

Bakersfield Regular Select Board Meeting
Monday, January 24, 2022
7:00pm

Meeting was called to order at 7:00pm.

Members present: Josh Goss (chair), Lance Lawyer, Brenda Churchill via zoom, Terri Gates

Members absent: Gary Denton

Residents/Guests attending: Mac Newitt, John West, Linda McCall, Dan and Katie Forand, Melanie and Samantha Riddle, Matt Hull, Tod Cosgrove

Previous minutes for Special Budget meeting 1/3/2022, Special Budget meeting 1/10/2022, Regular Select Board meeting 1/11/2022, and Special Budget meeting 1/19/2022, were not considered by the Select Board at this time.

Tod Cosgrove began the meeting with a point of order to the board about the Select Board meeting that was held on the 19th. He said that the first part of that meeting from 4-5 was warned as executive session so the public was not allowed, and it was held as non-executive session and that is a violation of Open Meeting Law. Tod asked the board to reschedule that portion of the meeting so that the public can be allowed in the discussion. He said that it was advertised as executive session and it should have been advertised as a public meeting and then go into executive session. Josh went and got the State Statute book to check the statute. Tami asked if anyone signed into that meeting at 5:00pm that was warned as the public session of that budget meeting? John West said no. Tami said that all is recorded in the minutes and those are ready and posted for all to read. Tod said that he read the minutes and the only people in attendance was the board, the Road crew, the town clerk and the treasurer. He said the public wasn't invited. Tami said they were at 5:00, and no one came. Lance said that the reason we did not go into executive session was for the sake of transparency. Mac said that whenever the board goes into executive session about us you make us leave. Tod said that the way it was warned was a violation, and he will go to the Secretary of State to look at this. He said that it's not fair to the town's people. Kathy said that if you're going to have a meeting that is going to change my warning then I need to know when it is, and it has to be soon. Brenda said that she agreed with Tod that the perception that the public may have had was that they were not allowed in that session. She said that transparency is the nature of our business. Josh said there is nothing in the Statute book that says anything about if a meeting is warned as executive session and the board opts not to go into executive session. Brenda said the place to start is VLCT, that they have a staff of lawyers that cover this like paint. She said that they can make a motion to schedule a meeting in open session, to cover the time that was in open session that was warned as executive session. Josh said that the book says it needs to be warned for 24 hours and it is now 7:12pm. Lance said that it doesn't mean that we're going to change our decisions. Tod said that the board

can't make a decision without getting input from the town. He said that you guys sit in those chairs and make decisions representing us without getting our input. That's what we voted you into those positions for, to represent us. The people, not you personally, not your personal decisions or your personal feelings. Tami said, So, "us" the people are the people that show up on zoom? Terri said the taxpayers. Tami said that she was a taxpayer. Mac is a taxpayer. Terri said that we represent you too. Terri said she didn't know why Tami was getting so hostile. Tami said she was not being hostile, but she thinks that it's ridiculous because it's on YouTube and you can see the whole thing. Mac said that he doesn't understand why when the board is doing the Employee handbook and they go into executive session and He and his road crew were told to leave, when it affects them. Terri said that they don't have to have people in executive session. Tami said that when it's about personnel, they are supposed to be there. Terri said no, they don't have to be there. Kathy said if it's disciplinary and it directly affects them, they are supposed to be there. Kathy said figure out when you're going to do the meeting and move on. Josh said 7:15pm tomorrow, a Special Meeting of the Select Board in 24 hours. Tod asked that it be put on the Town website. Lance said that the entire idea for us not to hold Executive session was because of transparency. Tod said he understood and that he told the board that he would be very careful of how they warn their meetings. Brenda said that she didn't think they need a motion to schedule, just put the reason on as why the Select Board is meeting. Brenda said that she would get it into the Town forums as well, so people get the opportunity of what they didn't see. Tami said that the new agenda reads: Special Meeting of the Select Board- Tuesday, January 25, 2022, at 7:15pm - Public Form-Employee Wages for the Road Crew - This period of the meeting was warned as Executive Session for January 19 and was held in Public Forum. The board said that was ok. Tami posted it on the Town website right then.

The board discussed the arrangement and combination of the items on the ballot.

Melanie Riddle asked why the board was discussing lumping the budget line items together. She said that she remembered seeing the ballot last year and it was a little odd. Lance said that most towns present the entire Road Budget as a single line. He said Bakersfield has always listed all the line items of the budget separately but that is not the norm. Lance said that you do realize that all the line items are broken down in the Town Report. Melanie said that she liked voting on each item. Lance asked Linda McCall what she thought about it and Linda said that when she went to log on the other night, but when she did, everybody was done so it would be interesting to see. Terri said she has no problem with either way. The board said that the difference is in the counting.

The board said that the line item requesting permission from the town for the board to spend grants and revenues is a given and the board is not required to

ask the voters. The Select Board has the authority to spend grants and revenues that Bakersfield receives, so that line item can be taken off for ease of voting.

The board said that the line item for the truck payments is not a choice. The town has to pay that, it's non-negotiable. Same with the line item for the Dispatch fee. The Fire Dept and Ambulance need Dispatch for all communication.

Josh read the Historical Society's letter and their request dropped to \$5000.00 for 2022, from their \$10,000.00 request for 2021.

Terri asked if we had heard from the library. Josh said that the library emailed us their request during the meeting on the 19th and is requesting \$35,000.

Kathy said that Town Agent is no longer a position, so that can come off the ballot and she called the Secretary of State's office about the Hospital Committee position and was told that there is no State Statute for that position, or job description and it doesn't have to be on the ballot. Nobody is running for that position.

Kathy said that we still have some open positions with nobody running: One library board position that is normally voted off the floor, One Planning Commission position on the board which is normally voted by ballot. Town Constable position. There is nobody running for the 2 open Auditor positions. Pat Debevec's term ends next year and Pat is unsure if she will run again because she plans to stay in Ohio as long as she's needed. The board said that they would bring the positions that are still open to the resident's attention at the informational meetings. Kathy said that at this point, it will be a write-in.

Matt Hull told the board some of the highlights and updates for the Fire Dept. He said they had their elections in Jan, and Matt is still Chief. Tod Cosgrove is Assistant Chief, Ginger Parent is Second Assistant Chief, Scott Flieger is Secretary, Dillion DeBraw is 1st paramedic. He is starting to work with Enosburgh Ambulance.

Matt said that they now have water piped into the station which is a huge plus. The FD held their Golf Tournament, and it was a big success. He said that they met with Cambridge Rescue on Tuesday evening. They are a great group of guys who fielded questions for an hour. They are a very good agency and manage half the calls that Enosburg does. They offer training for the Fire Dept and for first responders. They have more pain meds on board and have 65% Paramedic coverage. He said that they googled the response time between Cambridge and Enosburg, and it was neck and neck, not an issue. Matt said that all our members would be on the Cambridge roster which would be a huge plus. He said that the downside is that they are a little more expensive. He said

Enosburg has never let Bakersfield down. He said that they both have 2 ambulances which could be already called out when we put in a call. He said the upside to Cambridge is that they don't do transfers, so they save their ambulances to respond to emergencies only. It's not really apples to apples. Josh asked if Cambridge offered a multi-year contract. Matt said he didn't really want to get into discussing that with them. That was more of a board thing, but Matt said that Nathan said since it has to be decided so quickly, he suggested going with the one year out of the box and give the guys time to get used to each other and then a 3-year contract after that. He said it's hard to tell about future rises in cost, he said it could be flat one year and 5-7% the next. Matt said the cost right now was .51/per capita vs. .32/per capita. Cambridge offers a subscription to residents at \$50.00/household and Enosburg offers a subscription of \$75.00/household. Matt said they have a great working relationship with Enosburg, but they would be open to working with Cambridge. He told Nathan from Cambridge that Bakersfield wants to work with them in the near future and Nathan said that that would be great. Matt said that he and Tod had looked up Nathan's training and it was very up to snuff. Tod said that he thought Cambridge cost was a little too high. They said that they definitely plan to keep communications open with Cambridge and have a good plan moving forward with their organization. Matt said that their program is very cut and dry, very boots to the ground. He said Nathan has a vision and a plan to get there. Matt asked if the 5-year Enosburg contract rose 3% each year for the first three years and 2% for the following two years and Josh said yes. Matt said that meets their goal of giving their employees a raise since they have had no raise in 7 years. Josh said that the contract states that they will give us a bid 30 days before the expiration period of the current contract. Josh said that he would like to see a longer time for this before it expires, even 6 months. Tod said he would like to see it happen one year before expiration. Someone asked if with Cambridge, there would be any increase in Dispatch fee. Matt said that there would be no increased fees to Bakersfield at all because it goes to Regional Dispatch and uses our St. Albans dispatch for our calls, he said that might be a slight delay of 1 to 2 minutes. Brenda said that in the future we should involve our Fire Dept much earlier. Matt asked the board to reach out to Nathan and let him know their decision. He said that Nathan took a lot of time and planning to talk with Bakersfield. Matt said that they all enjoyed Nathan and that meeting and he's a really good guy. Matt said that he and Tod had moved things around a bit because Matt found that he needed to remove some hats and slow down a little bit. Tod is going to take over working with Tyler on the 911 addresses. He said that it seems that 911 addresses don't happen until I get busy and it's important that somebody from the FD is involved. I'm going to keep my name on there and Tod and I will work together.

Matt asked who the Town Emergency Management Coordinator was. The Board said that it used to be Sam Cribb, but he resigned soon after his term on the board finished and no one has been named to that position, so at this point the Select Board is filling that position. Tod said that it's important that that plan

is updated each year and filed annually because every time we roll out the door, we are operating under that. Josh asked Matt if there is anybody in the FD who is interested in that position. Josh said it is not a huge time commitment. He asked if some of their individuals could get together and go over the response plan. He said that he would like to let the professionals make those decisions and then we'll agree with you.

Josh gave the Ambulance contract to Tami to send to Enosburgh and tell them that they would like Subsection 10, where it states, "at least 30 days," to be changed to 1-year. He said to tell them that the minimum that the board will accept is 6-months. He said to ask them to change that and resend it. Lance asked if they were all in agreement that we should contract with Enosburg. He said that it's awesome that we have found another service but with time constraints and cost. Josh proposed that we accept this contract with Enosburg and then we'll have a longer time to consider and have time to get to know Cambridge a little better.

Road Report- Mac said there was nothing to report. Terri asked if they got the truck back yet and Mac said yes but right now it's unwired. He said it went down 2-weeks ago and again this week. It has to do with the Diesel Exhaust Fluid. This one is Mark's truck, but all 3 trucks have it. Mac said that eventually it will be a recall.

Terri asked about the guys 401K. Lance said that the town will match up to 3% of what the guys choose to contribute. This is held by America Funds.

The board said that they received a letter from Vera with her decision about the board's request that she consider becoming Assistant Treasurer when she submitted her resignation on Dec. 29th. In the letter, Vera said that she would be willing to be Assistant Treasurer for one year to see Maria through all the different tasks that a year brings. Vera said that it was important that there should always be an assistant treasurer who is trained and knows the job. Josh made the motion to appoint Vera Lawyer as Assistant Treasurer, at the rate of \$25.00/hour for the year 2022. The motion was seconded by Lance and passed with a vote of 4-0: Brenda Churchill-yes, Josh Goss-yes, Lance Lawyer-yes, Terri Gates-yes.

Kathy asked if the board was going to issue a mask mandate for polling. She said that she would prefer a Town Mask mandate for the Town Hall building. She said she has researchers coming from all over the State entering the building and she doesn't know vaccination status. Josh West said that should be mandated. Kathy said that the board could mandate that, and the mandate would need to be reissued every 30 days.

Lance made the motion that whoever enters into the Public Town Hall building is required to wear a mask. The motion was seconded by Brenda and passed with a vote of 4-0: Brenda Churchill-yes, Josh Goss-yes, Lance Lawyer-yes, Terri Gates-yes.

We need a sign on the Town Hall door to say that the board has issued a Town mask mandate, that all who enter this building must wear a mask.

Audit proposal bid- The town only received one response to the Board's request letter for a quote regarding an External Town Audit and the deadline for a response, stated in the letter, was January 24, 2022. This will be an audit for one year. Tami said that when she asked Jason Bapp, he said that the audits are only performed for one year. Josh said that he thought it would go all the way back to the last audit done in 2007 by A.M. Piesch. The quote that we received for the External Audit for 2022, was for \$19,000.00. The board said that they would put that number on the ballot to go before the town voters for an audit next year. If we go with someone that will cost less, then so be it, but we know we have one quote to go by. Lance said that FEMA wants regular audits every 5-7 years. If we don't have them, we may not be eligible for FEMA money. Kathy said if the board decides to have External Audits every 5-7 years, that they might want to start an External Audit fund so that they don't have to put it to the voters as a lump sum.

ARPA updates- Brenda said that everyone is waiting for VLCT to put out their interpretation of the final rule. She said that we are possibly looking recouping some of the costs to plumb the Fire Station. Brenda said that ARPA funds cannot be used for recurring expenses. She said we are looking at updating to an automated water monitoring system from our current Mechanical water monitoring system. She said that they are looking for matching grants and wants to speak to Tod at some point to find the needs of our Fire Dept.

Brigham Residence- Lance said that the edited Market report of the Brigham Residence said there was a very good market for 25 units. Brenda said that she has not filed the Police Report for the Brigham residence yet. She said that they have a report number and an inventory of the vandalism. The bannister inside has been vandalized and she wants to get a price for that.

Future Agenda- Set for tomorrow night.

Linda McCall spoke to the board about the cemetery plots. She said that each plot includes enough land to bury 5 caskets and the land is being used up quickly. She said that a lot more people were being cremated and you can fit several cremated persons in one plot space, they don't really need a 60 ft plot. She said that she thinks that the Cemetery Commission will be surprised to learn that the town hill property behind the Historical Society does not belong to the Cemetery. They only own a small strip along the south side of the road, so all that land is not available for plots. She said that the town could have that surveyed. Linda said that she thinks that there is a misunderstanding by the Cemetery Commission that their bylaws cannot be changed. She said that their bylaws can be changed by vote. Josh said that we will have to bring that

forward to the CC and they would have to have a vote. Lance said that he had looked into it and the CC is a separate entity and is not controlled by the Select Board. Their bylaws can be changed by the CC and submitted to the State for approval. Terri asked if the cemetery came all the way up to the park. Linda said no that the land that come up from the cemetery was given to the town as a common.

The board said that the School budget informational meeting was scheduled for the Wednesday before Town Meeting day.

The Select Board scheduled their Budgetary Informational Meeting to talk about the budget for Tuesday, February 22, 2022. The agenda is to run through the ballot warning item by item. Josh asked John West to be at the informational meetings to moderate and manage the technology throughout the interactive zoom information meeting and John said that he would manage that.

Kathy asked the board if they were agreed to dedicating the 2021 Town Report to Bertha Lamore, and they said they were agreed.

The board discussed the School Generator Service Contract. After discussing the importance of yearly maintenance. The agreement with the school and town is that the school pays for the fuel and the town pays for the maintenance service agreement. The board said they used to have a contract with Milton Cat and that expired. Lance said that he thinks the last time it was serviced was when Celeste Gagne was custodian about 3-5 years ago. John West thought that a reasonable amount to budget for the service contract would be around \$2500.00/year. Josh and Lance agreed that \$2500.00 is a good number. They also said that they didn't even know the generator's condition. The Generator is an Olympian EP-100PI. Lance said that it was a government surplus offered as a FEMA contract.

The board discussed who would write the Select Board letter for the Town Report with an overview of what the Board has done over the year.

Brenda made the motion to adjourn, Lance seconded the motion and the motion passed with a vote of 4-0: Brenda Churchill-yes, Lance Lawyer-yes, Josh Goss-yes, Terri-yes. The meeting adjourned at 8:52pm.

The next regular Select Board meeting is scheduled for Monday, February 14, 2022, at 7:00pm.

Meeting minutes were recorded by Tami Brennan.