

Bakersfield Regular Select Board Meeting
June 12, 2023
7:00pm

Meeting was called to order at 7:00pm.

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

Members absent: none

Resident/Guests present: Vera Lawyer, Ivan Stone, Maura Horne, Pat Evans, Mac Newett, Alice Foote, Christopher Ward, Lyle Willey, Dan and Katie Forand, Tami Brennan

Previous Minutes: John made the motion to accept the May 22 minutes with amendments, Todd seconded the motion and the motion carried with a vote of 5-0.

John made the motion to accept the May 17 Special Meeting minutes, Lance seconded the motion and the motion carried with a vote of 3-0. Todd and Terri abstaining since they were not at the May 17 meeting.

Warrants signed:

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| Selectmen's order #12-2023 | \$23,224.24 |
| Road Commissioner's order #1&2-2023 | \$40,005.57 |
| Road Commissioner's order #8-2023 | \$4,502.42 |
| Road Commissioner's order #2-2023 | \$170,100.65 |
| FEMA loan payment | |
| Road Commissioner's order #01-2023 | \$25,823.97 |

Finance- Vera met with the board and gave them updated finance reports. She said that on 6/8, the town received \$170,100.65 for a FEMA reimbursement from the State. She said that the board had a warrant tonight to sign to transfer the FEMA payment onto the FEMA loan balance. Vera said that the town had also received \$114,490.76 from the State for a reimbursement from the paving grant. Lance asked Vera what the FEMA loan balance is after this payment. Vera said that she thought it was around \$15,000.00.

Lance made the motion to transfer the amount of money, from the paving grant reimbursement that went into the Road Fund, that was needed to pay off the FEMA loan in its entirety. John seconded the motion and the motion carried by a vote of 5-0.

John asked why the equipment repair fund balance looked low. Vera said that the equipment repair fund stays low until funds are needed and then we transfer money from Direct Tax. Vera also said that the last interest payment of \$1.40 has been transferred from the ARPA Fund, and the ARPA Fund is now closed. John asked why the zoning fund has a negative balance of 2,608.38, and he asked what they had budgeted for zoning. Vera said that zoning gets funded by zoning fees. She said that the board budgets \$500.00 for education. Terri asked why it was so low and was reminded that was from the legal fees. John asked about the Zoning Legal line item was for. The board asked Vera to

transfer that money into the Zoning Line Item to cover most of the deficiency from the legal fees.

Town Constable- Chris Ward met with the board regarding the Town Constable and Dog Catcher position. He said that he was talking with John and became aware of the need. Chris said that he, his wife and two sons, moved to Bakersfield in 2020. He said that he works for the Army full-time and that he had previously worked as a corrections officer in St. Albans. He said he wanted to meet with the board to manage expectations, to ask about the responsibilities and how that would fit into what he has going on. Josh explained that the constable would have to receive training from the Police Academy in order to have any authority. He said that the position has been a glorified dog catcher, but we have lately found out that you also have to have training in order to be dog catcher. Josh said without the training, he is not sure what the Constable position would look like in the State of Vermont. He said it would be a person that the complaints would go through, and that person would then reach out to the police. Josh said that he doesn't think that the people in town realize how much our hands are tied. Chris said that he does a lot of travel but he thinks that he may have something unique to bridge the gap between the town and the State and County Law Enforcement, and he doesn't want to miss an opportunity. He said that he knows that RT 36 is a long road and that they have a lot going on at the other end of it. He said he's not against going to Pittsford to the academy and that he is confident in completing the training, but it is just the time. Josh said that the concern on our side is that it is an elected position each year. Lance asked Josh if it is possible to change the elected position to an appointed position. Josh said that the town would have to vote to do that, but he is pretty certain that we can because he knows that Island Pond has an appointed constable. Lance said that would be good to do, and then we could invest in a constable. Lance said that he tried to do the dog catcher but when the trooper found out that he didn't have the training, the trooper said "Don't go", so it's not so easy. Chris said that is because of the liability. He said that he has work and the priority of family, but that if he is here, the board can give him a call and that he has no problem talking to an officer. He said that there are times when he is gone, but he is willing when he is here.

Lance made a motion to accept Chris Ward's proposal to fill in as Constable when he is able. Todd seconded the motion, and the motion carried with a vote of 5-0. Lance told Chris to keep track of his time as the position pays \$20.00/hour. Tami is to add Chris' contact information to the Contact page on the Town website. Lance said that his number is on the town website because he believes, that as an elected official, that he should be reachable more than twice a month.

Conservation Committee- Pat Evans, Mary Lumbrá, Alice Foote, Maura Horne, Larry Krygier, and Lyle Willey met with the board after being invited to talk about the potential Town Common Commission. Josh said that it has recently

been brought to our attention that the care of the Town Common is no longer funded by the Cemetery as per State level bylaws, cemetery funds must be used exclusively on cemetery property. Josh said that the two rows of trees separate the Town Common from the Cemetery. He said that we have a small group of towns folk willing to participate in Town Common beautification. He said that the board was hoping that the BCC would welcome that small group into it's Commission. Josh said that he knows the BCC has projects that they are invested in, and he didn't think that this addition would have to take them away from that. He said that Lyle said he was willing to head up this subcommittee within the BCC. He said it would fill up your group and would be a kind of park and recreation subcommittee. Lance said that the board felt it made more sense to do this than create another separate committee. Alice said that it must include the memorials and the roof of the structure where the bell is, that this group would be responsible for as well, and mowing and snowplowing. Lance said that the town would pay for that. He said that this year it is all taken care of. He said they would consider bids and there would be little things to work out. He said that Maria has a two-year contract to mow the cemetery and the common. Mary asked that the expense for the flowers would not come out of our budget. Josh said that the town would raise the budget of the BCC, and the BCC would determine their new budget. Mary asked if that would happen at Town Meeting. The board said that the Cemetery Commission would be responsible for the fence at the east end of the common, not the responsibility of the BCC. They said it is not a state requirement to have a fence for the Town Common. Maura asked if the trees at Christmas would be still be coordinated with the BCC and Sara Jo. The board said yes. Alice said that it has only been a little over 20 years that we have had anything to do with the Town Park, before that it was private property. She said that now the green may go all the way over there. Lance said that that was true. The board said the budget for the Cemetery Commission would be lowered to enable the BCC budget to come up, since the Cemetery Commission was paying for the flowers and the mulch. Carl said that the flowers that they are kept alive over the winter and replanted were dying. He said they have been buying new flowers, as the Cold Hollow Cooperative donated money for flowers. Lance asked the BCC if this was something that they were interested in doing. Pat said that they had a certain reluctance since he is not 16 anymore. He said they would like to think about it and get back to the board. Lance said they were hoping for a smooth transition, no extra work and no added expense. Pat said that the BCC has concerns that there are other Real Estate issues in the park. The park is town property. The Hearse House goes with the cemetery. Lance said that there is one foot of property goes around the building and the Hearse House sits in the middle. It is town property but managed by the Cemetery Commission. Larry asked for clarification as to who takes care of that. Josh said it is fluid. If it is historical and has value, it is the Cemetery Commission, and it is historical and needs work, it is the Town's responsibility. Larry asked if there was a deed that shows the Common and Cemetery are separate lots. Lance said that he has seen a deed and they are separate lots, but the

cemetery road was in a different place. He said a person who has done a lot of research on that is David Ovitt. Pat said it was nice of the board to think of us. He said that they were flattered and wanted to hear the specifics. Lance said that this is just a suggestion, and they are not trying to put more work on them. Josh said that you have the volunteers behind you, and they are looking for a home. Ivan said that they just want to plant flowers.

Lyle said that we are having a parade for the fourth of July celebration. Mike O'Rourke is arranging, and it kicks off at 6:00pm. Todd said that the Fire Dept doesn't know anything about any parade. He asked Lyle to have Mike call the Fire Dept.

Lance asked Lyle if he was planning on working on the hearse house. Lyle said he is waiting to hear that someone is in charge.

Roads- Josh asked if the crew was able to grade last week with the rain. Mac said they put some material down and spot scraped. Josh said that he had a complaint from a bus driver about the roads. Josh said that he took a bus over both of the roads, and one was ok, and the second road had spots on it because it had rained so hard.

Terri asked about the Road Commissioner's order that listed Lance's pay for \$25.00/hour for his help to remove the trees on the common. She asked who hired him for that. Lance said we discussed it on the green during a meeting and Lance had offered his tractor, winch, and grapple. The board said that when we had a board member do this before, we had established the hourly pay. Terri said but we needed to vote. John made a motion to pay Lance for his time, and his tractor. Lance said that the tractor, winch, and grapple goes out for \$60.00/hour. Todd seconded the motion to approve per discussion by the trees to pay Lance for his tractor and his time. The motion carried by a vote of 4-0, Lance abstaining. Terri said that she was not worried about the cost, but I was the principle. Mac and the board said they could see where she was coming from.

Todd asked Mac if they had gotten the signs for the golf course. Mac said that they should be here this week. Todd said he has been putting out the cones and taking them in at night because people are stealing things. Josh said that Enosburg has been putting a thick layer of a tube of red-looking grease on all their posts to deter theft.

John asked what grader needed the repaired sensor. Mac said the new one. The board and Mac discussed the excavator search.

Mac said the crew has been cutting quite a bit of brush, and roadside mowing would be starting soon. Josh asked Mac if he had seen the broom that Enosburg had. He said they told him that what usually takes two weeks at intersections, only took 1 ½ days.

Todd said that the sidewalks need to be swept. Josh asked who is responsible for the sidewalks. The town says it is the road crew. Todd said we need to do

due diligence on our part to make sure the sidewalks are maintained. Mac said that we have done that before.

Todd said that they still haven't heard back from the state regarding the updated contract for the triangle on Egypt Rd.

John said that he had noticed that there had been some major work done down by the old creamery. Terri said that she had heard that the ZA had gone down and spoken rudely. Josh said that he was technically supposed to get a demo permit. The underground tank is filled with gravel and the state said that that was ok.

Dog bite Update- John said that he spoke to the three ladies that were helping Eric and they were not able to find a trainer, so the dogs are both scheduled to be euthanized this Friday. One at 12:00pm and one at 3:00pm. John said that he told them that the board needed documents saying that the dogs had been put down. He and Lance said that they had a lawyer call on behalf of Nigel Churchill and they directed them to the town website for a copy of the minutes and for access to the recorded video of the meeting. The attorney requested a copy of all the documents that we had collected throughout this incident so they might be preparing something against the town. He said that he believes sending a copy of all our records would require an official request. Lance said that he thinks they need to ask our town attorney for advice. Todd agreed.

Treasurer position- Josh said that he hasn't had a chance to read over the contract from the Temp agency. He said he knows that they want to know the salary offered. John said that he perused the contract, and it is much like the one that he uses in his business. We pay the temp agency, and the temp agency pays the employee less. If we transfer from temp to permanent, there is a fee. Lance said that his major concern is the expense and time for training. He said people who work for temp agencies don't tend to stay around. Josh said that he understands that, but the pool is not deep.

Gravel Pit barn- Josh said that the barn was taken down by mother nature perfectly during one of our winter storms. He said there were a couple people interested in getting the boards and valuable timber removed. Josh said that we should use a sealed bid system saying what the interested parties are willing to pay, and that they must not only take the timbers but remove all, including the steel and the concrete. A complete removal and to reseed to lawn. The board asked if they wanted to remove all the barns on the property. Lance said that one is in good condition. Terri said that one is used by the tenant. Mac said that the deed said that the mobile home is responsible for the barns. Josh said that the town can remove the barn because when Gloria and Sam were here at a meeting, it was discussed that they needed to be removed as the town felt that it was a danger, and that the town was willing to help. Josh said that Sam said he just wanted to remove two pieces of equipment and then he didn't care if the town torched it or whatever. Lance said that it is the town's property. He said he doesn't care if we make money on it, he just cares that it's

all cleaned up. Terri asked who get the money, if we do make any. Mac said he thought it might be a wash. Josh read a copy of the deed that he had at the meeting, and it said that the tenants had use of the mobile home, and that they had to pay taxes and utilities, and keep insurance on the buildings. He said it doesn't list the barn. Todd said if we could get rid of the fallen barn and the one that looks like it is going to fall down, that would be good. Todd said that we can check with the Geddes family lease agreement. The board asked Tami to pull the newest lease agreement for the next meeting.

Tami gave the board the latest information from the State and the Cannabis Control board for future consideration as the Town Plan and Bylaws are soon scheduled to be updated. She said the party that was checking as to the possibility of a permit to grow cannabis in town, is not the party who is actually purchasing the property, at this point. So that is no longer a concern, but that this issue is up and coming and all the towns are trying to figure out how to handle it since now cannabis production is legal in this state. Tami said there was a letter of concern from a resident, and she would forward that to the board members.

The board reappointed Robert Willey as Fire Marshall.
Todd made the motion to reappoint Robert Willey as Fire Marshall, Lance seconded the motion and the motion passed with a vote of 5-0.

Brigham Academy Update- Lance said that they have asked for a deadline from the party interested. The party asked to continue until the middle of July, if not, then he will step down. Lance said that we do have another party interested.

Todd made a motion to adjourn the meeting. John seconded it and the motion carried with a vote of 5-0. The meeting adjourned at 8:43pm.

Josh reopened the meeting at 8:45pm. He said that a town issue on the Road report was missed. He said that Granger Heinlein reported that the culvert at the end of his driveway is crushed. He has an excavator and is asking the town for a new culvert, and that he will put it in himself. If the original owner had a permit to put in the culvert, then it's the town's responsibility to maintain it. The first thing to find out is if a road access permit exists. Terri said there is also a permit on Hyde's Hill that a resident is willing to put in if the town will provide a culvert. This area of the road keeps washing out due to the failed culvert. This is an agricultural access.

John made a motion to adjourn the meeting. Todd seconded the motion and the motion carried with a vote of 5-0. The meeting adjourned at 8:51pm. Meeting minutes were recorded by Tami Brennan.