

Bakersfield Regular Select Board Meeting
June 26, 2023
7:00pm

Meeting was called to order at 7:00pm by Josh Goss.

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

Members absent: Lance Lawyer

Residents/Guests present: Michael Gervais, Marcel Parent, Patrick Evans, Paul Stanley, Alice Foote, Mac Newett, Nicky Cribb, Wendy Cobb, Nathaniel Cobb, Mike O'Rourke, Arlene O'Rourke, Dan Forand, Tami Brennan

Previous minutes: Todd made the motion to accept the minutes with the amendment in grammar, John seconded the motion and the motion carried with a vote of 3-0, Terri having not yet arrived.

Warrants signed:

Road Commissioner's Order #9-2023	\$668.09
Road Commissioner's Order #3&4-2023	\$10,321.49
Selectmen's Order #01-2023 BCC	\$100.76
Selectmen's Order #13-2023	\$19561.19

Michael Gervais met with the board regarding Marcel Parent's subdivision and asked the Select Board if they were willing to approve and sign on the application for highway access for VTrans. Michael said the subdivision sits on the Enosburg/Bakersfield town line. The access to the private road of the subdivision is County Rd which is a legal trail in Enosburg and a Class IV in Bakersfield. Mike said the road would be upgraded to Class III standards, widening the width up to 30ft. He said the work to be done in Enosburg has been approved at their last Select Board meeting. Mike said that he doesn't need any signatures tonight but just a favorable opinion so that Mike knows that he should move on with the next steps. The board asked Mike how much of the road was in Bakersfield. Mike said the road from Rt 108 is about 200 feet with about 20 feet in Bakersfield. Mike gave the board a map showing the area. Josh asked if there would be any need for a culvert. Mike said no. Terri asked if all of Marcel's subdivision is in Bakersfield and Mike said yes. Todd made the motion to sign the documents as a co-signer. Josh asked Todd to amend his motion to a verbal permission to continue. Todd amended his motion, the motion was seconded by Terri, and the motion carried with a vote of 4-0. Mike said that he will bring the formal document for the board to sign.

Paul Stanley and Mike O'Rourke met with the board about the fourth of July Celebration. Mike updated the board on the parade. Paul said that Mike has secured the State permits for the use of the state road, and Paul said that the Fire Dept had agreed that if a parade was put together, then they would take care of the traffic and the road. Mike said they were going to do the normal route from Sunset View to the school. He said that he submitted the paperwork last week and he hasn't officially received it back yet. He gave the board a paper to sign that Mike said was not really necessary, but he wanted to cover

all bases. Paul said that they will control traffic at the 4 corners and there would be a member with Mike at the line-up to supply radio communication, and also another one at the north end at the Avenue. The board asked how many entrants that Mike has for the parade. Mike said he had no idea. He said they will be mostly locals since it is short notice. He said he has at least a dozen. He has tractors, a Stetson, a business march, color guard, and the grand marshal will be Rose Allen. Paul said the parade will be at 6:00pm. The Rusty Bucket will play from 7:00-9:00pm. The Historical Society will be selling pie and ice cream, and hamburgers and hotdogs. There will be 2 members of the Fire Dept grilling. We will keep the money from the hamburgers and hotdogs, separate from the pie and ice cream. He said that the Three Sister's Baking will be there too. At 9:00pm, there will be pre-ceremonies, and at 9:30 will be the fireworks. Tami is to put the Fourth of July agenda on the Town website and Wendy Cobb will put it on the Facebook Community page. Todd asked if they had a rain date. Josh said if the weather stops it, then probably the parade will be off. Paul said that Larry should make the call. Mike said as long as it is not lightening, then the parade will be on. Larry said the port-a-lets are ordered. There are two, no handicap units as they were available. They will be placed between the Historical Society and the Historical Society.

Nicky Cribb and Wendy Cobb met with the board about having access to electricity on the Town Common so that the library can show the summer movies that they have planned. Wendy said that they have tested all the outlets on the utility pole and the flagpole and none of them had power. She said they checked the outlets this morning and then reset the ground fault and tried again at 5:30 but still nothing. Wendy asked if it could be because of the timer or maybe a short somewhere. Terri said that she would look into it. Nicky said their first planned movie night is July 7th.

BCC- Pat, Larry and Alice met with the board to respond to the request of the board about assimilating the volunteers who would like to care for the town common into the Conservation Commission. Pat said that they were flattered and would like to do it. He said that some members feel that we don't want to get into a quagmire financially. The board said that the mowing would be subcontracted and put into your budget, and if there is an emergency, like if a tree blows down or something, the town will take care of that. The board said that the only expenses would be what you budgeted for. The board told the commission that all the trees that were taken down recently will be replanted with established trees, after the stumps are ground down.

Pat said that the BCC has three seats open. He said that the volunteers are very enthusiastic and are not interested in getting involved in committee work, but just want to dig. Josh said that those three can kind of adopt the common and come to you with a budget and will be presented as a subcommittee. This is not to be a financial drain on you. Larry said that the BCC has many duties that they are currently working on, including looking at the land of Mr. Dickman, and don't want to get too tied down in the park. Josh said the

subcommittee would be working on beautification and maintenance of the common. To keep the walking paths restored and upkept, and the flowers looking nice. Josh said that the common is the first thing that you see when you pull into town, and we want the first thing that they see is something beautiful. Pat said that there are also the buildings on the park and they are concerned about such as the carriage barn. Alice said that she and Sharon had taken up the board's challenge to look for funding from various places. She said they spoke to Regional Planning as they offer help applying for the funding, and they have had no response yet. She said the most positive was Preservation Trust of VT. Alice said that they requested that someone come take a look and someone came last Friday and were very encouraging. They said that the initial step is an assessment done by a professional and there is a fund available for assessments that pays \$500.00/\$1,000.00 as a matching grant. Alice said that Sharon and I are filling out the application and this person will be pursuing the grant for us. Alice said the woman was especially interested in the Hearse House and added the Hearse house to the assessment list. Alice said this has been a real challenge and they have put in a lot of effort, and if they are successful to get the grant for the assessment, it's a split deal. She said at that point it would be the Select board to sign as owners. Pat said that the lady was very enthusiastic and admired all the buildings around the park. He said we love this place and love to see other people looking at it and saying wow. Pat said we'd like to keep the carriage barn from falling down and make use of it. Pat said that the BCC was on board with the board putting the two committees together. Pat said that Lyle volunteered to be the liaison between the committee and the subcommittee.

Roads- Terri questioned the generator bill. She said that we already paid them a pretty good check. Mac gave the board an access permit to sign for Adam Woods. This access is for another access above his driveway. Mac said that the culvert restriction says it needs to be 18" and he doesn't think that they can get 18" because of the ledge. He said there is no water there and he thinks a 12" will be ok. Josh said that the ordinance says at least 18", but that they can amend and do an exception as conditional use. Mac said they should a steel or high-performance culvert, not just a black one. The board signed the permit with these conditions. Mac presented the board with one quote for an excavator from CCR Sales and Service. He said that used are hard to come by. Josh said it would depend what they will give us for a trade-in.

Mac gave the board an invoice for signs for the golf course. He also showed the board a copy of the document between the golf course and the town that showed the agreement that the golf course signs would be the County Clubs financial obligation and that there were to be two crossings only. Josh said that the board could purpose to split the cost. Todd said that the board should sit down with Dana. He said the club has changed hands twice since then. The board said that the agreements would transfer with the deed. Todd said that looking at what they pay in taxes and what does it cost us. The board said the

same thing could be said for Branon's or Gervais and others. Tod said that the signs were there originally. John said that he doesn't think that the town should have to pay for the signs since it's a business. He said that they have one too many crossings, instead of two, and we shouldn't be buying signs. Todd said that he disagreed. He said that we have to do due diligence and the speed limit there is 50 mph, and the pedestrian has the right of way. The two crossing should be painted. Todd said that he would paint them himself. Mac said he wouldn't paint the crossing at the top of the hill because it's not an access. Mac said that they would have to check with the state. Terri said that they can't change the two that were approved. Terri said that someone must have known at the time the third was put in. Josh said he just found out this minute. Terri said that it is typical of Bakersfield to want to sh** on businesses. She said the Cold Hollow Cider Mill ended up in Waterbury because they wanted a sign that was too big. Todd said that he would purchase the signs himself. He said they'll purchase their own and told Mac to cancel the sign order. Mac said that he was told to order them and did so, a month and a half ago. Todd said that if we're not paying for them, then he doesn't want Dana to say that they are not. Mac asked Todd if he can get the kind of signs that the State requires for less than the town of Bakersfield, and Todd said yes. The board said that they would have to come in and fill out a permit for the third crossing. Todd said that he puts cones out. The board said that they talked about reducing the speed limit at one point. Terri said that last night the speed people were going was atrocious. She said what we need is enforcement. Josh said we tried that and got shot down. Josh asked Mac to order ATV signs that say Sensitive Area Please ride responsibly. He said we've had some complaints about ATVs on Belvidere Mountain Road. Josh asked how many ATV stickers have been purchased so far this year. Tami said that we are up to around 75. Josh said the first year was around 200. Josh said that the game wardens have told him that if they want to set up a roadblock to check stickers, etc., that they would be willing to come and help police it, and they would be the ticketing authority. Riders could pay a \$25.00 ticket or buy a Bakersfield ATV sticker for \$10.00. The board said they would reach out to our constable and ask him to set up with the Game Wardens to do a roadblock on Belvidere Mtn Rd as a checkpoint for the town stickers. And the signs may help as people are not riding respectfully. Josh said that you we can order them from Amazon, 10"x14" for \$30.00, and he asked Mac to order 6. Tami asked if there were any designated places for people to park while they ride ATVs. The board couldn't think of any places. They were not sure if Rosalie allowed parking on her property anymore. The board said that Vaillancourt's garage in Enosburg allows ATV trailer parking.

The board asked for any updates on the treasurer position. Tami said no one has applied.

John said that our grant writer is still waiting for a rep in St. Albans for the MERP grant, so no update.

Terri questioned the generator bill. She said that we already paid them a pretty good check. Terri said that she thought they already paid that. Mac said he thought when they serviced it, they had to order a transfer switch, so that might be it. The board removed the Milton Cat payment from the warrant until they had further information.

Josh said that he received a letter from our zoning administrator with information regarding the Access permit for Ron Hathaway. Josh read from previous minutes recorded from the April 25, 2022, meeting, page 3, paragraph 2, to review the history. And then from the minutes of the Dec 12, 2022, page 7, paragraph 4, about legal zoning for 2022 regarding budget. And then from the Dec 28, 2022 minutes, page 3, paragraph 3, where Maria stated the legal fees for zoning brought the zoning down to a negative balance. The ZA said that Mike Gawne reviewed our process and Josh had a copy of Mike Gawne's letter. Terri said that doesn't make sense. The board was told that there was a disagreement about property lines, and pins being moved, and the neighbor not accepting the survey done by Mike Gervais. Todd said that the board had asked about legal fees and this information covers that, so we don't need executive session regarding this. Todd said that the zoning application was being challenged and that was how the town attorney got involved. It was the Hathaway/McSweeney hearing by the ZBA. There were two hearings held here in the Town Hall and one of the parties had their own lawyer. Todd said that whenever our town attorney is contacted then the board should be made aware. John said that he agreed and also they should be made aware of some of the training classes. Terri asked how we are going to cover the hole in zoning. The board said with zoning fees.

Josh said that the board had received a hearsay complaint from Phillippe regarding a possible cannabis business in town. Todd asked if there was any regulation regarding cannabis and was told that no regulations have been passed.

Josh read Sarah Jo's letter regarding the parade.

Todd made a motion to enter Executive Session to discuss personnel issues. Terri seconded the motion and the motion carried with a vote of 4-0. The board entered Executive Session at 8:27pm.

Todd made a motion to exit Executive Session. John seconded the motion and the motion carried by a vote of 4-0. The board exited Executive session at 8:33pm, and Todd said that no decisions were made.

Terri asked if there had been any progress on the complaints on the Avenue property. John said there had been links to the State sent to Mr. Mathieu to lodge a complaint, but he knew of no progress yet. Terri asked if there was

something that the town can do to push the State. Todd said that one of the adjoining landowners sent something to the State and that can take some time. It has to go through the Health Commissioner, and the State Health Dept, and the Agency of Natural Resources. The board recalled that they did fine the same owners of the property around 5 years ago. Terri said let's reach out and see if they have received the complaints and what the status is. Todd is to check in to see if there are any updates.

John said that the Wunderlich dogs euthanization has been completed and we have received the invoice as confirmation. The Lamoille County vet wanted us to sign documents saying that the board was mandating the documents be sent to the board and John said that he declined. He said that he told them that the owner's caregivers had agreed that this was the best course. John said that he forwarded the email request from Nigel Churchill's lawyer to all the board. John said that we have provided everything of public record and anything else requested should be through our town attorney. The board thought they should contact Mike Gawne, and they thought that Lance was going to check with him. The board tabled it to check with Lance at the next meeting.

Terri made the motion to adjourn the meeting, John seconded it, and the motion passed with a vote of 4-0. The meeting adjourned at 8:40pm.
Meeting minutes recorded by Tami Brennan.