

Bakersfield Regular Select Board Meeting
Monday, March 22, 2021
7:00pm

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

Members present: Josh Goss (chair), Lance Lawyer, Gary Denton, Brenda Churchill, Terri Gates

Members absent: none

Residents/guests present: Roger Lindala, Rodney Allen, Abbey Miller, Audrey Haselton, Dan and Katie Forand, Kevin Curley, Kathy Lavoie, Vera Lawyer, County Currier, Tyrone Shaw, Tim Joyal, Linda McCall, Paul Talley, Lisa, Heather Jewett, Deanna Allen, Stacy Maynard, Jean-Marie Clark, Hollie, Melanie Riddle, Tami Brennan

Terri made the motion to accept the May 8th Select Board minutes as written, motion was seconded by Gary and passed with a vote 5-0.

Warrants signed:

Selectman's order #8-21	\$9,772.72
Selectman's order #11&12-2021	\$13,769.94
Road Commissioner's order #03-21	\$15.89
Road Commissioner's order #4-2021	\$6,083.00

Tyrone Shaw spoke to the board about concerns that he had with the new board policy that the Road crew would use the town trucks, instead of having the guys use their personal trucks, for the road inspections. One of his main concerns was the high water that regularly occurs on Lost Nation Rd that devastates the road, and the trucks are so heavy, especially when fully loaded with sand. He said that he can't imagine a town truck doing their routine patrols in those trucks. He shared a concern for the safety of the operators. He noted that there is no room for the chainsaws and tools in the cab and that it's hard for the guys to get up into the back of the truck. He wanted to know if cost was an issue and assured the Select Board that he knew that they were doing the best that they can. He thought that it might be a good idea for the town to purchase a used pickup truck. Josh said that paying less for fuel and mileage, it might be possible for the town to run a smaller town truck and we could probably get a used municipal rate on a truck.

Rodney said that this is a town problem, not a personnel problem. He said that the road crew is doing a heroic job, and amazing work. He asked the board how many miles of back roads that Bakersfield had. The board said that we have a total of about 50 roads with 10 miles of black top, and 10 miles of class II roads. Josh said that when the board had made that decision, they had in mind that when the roads were being checked for sand, it made more sense to go out with the town truck fully loaded so it could lay down sand without having to come back into town and get the town truck. Rodney thought it would be best to get a truck big enough to help if one of the big trucks break down, like maybe a ¾ ton.

Abbey told the board that a potential new truck would have to be priced out and to make sure to factor all the costs in. The town pays about \$2500.00/year in mileage vs another registration, insurance, gas and wear and tear. It would make a difference in the budget. Josh brought up the liability if something were to happen on the job while using Mac was using his own truck. Josh thought it would be worth it to call a local dealer and ask about what the municipal discount would be. Abbey said that they could look at the State auctions when they sell their used trucks also. Josh said that everyone agreed that the present situation isn't satisfactory.

Rodney also recommended that the board look into purchasing a backhoe. He said that the town has needed one for years and the guys can't do the job that they need to without one. Josh said that the town has previously been able to use Harmon Mayo's backhoe which was available to the town, but Harmon has since sold his backhoe and it's not available anymore.

Melanie Riddle spoke to the board regarding the sheet that she submitted to the board for the last Select board meeting that listed the Bakersfield Town zoning fees, which have not been updated since 2014, along with the current fees charged in Fairfield and Enosburg, in consideration for a fee schedule update. Melanie said she would like to add a fee for an abutter notification, which is an expense that the town has been incurring, that the town does not need to be incurring. She was thinking about \$40 something/person, along with an administration fee. It takes Melanie about 20 minutes to do it and it really needs to be filled out by the ZA to ensure that there is a clear paper trail showing that abutting landowners are notified. She would also like to add a permit requirement for an inground pool and possibly for an above ground pool, if it is large enough. They could set a square footage limitation for exemption. A lot of people that install above ground pools like to build a deck around them. She said it's up to the board, they can stipulate that there are no fees for an above ground pool. She asked if a lister needs to know about an above ground pool since she was not familiar with the lister requirements. Gary asked Melanie if she has addressed any of the people who are living year-round in camps without a Certificate of Occupancy. Melanie said that she had not begun this yet because she needs the Select Board to verbally authorize her to be able to go through the VT judiciary system.

Gary made the motion to appoint and grant authority to Melanie Riddle as Judicial Zoning Administrator for the town of Bakersfield. Lance seconded and the motion carried with a vote of 5-0.

Melanie said that she understood that the Town presently does not have a Zoning Board of Adjustment and in that case, the Select Board will be acting as ZBA. She just wanted to give them a heads up that she had a case coming as soon as she receives a full application.

Melanie also addressed the board regarding purchasing a laptop for \$550.00, that the board had asked her to wait to purchase until after town meeting, to see if the budget passed. Abbey said to make sure that the approval to

purchase gets in the minutes because there was no mention of it in the minutes last time.

Terri made the motion to allow Melanie, the ZA, to make a laptop purchase in the amount of \$550.00. The motion was seconded by Gary and passed with a vote of 5-0.

Josh asked for time for the board to look over the fee sheets and asked if Melanie would return for the next board meeting to continue the discussion. He also asked for her to send some of her recommendations on the fee updates as to where she would like to see Bakersfield fall. Melanie said that she would do so. Terri asked if Melanie had a reason for raising the fees. Melanie said that since the budget is increased for her position and additional ZA hours, it made sense in terms of covering the cost of employing her. She thought this could be a place where the budget issues could be fixed a little bit.

Abbey said that the zoning part of our budget usually has been running at a deficit. She said that it looked about even right now but that was because they had not been paying a salary since the last ZA resigned. Abbey said that she would send the board the numbers and they could look it over and consider that in their recommendation.

Abbey Miller and Audrey Haselton met with the board. The board asked how the transition was going?

Abbey updated the board on the status of the TAN loan, that it was still in the works and can't be signed off on until after April 3rd, because of the 30-day delay. Hope, from the bank, and Abbey have been back and forth, working on the cashflow worksheet and Abbey hopes to have the paperwork ready for the board for the next meeting. Last year we paid 3.2%, rates will go up a bit. FEMA loan is around 2-3%. The demolition of Goat Path is 100% submitted to FEMA and we should begin to see some reimbursement money soon. Whitney Road and Trobridge, had been stuck in mitigation so long that they were advised to pull it out and resubmit it, which turned out to be beneficial for the town.

Cook Brook is waiting for the weather to break to put down the final 6" top layer. Abbey alerted the Select Board that there was a Close and Standard form that needed to be signed by the Select Board tonight. There is another conference call with FEMA this Wednesday. Abbey has been talking to FEMA almost daily. The money that should begin to come in needs to be used to pay on the LOC loan. Lance told the board that the cheapest option for Goat Path bridge is the longer span because of the smaller abutments needed. The structure and the cost will be better. The total cost for the demo was around \$105,000.00, including the engineer and UVM, and They expect to receive between \$75,000. and \$80,000.

Abbey also brought up the signature cards. She suggested that for the time being, that Abbey be left on as second signer. Abbey said that since it's past 10 days since the election, that the board needs to appoint an assistant to the treasurer. She suggested that she fill that role until Audrey is fully trained, at which point, Audrey can train the assistant that the board appoints. Audrey is

not at the point that she is fully trained and she needs to be able to use, NEMRC, the lister program as well in order to work on taxes. The board asked Audrey how much she had worked on taxes while she was assistant to Vera and Audrey said very little, she had done some copying and made some deposits. Abbey said that some of the work only happens once a year, so it's difficult to train in everything until the time of year comes up when you are doing the work.

Lance said that Kathy does not want to be second signer on the checkbook and Abbey said that it made no sense for someone to have the authority to sign checks if they are not trained to do the work.

Audrey said that she had an issue signing her own paycheck. Abbey said that the issue with that is that you would have to coordinate every other Tuesday to have the second signer come into the office to sign one check. She said banks don't have an issue with it. Abbey did it. Vera did it. And that Audrey may not always have a choice because of logistics. Abbey also said that she would not be signing off on work that she, herself, has not done.

Josh said that they would leave Abbey on as assistant. Abbey said it would probably be a few more pay periods, then it should be quiet for a while. She would like to have the tax rate set in July, and she would come back for tax season.

Terri said that the board should put a feeler out there for anyone interested in becoming assistant treasurer. Josh directed this information to the zoom audience asking that anyone interested should submit a letter of intent, along with a resume, to the board. Abbey told the board that she would not have time to train the assistant.

Northwest VT wheelers- Tim Joyal had been invited to address road closures. Tim said that he had reached out to VASA tonight and talked with the trail guy. They have taken Witchcat Rd right off their trail maps. It will not be part of the club riding at all. Anyone riding on that road should not be a club member. Tim said that when the board gets to revise the ATV ordinance, that the old ordinance didn't allow ATVs to get past the town shed. He said that for the last couple years, the State has allowed us to get to the deli. Josh said that the town has already had a chance to update the ATV ordinance and the only amendment since that time is to include the Historical Society parking lot in the restricted areas for no parking. Josh said that in the new ordinance, they do have that road access to the deli because the state ordinance says that paved roads are closed to ATVs, so the paved portions of Bakersfield's roads are closed. Tim said that VASA went to the state and the state gave permission for ATVs to ride to the store in Bakersfield and also to the one in West Enosburg. Josh asked if He would have VASA reach out to Bakersfield and send the paper to us from the State.

Tim said that May 15 is the opening date for the trails if the trails are thawed and dried enough to ride. Everything west of 108 has been closed. They discussed the issues on Skinner Hill Rd. There is a large sign prohibiting ATVs on Skinner Hill, that Tim said that he put there himself. Skinner Hill is not on

the trail map. Josh said that Skinner Hill has been downgraded to a legal trail and no motorized vehicles are allowed. It's for horses, hikers, walkers...The town will be putting the promised gates at each end as soon as the weather allows for installation. The landowners are mad and anybody on that trail is giving NWVT wheelers a bad name. Tim asked when Goat path bridge would be replaced. He said there are riders that ride down there and if you can't go over the bridge, you have ride on 108, which is a safety issue. Josh said that they want to get done ASAP because when it's done, FEMA pays us, but that we're at the mercy of the state.

Gary mentioned that there has been a lot of littering up on the arena. Tim said that he hasn't been up there but that they would get someone up there to clean up and put some signs up. Paul Talley asked why there are no ATVs allowed on the dirt roads west of 108. Josh said because there is no access to trails from the roads west of 108. Fairfield and Sheldon both have their roads closed to ATVs. Tim said that Sheldon has opened their roads this year. Josh said that you have to go through Fairfield to get to Sheldon and those roads are still closed. Paul said that the state allows dirt roads to be trails. Josh said that the town was concerned with the damage that the riders were leaving on the roads, every corner was getting furrowed up, the intersections were becoming donut zones and the straightaways became drag strips.

The board asked Tim is they would be having any enforcement, like the Sheriff, up on Belvidere Mtn Rd. They said they need it there more than Enosburg Mtn Rd. at least twice/month around 8am and then around 2:30/3 in the afternoon. Tim said that he would reach out to Danny. Terri asked about signage for the Roads that were closed. Tim said that if it wasn't a VASA trail, they really can't be expected to provide the signs. Josh said that the board appreciates the signs that that NWVT Wheelers have put up and that he thinks most of them are still there. Lance noted that it doesn't really slow them down but that the riders on Egypt Rd/Lawyer Rd were pretty respectful for the most part. Terri noted that the ordinance gives the police leverage.

Abbey also addressed the board about the need for an internal audit for the months of Jan and Feb because there has been a change of treasurer. She wanted to have another auditor appointed ASAP since she only had one. The board said that they had appointed Jason Bapp at the last meeting, but he had not been contacted to let him know. Abbey said that she would contact him and get the audit process going. She doesn't anticipate it taking more than two days.

Kathy Lavoie met with the board regarding grants for the Brigham Academy. She said that they had held a meeting last November, meant to be for public and private funders but that due to COVID, it had turned into a local tour. They would like to hold a potential funders meeting since there are a lot of grants out there for lower income. The first step is a planning grant. The community develops a program. The planning grant can be between \$3000.- \$60,000. Paul from the Brigham Residence project had a conversation with the

state, and we can apply for the 60,000.00 grant. We need a study of sufficient parking, sewer, the housing market and an environmental review. We would need a 10% match. The Phase I and Phase II Environmental Review would meet the match for the community.

The issue is that typically the notice of this public hearing would be posted in the newspaper. Kathy will let the state know that Bakersfield doesn't typically do that and that it was posted at the library, the local gas station, the Town Hall and on the town website. If the state says that is not sufficient, then we would have to warn a public hearing in the newspaper at least 48 hours before the meeting and hold a special meeting, since the deadline is April 13. The board would meet June 10. If the resolution is accepted tonight, she'll get it off to the State tomorrow with how it was posted. Part of the Resolution is to appoint a contact person which she assumes will be Lance. Josh said that he had already requested that of Lance. Kathy said that The Resolution had been sent to the board members via email. The board has to authorize the authorizing official, Lance is already in the system along with Kathy and Paul. Kathy's representation is free to the town. Brenda thought it might be good to have Melanie, our ZA with grant writing experience, to be put into the Grant management system. Discussion about waiting to adopt the resolution until the next meeting on April 12 took place but that was too close to the deadline. Melanie was called back into the meeting to see if she would be willing to accept the position and Melanie accepted. Kathy said that she would be available to Melanie as a support.

Terri made the motion to Adopt the Resolution and appoint Melanie Riddle to have application authority on the Grant Management System. Gary seconded the motion and the motion carried with a vote of 5-0.

Kathy said they are calling the project Brigham Academy Reimagined and she would let the board know if the State accepts this without the warning in the newspaper. Linda McCall asked if this was part of the Brigham Residence Project as a residence facility, with Heidi as the developer and she was told yes, that is what it was originally called.

Bill Irwin has responded for attending the Rail Trail meeting and Lance said that he will be there as well if the internet cooperates, to discuss the impact of the trail being completed. VAST and Vtrail will be there as presenters. Josh noted that the trail doesn't touch a big part of our town. Lance said that the town will have to create an access there, there is no place to park a vehicle there.

Roads- Mac was unable to be at the meeting but had told Lance that they did a full inspection of the roads today and where the roads were drying out, they were beginning to use the grader. He said the logs in the office had been filled out and are in the file cabinet for the board to look at. A School bus driver had used the new pager system to alert the road crew to a mud hole on Whitney Rd on his morning run, and by the time he did his afternoon bus trip, the road

was fixed. He gave a big thanks to the Road crew. He said there were no complaints from the bus drivers.

Mail-

A Letter received with a request for the name to go unannounced, was read by the board regarding a tenant in the white apartment building. After a previous complaint, Josh had made a visit, he was met with respect, and he had said that the tenant said that he would take care of it. Lance said that he has received complaints four times now. It's a repetitive problem, ongoing and not being resolved. We have no town noise ordinance, we go by the state ordinance, and the ATV ordinance has an exhaust noise level noise ordinance. We also have no ordinance on how far a grill needs to be from a house. The fire marshal visited and agreed that the grill was too close and in violation. Josh said that at this point, this is not a town problem, it's a problem between the resident and the state police and the landlord. The resident has not gotten the response that he desires from the State Police. Josh said that neither do we. Josh said that the board needs to send a letter to the resident explaining that it's a State Road and we don't have jurisdiction for traffic on a State Rd. The board also doesn't have the right to go in there and start ordering this guy around and the dog is on the landlord's property. Lance said that the landlord is in poor health and not able to respond to any of this.

The board received a letter from Andrew Vincent, announcing his interest in the position of Bakersfield Town constable. The board asked to invite Andrew to visit the board at the next Select Board meeting so they could meet him and talk to him about the position. Tami to invite Andrew to the next meeting. The Constable deals with loose dogs and dogs barking. If the person in the position receives police training, he would have the same authority as a police officer within the town of Bakersfield. The Constable is able to draw an hourly rate for service rendered. In years past, there has been no one to fill that position so the Select Board has filled the position. The board told of a time when they had to respond to a call about two dogs locked in a vacant house of a known drug dealer, for over a week. They were not sure if they would find a dead body in the house, they called the police and basically were told to deal with it themselves.

If the person in the position has no police training, then he can only address the situation to determine if the situation requires officer intervention.

The board discussed the position, the liability of having them trained vs untrained, whether it be an armed position or unarmed, what equipment he might need, deputizing his car, etc. Josh to check with Paul Talley and see his interest level in the situation, since he had expressed interest earlier. VLCT should have a job description for a Town Constable.

The board received a letter from Mr. Jones on Skinner Hill and Josh said that the town is to install gates on each end of Skinner Hill as promised as soon as

the ground thaws. We don't have the equipment to drill through frozen ground. Mr. Westcom said that he would be willing to poke the holes for us and maybe get us some posts. The board said they would tell Mac to get some measurements and then go to Bates and buy some sturdy, double gates. The good road, able to be traveled portion of the road, that goes for a while on the Jones property, is not route of the town road. The ATVers have been doing obvious property damage and a physical assault took place.

Terri asked what was our right-of-way...3 rods? Ten-foot gates? Asked if we could do the same with stone? But stones can be moved. The gates were voted on and passed.

The boards response to Jones it that the guys will be installing the gates as promised as soon as the ground thaws.

Heather Jewett spoke about another company that is working with the State of Vermont via zoom meeting, that wants to help with the town wifi. It's a non-profit company that has been given federal money. The gentleman looked over the town for another place to put a wifi booster at no cost to us. They are looking to the Jolly Station or the new Fire Station. It was brought up that people would not be able to park in the Fire Station parking lot to block in case of emergency. We could let the Fire Dept dictate the rules, that's totally up to the Fire Dept. Heather would have to talk to the Fire Dept. chief, Matt Hull, and the owner of the Jolly station. The board also considered the old fire station, where the recycling is but the town doesn't own all that property. Heather was anxious about having it be attached to the school and having people sitting in the school parking lot while there were children playing on the playground. Heather said that she had gotten the man to agree to two more boosters in town, but the programs are just being pushed so fast, they wanted to start Monday, today. We need to choose two places. Discussion brought up the Historical Society, but the Historical Society does not have internet service and the booster needs an existing internet service to work. Heather also said the program would be hesitant to put two boosters so close together. One suggestion was the golf course which would make a good place at that end of town and fits description of the site needed. Heather to contact Carl Stone. Brenda said that she would be in touch with Heather tomorrow.

Brenda sent an email to the board members with links to equipment needed for the zoom set up. She said we might be able to do better with refurbished equipment, but we are looking at a laptop similar to Melanie's and equipment totaling around \$1500.00 or at least \$1000.00. She also said that there would be other entities in town that would be able to use it. She recommended that someone come in and run it for us. We may or may not need Roger for that. He has been greatly helpful and available for every question asked.

Lance made the motion for Brenda to continue and begin purchasing equipment. Terri asked what about the money? Lance said that we did get the \$15,000.00 from the library that we had not calculated into this year's budget and we're talking 10%, \$1500.00, to make meetings available to more people.

Lance asked Roger how many towns around us are currently implementing zoom meetings and plan to continue. Roger said all of them except Berkshire. Brenda asked that the board give her permission to work with Melanie to apply for grants to reimburse. She noted that 15 people attended tonight via zoom. She said that anything over \$1500.00, she would be coming back to the board. Lance said that he did not put a cap on his motion. Gary seconded and the motion passed with a vote of 5-0.

Appointment updates-

Jan Ketchum accepted the position of Hospital Committee.

Sam Cribb denied the Civil Defense appointment. He did not deny the Emergency Management position, which the board will take for acceptance.

The Cemetery Commission decided to work with Heather Tanner for this one-year term. Lance made the motion to accept their recommendation of Heather Tanner on the Cemetery Commission, Gary seconded, and the motion passed, 5-0.

Outside Audit- research on audit history-

The minutes of the past Town meetings, since the embezzlement, show that the town never voted on having regular outside audits scheduled every certain number of years. The minutes showed that the town would vote periodically to have an outside audit done or bids put out.

The board would have to add this as a line item for 2022 and we'd have to get bids prior to having it warned. There are multiple firms to check.

Josh asked that we keep the outside audit on the agenda to get quotes for audit.

Terri said that she received a call from an upset resident over the denial of a contribution to Cat Crusaders. They felt \$500.00 was nothing compared to all that Cat Crusaders has done for the town in helping keep stray cats off the street. The resident said that she, herself, has a cat from this organization. She wanted to know if the board would reconsider their decision not to contribute to Cat Crusaders. She said that there was a big article about Cat Crusaders being on Kelly and Regis. Terri told her that she would bring her appeal to the board. CC sent a letter to the board appealing to the board for a contribution prior to town meeting. It's completely run by volunteers, vets volunteer their time. Gary was against donating without the vote of the town and that we should wait until next year. Josh asked Terri if Jamie Rushford would be willing to come to a meeting and talk to us. Terri said that she would reach out and invite her to the next meeting.

Josh said that Ginger Parent agreed to be Health officer for another year. We do not have a deputy Health officer. Ginger needs to fill out the form and come to the office and take the oath. The board still needs to check with Pat Evans and Gerry Brown to see if they accept their appointed positions.

Terri made the motion to adjourn the meeting, Gary seconded, and the vote passed 5-0. The meeting ended at 9:42pm.

Meeting minutes recorded by Tami Brennan.

The next Select Board meeting to be held Monday, April 12 at 7:00pm.