grants have to be used on a Class II road. The Boston Post Rd is more important because it is more heavily traveled. It will be one mile, maybe up to Gervais'. And that will be our paving grant for 3 years. Allen asked how much the town had in the paving fund. Mac said that the town had around \$40,000.00, which is just about how much the town's portion will be to meet their match for the paving grant. Mac said that they applied for a grant this

year and didn't get it because there were no grants last year due to COVID. All those who waited last year are the first to get it this year. Allen asked about the Avenue. Mac said that the Avenue wasn't eligible because it's not a class II road. Jerry asked if the paving grant could be used for substructure. Jerry said that we have a lot of different subsoils in our soil and the only way to stabilize is to drain down and make the soil as homogenous as we can. Compacting is not the issue, you have to get the moisture out. Unless we address the foundational issue below our blacktop, it won't last. The freeze/thaw cycles pump water in, so spring is such an issue. Culverts don't heave, the rest of the road did. Jerry said when they built these roads, they just pulled in from both sides, into the center to make a road. To repair them is not trivial and not inexpensive. Allen asked if we could put something in the budget to get voted on at town meeting for East Bakersfield Rd. Lance told Allen to get a petition and get it signed, present it to the Select Board and then we have no choice but to put it before the town. Allen said that the boys did a good job ditching, that part is good. Lance said that that little bit of ditching was 10's of thousands of dollars from FEMA. Mac told Allen that they were going to try to reclaim that part of the road, but that Allen had said that wouldn't help. Allen said that reclaimed blacktop, collected stone, etc, works its way to the side of the road. Mac said if we can't pave it this year, you may have to accept the patches. Mac said he thought the black top patches would work better than surpac. Lance said due to funding, we will do the best we can with the money we have. Allen said that the town had given money to the Historical Society and the library. Lance said that the library is not town money but from trust funds. Mac said that it would be a good idea to present it to the town. Jerry asked if the town had done a traffic study of East Bakersfield Rd. Mac said that the state did it just before they made it a Class II road. Jerry asked if they shared the data with us, to know the facts of traffic. He said that they used to have civil engineering students sit and count cars and collect data and then use the data to determine what needed to happen at certain intersections. And then we may be able to say that according to the state's own criteria, this ought to be paved. Jerry told Mac to ask the engineer if he could provide that data, because without the data, it's just an opinion. In all rights, they should be talking to you guys because you guys are responsible for those roads. Then at town meeting we can show that it's not just Allen that wants this done, etc. Terri asked Mac is the plan is to do the reclaim this summer. Mac said yes. It's similar to using cold patch. They gave us a few loads that they took off 108. Mac was going to invite the engineer to the next SB meeting or the one following and let Tami know when to put it on the agenda.

#### Road report-

Terri said that she received a complaint about road blockage on Saturday but by the time she got there, there was nothing there. Mac said that the excavator was up there because that was the day that the Select Board gave, for a resident to put a power line beneath the road by Leslie Martins. They put 3 conduits in, and marked the area with ribbon, and put fine gravel on top, it's

very smooth. Dan had given them Road closed signs. The resident did everything that we asked him to do. Mac said that he and Lance went up and everything was set up correctly. Mac said that he had a report that there were no signs, so he went and looked and saw it was kicked over into the ditch, so he got it back up, but at that point it was basically done.

FEMA- We have answered all the questions for the state. Josh signed off on it this week, as chair of the board. \$96,000+/- should be arriving at our Road account any day. Then, from the Road account, there will be a warrant that the board signs, authorizing the payment to go onto the FEMA loan. The money has to go through the Town's accounts first.

Jordan Rd looks good. Mac said he's expecting to receive a bill for that soon. All paperwork that Lance and Mac have been working on has been submitted. The town is expecting around \$142,000.00, which is 75% of the costs from FEMA, and also 12.5% from the state.

Goat path materials arrived, and they should be starting at the end of this month or in September. We have an extension to have it finished by next year. Terri asked Mac how the mowing was going. Mac said, "It's done!" Terri asked if they mowed twice a year. Mac said that when Jeff did it, it was done once. But since we own the equipment, we can do it again if we think it needs it. Brenda said that maybe a second mow at intersections would help keep visibility.

Terri asked about the reimbursement to Lance Boardman from the grant that the Conservation Committee had received. Lance has paid for materials needed to improve and put signage on Shattock Trail. Terri asked who has the authority to release grant funds. The board said that they would ask Larry Kygier to sign off on it. Tami to contact Conservation committee.

Fire Protection Contract to be tabled until there is a full Board in attendance.

ARPA- The town has received \$69,512.67 from the ARPA funds. Brenda confirmed that the funds do not require a separate bank account. The money just is required to be kept in an interest bearing account. The board asked if the state expects us to give them the interest and Brenda said no, the town gets to keep it. She said that tomorrow, she would go to the bank to see how they want to deal with this. And also, check into how other small towns are managing the funds. She intends to create a journal/diary with entries on daily work that she does so that they can track what she's done. It will be a binder that she will take home but will bring it with her to meetings to update. She said if the board has a question, that they can ask it through her, and she will go to VLCT for the answer. We know that there are restrictions on how we can use it and it is in our best interest to find out how we can use it.

Brenda will be working with VLCT to provide guidance and conduct community informational meetings. We can also schedule informational meetings and record them so that people can view them on the web. She is not yet sure if we have to wait for town meeting to petition if it is a formal process. When it comes to using this money, this comes from the town. We can provide a list of options

and the town can decide by vote. Terri said that could be a long list. Brenda said that maybe as a board they could narrow it down to five to begin with. The board will take all input. Brenda said that we need to get the word out to everybody...to plaster it everywhere, so that all people will know and can put in their input. We have to invite the public to come to the meetings to learn about ARPA and come help us spend the money. On the path to using these funds, we want to be fair and square and open and transparent.

Inside audit- Terri said she has not been in contact with Jason Bapp yet.

The board decided to wait for a full board to discuss and approve the job description for Road Commissioner.

Brenda thanked Ewing Fox, who was operating the zoom system tonight, for doing a wonderful job setting up the town with the video equipment it needed to conduct zoom meetings on its own. He is an expert on all things video. The main components are the laptop and the screen. They are durable and compatible with all technologies. The microphones and cameras are the most flexible to switch up. We are 90% on our own at this point. She said she was so thankful, and she was giving Ewing a \$25.00 gas card out her own pocket to provide for some of the gas he used to get here from Essex town:) Lance said that Ewing was the perfect person to see this project through and that he was willing to pay for his gas and lunch:) Brenda said that we had received the stamp of approval from Northwest Access as well. We will be talking about how to manage recordings as there was a glitch last week and the recording failed. Brenda said that she was thankful for the good note taking for the minutes☺ Brenda said that she realized when we had an attendee tonight that could not be heard by those attending via zoom because they were too far away from the mic, the need for rearranging things to accommodate the audience with microphone pick up. We just need to look at the logistics of the situation, so people feel comfortable and be willing to speak, especially with ARPA meetings. And more people may attend remotely since COVID is spiking. We'll also need someone who is willing to operate the system during meetings, perhaps a young person familiar with technology. Brenda said that we should look into compensating someone to run the system, since we are not doing well with volunteers. The new school year is starting up and someone may need to earn some money.

Brenda made the motion to adjourn. The motion was seconded by Terri and the motion carried with a vote of 3-0. The meeting adjourned at 9:03pm.

The next Regular Select Board meeting is to be held on Monday, August 23<sup>rd</sup>, at 7:00pm.

Meeting minutes recorded by Tami Brennan.

