

Bakersfield Regular Select Board Meeting
June 27, 2022
7:00pm

Called to order at 7:04pm by Lance Lawyer.

Members present: Lance Lawyer (Vice Chair), Brenda Churchill, Terri Gates, John West

Members absent: Joss Goss (chair)

Residents/Guests attending: Maria DeRosia, Matt Hull, Hobie Gates, Lindsey Gates, Andrew Vincent, Mac Newett, Tami Brennan, Linda McCall, Dan and Katie Forand

The motion was made to accept the June 13th Select Board meeting minutes as written was made by Brenda, seconded by John and the motion carried by a vote of 3-0, Lance abstaining since he wasn't present at the June 13 meeting.

Warrants signed:

Selectman's order #13-2022	\$17,877.08
Road Commissioner's order #4&5-2022	\$6,801.53
Road Commissioner's order #3-22	\$81,987.75

Finance: Maria provided the board with an updated Account Balance Report. She provided a copy of how much we owe on the FEMA LOC and also the interest that we paid for previous years when we borrowed the TAN (Tax Anticipation Note) loan. Maria said that at the next meeting the board should expect a direct tax transfer. She said that we shouldn't have to do a TAN loan this year since we are going to transfer some of the Direct Tax from the town to the Road until we collect taxes in October. That will save the town the interest that a TAN would accumulate.

Lance said that we have a signed agreement with FEMA and should be expecting \$170,000.00 from two projects...Waterville Mtn Rd and project #169693, which is the gravel that is disbursed throughout the town. We are being reimbursed 90% from the Feds.

Terri had a question about Brigham Expense of \$17,000.00 dollars. That includes the cost of building damage and also the monthly expense for Paul Dreher which we should get reimbursed for from the Housing and Urban Development Grant of \$45,000.00. Lance said that he will check with the NWRPC and Kathy Lavoie. Terri said that it looks like we are in the hole for the Brigham Residence Expense. Maria said she would look tomorrow and send an email to the board. John had a question about copier expense and said that it looked like that was over budget. Lance said that he thinks the contract was made after the we made the budget.

Hobie and Lindsay Gates spoke with the board regarding their Boundary Line Adjustment with Andrew Vincent. Hobie explained that they were just straightening out the line between the two properties, that was angled before. He said that it will be the same amount of land as before, neither property will gain any land. Mike Gervais did the survey for the boundary line adjustment

and Hobie said that it shouldn't affect anybody except the two parties. He said that he is being told that it affects everybody that borders our farm and that he was told there are 18 abutters that need to be notified which is really expensive and most of those are his family that want this adjustment. Tami said that the parcel viewer showed 15 abutters and the two applicants that were supposed to be notified to total 17, and Hobie has already said that one of the abutters is himself, so that brings it down to 16. Hobie said that the farm had three separate deeds that were different parcels. The parcel affected by the boundary adjustment is 16 acres. Tami said the abutters for that one parcel should be a lot fewer. Lance said that his understanding is that it is the article states that all abutters need to be advised of the change. Lance asked Hobie if he was making a new Quit Claim Deed for both parties. Hobie said no that it is just a boundary line adjustment. Lance said that he believes that a boundary line adjustment requires a new Quit Claim Deed and he said that he believes that a Quit Claim Deed only requires the knowledge of the two parties directly involved, whereas a review by the Planning Commission requires all abutters be advised. Hobie said that Michael Gervais told us to take this paperwork to the town because he had made all the adjustments and have it registered into the book. Lance said that the Select Board has no authority over a boundary line adjustment whatsoever. Hobie said that the property has three separate deeds, and we already own some of the other parcels. Lance asked if Hobie had approached the Planning Commission with a single deed so that you have the two abutting pieces of property and not the whole property. Lance said he might be wrong but to simplify this to a Quit Claim of those parcels only requires an agreement and not a survey. Tami said that she thought that the boundary line adjustment survey had to be signed by the Planning Commission and then recorded in order to have a Quit Claim Deed drawn up. She told Hobie that he could check with an attorney to see. Tami told the board that she thinks that Hobie is appealing to the Select Board regarding the amount of abutters needing to be notified, but if Hobie has a single deed to a smaller parcel that could really cut out abutters. Hobie said that the parcel that is affected contains 16 acres. Lance said that he felt personally that the abutters not affected should not have to be notified but he may be sticking his foot in his mouth. Terri asked why the Planning Commission sent them to the board. Tami said that Hobie kind of appealed to the board. She said that at the May 2nd Planning Commission Meeting, one hour and 14 minutes into the recording, Brenda directly asked the Planning Commission for permission not to notify all the abutters in this case, that were not affected by this boundary line adjustment because they will not be affected at all and there were so many abutters. Bill said that he didn't know if the Planning Commission had the authority to lift the requirement to notify all abutters of the property according to the bylaws of the town, so they didn't give her permission. Hobie has the same rationale as Brenda. After Hobie spoke with the Planning Commission, the next guest was Emily Kloft from the NWRPC and we asked her about the procedure of making an amendment on boundary line adjustment requirements if nothing is really happening and nobody is affected except the

two property owners. Emily said it depended on if the Town policy is to vote in amendments by the town.

Hobie read off the abutters to the 16-acre parcel as he expected it to be. Lance said that he agreed with Hobie but the Select Board does not have the authority to make that decision. Tami said that it's not that the Planning Commission doesn't want to grant the request, it is about what they can do according to the law. They would love to not have to notify. And in this case Hobie has said that all the abutting family members are in agreement. But the thing is, if that was not so in another case, and we did not notify an abutting family member who was not in agreement, they could reek holy heck on us. We have to do the same thing to everybody. Lance asked, as John said that he had, about having the family abutters sign an agreement letter to present to the board instead of the required notifications and John said that Bill was pretty clear that he did not want to circumvent but to do it the right way. Bill did say that Hobie and Andrew could hold off until the town can approve an amendment. It's the town that decides to change the Bylaws and there is no guarantee that that would happen. John said that the idea of the separate parcel will help but it's not going to alleviate the cost altogether. Hobie said if we sold that parcel of land, then it would only be us, Andrew and the person that bought the property. Tami said the best thing is to speak to an attorney. Hobie said that he feels that it needs to be brought up that the procedure needs to be changed. He said he could totally understand if this was a big process with a lot happening but when it's such a small parcel and a small change. Tami said that if it's town policy to have the town approve an amendment to the Bylaws in order to amend, she didn't believe that we had time to get it ready to vote on at the Primary or at the General Election, so it would go before the Town at Town Meeting. Brenda said prep includes hearings and wording, etc. Lance said that Bill is totally familiar with the process. Tami said that she thinks that the Planning Commission is totally wanting to put in the amendment because in this case, as written, it seems to make no sense. Linda McCall said that as Tami said, you are getting into deep water, and this is a question for VLCT or the town attorney. Tami found the place in the bylaws that state the requirements for abutter notification as currently written on page 9, Article 2 under B. Tami told Hobie that if they could wait until we try to get an amendment passed or if you want to proceed with just the one 16 acre deeded parcel to cut down abutters, she said that she does have him on the agenda for the next Planning Commission meeting next month (July) and we can try to figure it out. Lance said he would just go with the one deed. Tami said that she believed that because land was being transferred you would also need to file a transfer tax form with the State, although there should be no tax due because there is no land gain, she said that she believes that you still have to file it. Tami told Hobie that she would talk to an attorney to see what he needs to do to get a Quit Claim.

Matt Hull met with the board regarding the Fourth of July celebration. He said the Fire Dept. is planning on closing East Bakersfield Rd from RT 108 to the

Town Garage from 5:30pm to 11:00pm and will have their Emergency Rescue vehicle there in case of an emergency and Matt, Paul and Tod will be around there if anyone has any questions that day. There will be vehicles and no ATV's allowed through that section of road. The Fire Station will be open for parking even though they may have to rope off the lawn if it is wet. Matt said this is the first year with the new sidewalks and previously everybody has parked along the road. The school is also open for parking. The board asked if there was a rain date in case of bad weather. Matt said that he didn't think so. That would be a question for Paul. Mac said that the Port-o-let company that he spoke to said they have no units available through Labor Day, but he would call another place. Lance said that the Town Hall bathroom was possible for Handicap. There is to be Handicap parking reserved over by the Historical Society. There is to be a DJ from 6-7 and the Rusty Bucket from 7-9pm. There will be hamburgers and hotdogs, with Chocolate milk on the Town Green beginning at 5:30pm. Strawberry Shortcake at the church, and Ice Cream cones, water and pies by the Historical Society. The Historical Society will also have a raffle on firewood and a Sap Bucket auction where you purchase a ticket and put your ticket in the sap bucket sitting by the item you are interested in. Dyrek Krygier and Joe Paquette will be setting up Fireworks down by the Town Garage.

Matt spoke with the board about the Fire Department's concern about some of the remote dwellings and camps on Class IV roads that are hard or could be impossible to get to in the case of an emergency in a timely manner. Matt said that he didn't want to discourage people from purchasing and building in remote areas but wanted to work with the board to make sure the Emergency vehicles and crew could access these remote addresses safely and swiftly in an emergency. Matt said that to get a truck up on the Class IV section of Belvidere Mountain Rd would be really rough. There is not an emergency clearing for a truck to turn around. If a camp was burning at the end, what do we do? If we need water up there, it's a slow ride up to drop off a load and only one truck can go up and down. He said in such a case, they would have a major planning event. Lance asked if the Fire Dept. had a proposal. Matt said they did not and that they would like to work with the Select Board and the Planning Commission on this. He said County Rd, King's Hill, and Waterville Mtn Rd pose the same difficulties and he was not even talking about winter. Lance said that the Town zoning bylaws require a driveway over 400 ft long to have a turn-around for emergency services. He said that camps are considered seasonal. Mac said that Log Cabin Lane is hard to get up in the wintertime because it's not kept up well. ATV accidents pose a problem. Matt said his worst fear is a catastrophic event due to bad weather. Those homeowners need to know that it's up to them as well to keep things cleared. He says he also hates to put very expensive equipment to reach some of these dwellings when the road is not safe, but they will always try. Matt asked if there was a State mandated stipulation for a Class IV road's traveled way requirement? Lance said the State mandate for Class IV is that the road be travelable for one season out of the year in a regular car. Matt said that we really need to make a definitive plan to

safely access these places. Matt said that if those roads are not plowed, those people are a goner in an emergency. Lance said there are two camps up there that are not supposed to be inhabited year-round. We have an active complaint against one of the residents up there and we need to pursue legal enforcement. Matt said again that he doesn't want to deter people from building or purchasing and he asked the board where they would like to start. Lance told Matt to list their specific concerns and come back to us and we will schedule a meeting to discuss possible solutions. At some point, we will also have to include the Planning Commission because if we are going to change something, it will need to be changed in the Town Plan.

Matt also spoke with the board to give them information about the proposed Cell Tower to be placed on his farm. The company is called Industrial Communications and they place cell towers from Florida to New England. He said they are professional and reputable and are part of the government's initiative for the desired broadband expansion. This tower placement, even with Vermont's topography, should provide cell service from Enosburg to Jeffersonville. They chose Matt's property because of the amount of land available and the location. The tower will reside on the edge of Matt's Sugarbush. Cell service should reach 1-2 miles out of Bakersfield village. When it gets up and going, they would like to add a site here in Bakersfield to boost cell service. Matt said this would be an opportunity to have cell service for First Response. Matt said that his first question was whether it could benefit the Bakersfield/Enosburg Ambulance as far as Dispatch and he said they were not agreeable. But the cell service alone is crucial for ambulatory responders to communicate with hospitals and other crew members, and so much of Bakersfield has no cell service at all. He said the Golf Course would have service. He remembered when some folks got injured from lightening there a few years ago.

Matt said that this is not a monetary benefit to him, he is just leasing the land to the company. He said they have applied for a certificate through the Public Utility Commission. Matt said that Industrial has his permission to talk to the board about the project. He said as soon as all is approved, they begin negotiations with the cell carriers and that at least 4 are expected to participate. Matt presented the board with a large study report. He said that there has been some opposition from neighbors regarding radiation effects so Industrial brought in Dr. Don Hayes, a highly renown radiologist in the U.S., to do a study on the radiation that would be emitted and unless you climb the tower and hug the transformer, the radiation is minimal. John asked if besides safety, were there any concerns about the visual nature of the tower. Matt said that it will be most visible from the land that he owns. He said that it is tucked away, not close to the road. Industrial will put in a road to access the tower and Matt can use that road for himself as well. Matt said that he has been under a lot of fire as a landowner by a couple of folks, a couple of not full-time residents on Chester Arthur Rd claiming that he is ruining the Chester Arthur monument and it will add traffic on the road, which is not correct. Matt said

that the last thing that he wanted to do was to upset his neighbors. Last week, they had a public meeting in Enosburg regarding this project and it made the front page of the County Courier. Matt said that he is not here to sell this project or to get support, but to give you information.

Matt said that any public comment for concerns or complaints could be posted and shared on the website of the Public Utility Commission until July 12. He said that the extensive report that he gave to the board is available on the website as documents. Matt said that he would send the board a link to the PUC website to post on the Bakersfield Town website for easy access.

John said that the cell tower starts off as a straight pole and then the carriers add the branches. Matt said there was concern from neighbors about the noise from the generator. He said that he can put the generator at the barn by the Sugar House. John said that you can place the generator in a padded containment to minimize the sound and it only runs about 20 minutes a week to keep the cell service up while they do tower maintenance. Matt said that they are 99% sure that this is going to go through. Matt said at the end of 30 days, Industrial will mail a copy of this report directly to the board. He said that hopefully down the road the Fire Dept can get some repeaters to use for radio communication as well. He said that he didn't just jump into the contract. It was about 8 months before he signed the agreement. He said the company is professional and great and they don't step foot on his property without an email. Matt said that he really considers it essential for public safety. He told of an incident of an individual who was hurt and one of his employees was driving by and knew that he could go into a certain house and place a 911 call. Matt says the lapse in time that it can take to place a 911 call can be critical. He views this as a tool for public safety and not as a benefit for himself.

Lance thanked Matt and the Fire Dept on a personal note for assisting Enosburg Rescue in getting his mother to St. Albans and also 3 years ago when the same crew helped his father. Matt said that he has been on the crew for 24 years by default. He said that a couch and tires on the County hill line was set on fire, and I helped. He said that the next day the chief came down to visit him and said have we got a job for you.

Matt also told the board that the Fire Dept will be having their Golf Tournament this year on August 19! He said if any of you folks want to put a golf team in, that they would love to see you all there.

He said the Fire Dept will be having a barbecue and an open house at the Fire Station for you to come and meet your local fire fighters. He said they are hoping to bring the helicopter in to show the community what they do. He said that is a great organization to work with. He said it takes 13 minutes to get from Burlington to Bakersfield and 3 minutes out, Matt is on the radio giving coordinates to land. He said it blows everything out of the way. Matt clears the scene and give the signal to touch down. He said they don't touch down until Matt give them the go ahead. He said Bakersfield landscape is pretty tight, so

they don't really see landing at other places besides the school. Matt said that he can place them on standby if we think we may need them. He said it is a great tool for Franklin County to have.

Road Report- Mac presented the board with a contract for the \$8000.00 grant for Road Inventory from Bethany that needed to be signed, and an official declaration to go ahead with the Paving Grant from the State, which also needed to be signed. Lance signed both documents as Vice-chair since Josh was away.

The board signed off on Final approval for Road access for Ron Hathaway. Mac said that all looks good up there and Ron should be able to apply for a Building permit.

Roadside mowing- Mac said that guy that works with BJ is not interested because he doesn't have enough time. Terri asked if the town has issued a RFP (Request for Proposal). John said we put out a request for bids and to call with any questions and the town has published an ad in the County Courier and Terri sent an interested party a picture of the ad. Lance said it would be best if the party could come up and look at what needs to be done. The board asked if we asked Pete's Equipment, who has a forearm, for a bid. Mac said we still have the bid received from Michael in Montgomery. He came up to look at what we were thinking so he must think that he is capable of doing it. Terri asked who did the mowing that has been done so far. Mac said that we did. But Mac explained that the roadside mowing bid is for further in, not directly on the roadside. Terri asked why the sickle bar is set so high and doesn't mow lower. Lance said that when you are mowing grass 6 feet tall, you can't do so low on the first run because you can't see things that you might hit the first time. He said a second time is beneficial. Lance said that he really likes the look of a hand done job even though it's more expensive, he thinks it looks better.

Mac said that he talked to Pike regarding paving Boston Post Rd.

John said that the crew did a nice job at Brigham. Mac said that they had got a different lift and it was much easier to control. He said that some of the OSB on the backside that they didn't replace, they just put plywood over it.

The board read some apology notes from some of the individuals involved in the Brigham vandalism. There was \$1000.00 check from Terry Gerrow and Danielle to help with the repairs for Brigham.

Terri asked and it was confirmed that there were ATV signs at both ends of the Post Rd and the Avenue. Tami asked the board a question that someone asked her that bought an ATV sticker about ATVs being allowed to drive down to the Jolly to get gas. The board said that they can't give that permission because it's a State Highway, but it does seem to get travelled and the ATVs figure out a

way to get there. The board said that the ATVs that are riding in town are going slow, are respectful and quiet and that it is much, much better. The board said that they have opened more roads and have had less complaints. Terri said she is not hearing many at night.

Lance signed and accepted a resignation letter from Sonya Peck from the position of the cleaner of the Town office. She said she would continue while the board sought a replacement for her. The board asked Tami to advertise in the County Courier requesting applicants for the job.

No new news on the ongoing project for Brigham Residence.

No update on the Culvert project other than they did hire Tyler Billingsly as the engineer for the estimate.

Terri said that KBS declined to make a bid for External Town Audit.

No updates on the Booska Plow Bill

Bakersfield Town Hall Furnace Replacement is on hold.

John said that Linda McCall sent an email regarding adding an engraving for one of the soldiers by the family name of Stone, who actively served, onto the Veteran Monument on the Town Green. Linda sent the soldiers DT214 to enable eligibility for placement on the monument. Lance said that he didn't know the answer to that. He said that the board will have to research and see who has been responsible for having names engraved in the past.

John asked Linda if she had a chance to check into the building grants on the VLCT website. Linda said that she had not, that she had her hands full. John said that he thought that the Hearse House project would be an active project in 2023 and the historical society building. John said that there was a set of emails from VLCT and one of them was for grants for repairing buildings. He said that Linda had requested ARPA funds and John said this could be an alternative.

John said that VLCT is giving away 4 COVID tests per person working, for the Town buildings. He thought we could order them for the Town Clerk's, the Town Garage and for the Fire Department. John said that he would get the info and get them ordered.

Terri made the motion to adjourn. Brenda seconded the motion, and the motion passed with a vote of 4-0. The meeting adjourned at 9:40 pm.

Meeting minutes recorded by Tami Brennan.