Bakersfield Regular Select Board Meeting March 27, 2023 7:00pm

Called to order at 7:00pm by Lance Lawyer.

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

Residents/Guests attending: Sean Kio (Northwest Fiberworx), Bruce Martin (VT Dept of Highways), Dan and Katie Forand, Mac Newett, Linda McCall, Tami Brennan

Previous minutes: John made the motion to accept the minutes from the March 13, 2023, as written. Todd seconded the motion and the motion carried by a vote of 4-0, Josh having not yet arrived.

Warrants:

| Road Commissioner's order# 12&13-2023 | \$42,071.91 |
|---------------------------------------|-------------|
| Selectmen's order #3-2023 ARPA | \$107.65 |
| Selectmen's order #7-2023 | \$54,563.07 |

Finance- no finance reports this week.

The board said that Carolyn and Phil Bronz volunteered to work as Town auditors. Todd made the motion to appoint Carolyn and Phil Bronz as Town Auditors. John seconded the motion and the motion carried with a vote of 4-0. Tami to notify and congratulate Carolyn and Phil Bronz on their appointments as Town Auditors.

Bruce Martin from the Vermont Dept of Highways met with the board via zoom regarding questions that the board had concerning the State proposed maintenance agreement for the area at the base of the hill of Egypt Rd that connects to Rt 108. Lance said that rightly or wrongly, the board feels that design flaws or implementation is causing gravel run-off from Egypt Rd to flow into Rt 108. Bruce said that he agreed, and that Egypt Road was a pre-existing problem. He said that it's a really steep hill and the water run-off is extremely high. Bruce said that the state installed a shared screen and a swail gutter to send the water into the catch basin. He said the state has a permanent easement from Teapot Homes which triggered the maintenance agreement. Bruce said it connects to travel on RT 108, within the State right-of-way, which is the state's responsibility. He said the maintenance agreement is for the small triangle where it all connects. Bruce screen shared a map of the system and pointed out exactly where he was talking about. Mac asked what exactly they want to see done within that triangle from the south side of Egypt Road. Bruce said they want to keep it free flowing, to make sure it's kept free of debris. Lance said that the gravel washes into RT 108. Bruce said yes. He said they tried to use stone to slow it down but the only way to really fix it is to pave all of Egypt Rd. He said we obviously didn't fix the problem, but we tried to do what we could. John asked Bruce if he could send the screen shared map to

the board. Bruce said it is filed with the Town Clerk, but he will send them a copy as well. Lance asked Bruce that since Teapot homes has sold the property, if that affected the easement. Bruce said that it is a permanent easement and would now be in the new owner's deed.

Bruce asked the board if they are aware of the culvert replacement project to be done on Rt 108 South. He said they had a culvert failure. They had connected a 36" pipe onto a 48" culvert, and that is all to be replaced with a 14-foot wide by 5-foot-high opening. He said that they will be lowering traffic to one lane. Lance asked about time frame and Bruce said December. He said it is a significant excavation and there is not a good detour in the area, but if they ever have any questions to reach out as they come up.

Sean Kio, with Northwest Fiberworx, met with the board to give an update. Sean said that they continue to have progress. He said they created NWCUD in 2020 with just a couple of towns and they now have 22 towns/communities on board. He said they are getting closer to construction. Sean said that the google fiber deal did not end up happening. He said they learned a lot from the dialog during that process about what they liked and did not like. Sean said they put out a RFI at the end of last year and had 5 responses. He said they are very much shooting to begin construction this year as they have some resources and materials. He said they have identified a central office location. He said that creating a brand-new utility is quite a challenge, but they want to get their first block in this year. John asked what town they were going to start with. Sean said that he couldn't tell them. He said he could only tell them that if you look up the area's most in need, it generally aligns with our plans. Sean said that the new organization that they are working with is more aligned with our ideals and things should progress a lot quicker and should move forward within the next 60-90 days, so in short order we should be able to make a public announcement. John asked about their Helicopter survey and Sean said that was done. He said that Enosburg and Swanton didn't have their data base updated so they couldn't show where the poles were. He said the workers knew but the database didn't. Sean said they now know where every pole is located, and they are 98-99% complete in their engineering design and plans. John asked if it was all arial and Sean said yes with about 2-3% of it underground, mostly to houses. Underground is a whole lot more expensive. John asked if the system would have self-healing rings in case of need of repair. Sean said yes, they would have redundant rings that will work both ways and we have local resources within our district for repairs. The board had no other questions and Sean said to feel free to reach out at any time and he thanked Bakersfield for their support.

Roads- Mac said that they brought in some stone for mud season and they put some on the roads while it was still frozen. He said they used the grader in two spots the other day with a load of stone and it was very effective. He said they hit the worst potholes and still no sign of mud yet. Lance said he hasn't seen the nasty holes this year and Mac said the frost heaves weren't as prevalent this year. Lance said that he picked up the price list for stone on the counter at Leaches. Mac said he thought that might be last years. Terri said it can't be that much different. Terri asked if the board noticed that the State's fix at the bottom of Boston Post didn't last long. John said, yes, that it didn't last a week. John said their fixes there don't seem to last very long.

Terri said that she saw they got a letter about the barn on Waterville Mtn. Rd. Lance said he couldn't remember who made the complaint. Terri said that the Select Board should make the complaint.

Terri made the motion that the Select Board be the complainant on record for the condition of the barn that is leaning over the road in the first 1/8th mile of Waterville Mtn Rd. John seconded the motion and the motion carried with a vote of 4-0. The board said that they can notify the ZA so she can proceed with the complaint.

Grant writing proposal- John said that Alex is putting together a proposal to be funded by ARPA funds to begin with the grant writing.

Linda said that she has noticed that Consolidated is putting equipment up and asked if they are competitors with Northwest Fiberworx. John said yes, they are competitors. He said they may have had this plan in the works but they seem to have accelerated it and have been running fiber all through town and they are trying to get a speed of a gig to every household. He believes it will cost about \$190.00/household and he understands that Northwest Fiberworx is trying to provide for around \$90.00/household. Lance asked if Consolidated puts fiber to his house, if he was stuck with Consolidated. John said no, he will still have a choice. He said Consolidated is replacing the old copper wires that can't do the job anymore.

Treasurer position update- the treasure candidate that had applied, withdrew her application because she accepted another job. The board told Tami to run the ad again in the Messenger and the Courier. Tami asked if she could add any information to the ad. She said they ask for more information like pay. The board said that it's hard to put pay in. Terri said if they are only doing it for the pay, we don't want them anyway. She said that's the first reason we would not hire somebody. The board said to run it with the added line of "Pay dependent upon experience." Tami talked to the board about the price of different style of ads and the board elected to run it the same way. Tami to order the ad run with the additional line.

Warrants – Terri said that that she thought they had had this discussion about Tami and the ARPA minutes, and she said they did not approve that. John said that that was assigned by Brenda as the ARPA administrator and Tami was told that she would be paid for her time. Terri said that they asked Brenda at the time who approved it because that ARPA money has to be approved by us. She can't just spend ARPA money. John said right, but she's not here, that would be a good question to ask her. Terri said if you look back at our minutes, we then told her that night, no, that we were paying for her we were not paying for a secretary. John said yes but that he didn't know if that was before this meeting. Tami said that Brenda said that she has the power to appoint as ARPA admin, for admin needs. Terri said she does not, she has zero power. John said this was the last ARPA meeting on Feb 28th and all transpired around then. Terri said it doesn't even matter when the meetings were, she had no authority when she was on the board without the Select Board approving. Terri said she does not have the authority to spend any of that money without our approval. John said that he doesn't disagree. He said we signed off on Tami's hours for multiple meetings before this. He said he's not trying to kick back, but Tami was under the impression that she was getting paid and did the minutes. Terri said we signed once, and we questioned it then. Lance and John said they signed twice. Tami said she thought it was 3 meetings. Josh and John said two or three. John asked Tami if she'd been paid three times. Tami said she thought yes. Josh asked where was the third one. Tami said there were two ARPAs and then this one. John asked Tami if she was reporting in for 4 hours for ARPA between the meeting and capturing the notes. Tami said yes. John said to Terri, to the point that's why I'm not taking any money for ARPA. Terri said that the ARPA administrator was approved for an hourly rate but that we did not approve a secretary. John said that he understood what she was saying. Lance said that he would say this, having done it myself when he was first elected to the Select Board, you can't effectively take minutes and run the meeting too. He said that these minutes have to be recorded and he doesn't think it's out of line to pay someone to record the minutes. Lance said whether we do this in the future... Tami said she thinks we are done with ARPA meetings. John said yes, we have one more meeting on the April 4th. Terri said that's not the point, that as a board, we have to legally approve any of those ARPA funds. Lance held up a warrant and said that this is asking for approval. Terri said that Brenda cannot hire somebody without us giving her approval to hire somebody, legally. She was the only one hired to do anything for that ARPA at \$25.00/hour. Todd said that he is going to ask that we go back in the recordings and see what the minutes reflect and what the tape reflects for that meeting. He said that's the easiest way to see what took place. Lance said he's not disagreeing with you Terri. Terri said she's seen this on the warrants twice and she remembers disagreeing then and I was telling Brenda then. Lance said that he knows we've had this discussion before. Tami said she knows Terri has always disagreed when it was on the warrants but the decision to stop is not in the minutes because I wrote them and if they had said no, stop, I would have put it in and stopped. Josh was looking for the date of the meeting when it would have been discussed. Lance said that by law the minutes have to be recorded. He said how we do it is up to us, but they do have to be recorded and hiring someone to do it is the most effective way to do it, but however, I'm not trying to argue with you, Terri, I'm just throwing things out to discuss. Todd said that he thinks Brenda could have hired her, but it would have come out of Brenda's money. Terri said, exactly. Todd said I guess that's the point. Terri

said that's exactly how it would have to be. Todd said because as a board you didn't authorize it. Terri said yes. John said to Tami that what they are saying is that they gave Brenda \$25.00/hour and she was giving it to you at \$25.00/hour. Todd said that no one Select Board member can make a decision without the group. Terri said, exactly. Todd said that what he's saying is that if it's not in the recorded minutes, go back to the tape and see what discussion took place, maybe it got missed, maybe it didn't, at least it clears it out that way. Tami said that John should call VLCT and they could tell him directly. John said to ask them if the ARPA administrator can deem to hire a recorder. Josh asked Tami if she would call VLCT and ask. Terri said she was willing to do it. Tami said John should do it, he's the ARPA administrator. Tami said she shouldn't do it because she is not a disinterested party in it. Tod said that is true. Lance said we do have an ARPA coordinator and it would be his job to call and ask. John said OK, I'll ask tomorrow. Terri asked John what he is going to ask. John said that he is going to ask if Brenda was within her rights to hire a secretary to record the minutes. Todd said and to be paid for that. Lance said to be paid with ARPA funds. Terri said that it makes no sense because ARPA funds cannot be spent by one board member. Lance said that to determine if the ARPA administrator can do that is the question. Terri said you mean spend the money. Lance said to use it for administrative fees. Terri said those aren't administrative fees. Lance said that recording minutes would be our legal responsibility, our part of the administrative fees. Lance said we have to find out if she has the authority to do that. Josh said with or without the board. Lance said, correct. John said that ultimately, the board decides the disbursement of ARPA funds. Terri said we had this discussion before because I brought it up before the first time that we had that on the warrant. Josh said the minutes shouldn't be hard to find, judging by the list, it should be after the first meeting. The first meeting was December 30th, 2021, so it should be the first or second Select Board meeting in 2022. Tami went to retrieve the copies of the minutes stored in the vault.

Josh said check the date 10/24/2022. Josh asked if that a Select Board meeting. The board said yes. Josh said they have written down when they were approved or not, well, approved at this point. Terri asked what is the zoom reimbursement to Brenda on the warrants for. John said that Brenda had the zoom account that we use to conduct the zoom meetings for the town and what happened is that she forgot to remove it, so it billed her, so we reimbursed her. Now moving forward, the town of Bakersfield credit card assigned to Kathy is now on the account so going forward, the town will be the recipient of the bill. Todd asked if we have the invoice for that showing the charge. John said yes, it went in on March 4th or 5th. Todd said that makes sense. Tami came back with the minutes. Josh said we are looking at 12/13/2021.

John said there was in the folder, in the Select Board bin, that was left for me, an ARPA breakdown of everything that has been spent to date. He said that he requested that for the report that he will have to do. He said he doesn't see it, but he did see it originally. Tami asked when the ARPA meeting was. Josh said it would have been talked about in the Select Board meeting. Josh said that's what we're questioning, whether it was discussed during a Select Board meeting or whether it was discussed outside of, so if there is nothing on 12/13/21, please check 10/24/2022. Josh asked if there was a breakdown of warrants. Tami said that the ARPA warrant is on the list of warrants and amounts are listed. Lance said we would have to get the warrant for that day. Josh said she's looking at the minutes and it should have a list of warrants and the total. Lance said yes you are correct.

Todd said that they would need a copy of the bill for the \$149.00, so I think we will have to get a letter from her (Brenda) with a copy of that bill (zoom) so that we have the bill to show that what is reimbursed. John asked if it was attached. Todd said no and we just need something to back up the charge.

Todd asked on the zoning hours, can we get what that person is doing. Like what are the jobs you are doing in that $2\frac{1}{2}$ hours, is there a site you're looking at, are you processing permits. John said he thought that was a viable request.

Tami said the ARPA is in the 10/24/2022 minutes. She read them to the board.

Terri asked where the money comes from to pay the ARPA secretary for taking meeting minutes. Brenda said that comes out of ARPA. Terri asked who votes on that and that she thought the board had to approve to spend ARPA funds. Brenda said not for admin salaries. She said this is the second payment to the secretary since this was the second ARPA meeting. Josh said that would be the person that the board appointed to manage the ARPA funds. Josh said that John is to go to the next ARPA meeting to represent the Select Board regarding the grader and town equipment that the town needs. John said that he brought it up at the last meeting. A written request needs to filled out by Mac. John said that there is a new update on the ARPA rules. Brenda said that we have received the last and final installment and the last deposit has been deposited. She said the state said this payment would be partial. Brenda will check the deposit amount on the statement.

Tami said there is nothing about not allowing it and the ARPA warrant got paid, but you can watch the video of the meeting to see if I missed it.

John said to Todd, to your other point, Brenda does come here for open hours. Josh said that her office hours are posted on the board out there. Tami said no there are not office hours yet, that is just for one week. Todd said if someone asks what she is doing, we need to be able to say. Josh said that is something that needs to be set. Lance said she is an employee of the town so I think we should be able to set her hours. Todd said that he agreed with that. Terri said that we had set hours before. Lance said that we did but Darlene had set them herself, but they were reasonable. Josh gave Terri and Todd the minutes to read to see if they could make heads or tails out of it. Terri said that the minutes say she said not for admin salaries, but this is not admin salaries. Tami said she's sure that you didn't tell her no because she would have written that down and she would have stopped. Josh said in his opinion, with what this says here (pointing to the minutes), and what John is going to ask, it will be clarified. This is clear as mud. Terri is asking how this is done, Brenda is saying this is how it is done, but there is no clarification on either side to say yes it is, or no it's not. Todd said that there is no request to have the board approve that. John said that's pretty much it, if we didn't ask for proof of that, then we just accepted what she said at face value. Todd said that he agreed. John said that there is one more ARPA meeting and he needs it recorded so he would like for it to go on the record, once again, use Tami for the final time, and I'd like board approval, and I will still ask the question about ARPA, but just so we can have this all worked out, I'm asking for board approval to have Tami spend the time to capture my hours, and capture the meeting and the hours that takes at whatever rate that she was being paid prior. Tod said to record the minutes. John said to record the minutes and distribution of the minutes. Todd asked if that was John's motion. John said that is his motion. Tami checked on wording. John said for approval. Josh said for continuation of approval. Lance asked for a second. Josh said he would second that. Lance said a motion has been made and seconded. Lance said those in favor please say aye. Lance asked for a hand vote. The vote was 4 ayes and 1 nay, Terri opposing.

Lance asked if there were any other questions on the warrants. Terri said no and that she found the other thing, it was on her charge card.

Brigham update- Lance said there were no updates on Brigham, but he should have had a response by now, so he has to chase that down. Todd asked if Cheryl Derue was involved in that too. Lance said, no, that Brigham Residence is separate from Brigham Academy. Lance said this is through the Select Board. Tod said it was kind of confusing.

Mail- Lance said on Harding and Mazodi, Todd has promised to get him a copy of the report from our first responder for that date and location which I can send off to VLCT. He said that Harding and Mazodi have refused to get back to him. He said he has spoken to lawyers at VLCT, they are awaiting information and a report from me. Lance said that Tod has promised to do it, he said he reached out to Matt and Matt has been too busy, so Todd said he would do it.

Lance said that Bruce spoke with us tonight. Does the town want to sign this maintenance contract with the state. Mac said it's just a little pie shaped piece. Lance said it's probably not 3 times the size of that table. Mac said he just wants us to keep it clear so that the water can go down into the drain. John said that he did request that Bruce send us updated papers to reflect that, so do we want to sign it, or we have to wait for him to update the document to reflect it. Lance said point well taken, the document that we have does not reflect the discussion that we had with him tonight.

Lance read a letter that they had received from Mr. Forand. It says that he has attached the letter from BCBS stating that if his employer has less than 20

employees, then he is required to sign up for Medicare and he is no longer eligible for our insurance.

Lance read a letter with an official complaint regarding the Town Report, saying it was illegible, unclear, that it is unreadable and is not much more than blobs and she expects a reply from someone. She said that she is sure that she is not the only one who is disgusted with our town report. Terri said that she also heard a complaint. The board looked through the report and noted that it is mostly the school section of the report that was hard to read. That section is sent to us to include in our report. Josh said that some of this stuff is out of our control. Terri said that we don't have to accept the school sending us crap. Josh told Tami that he would suggest that in the future they change it to a unified font, no shading in budgeting reports, no color copies accepted from organizations, only black and white and we need the sender to send us crisp copies. Lance said that there are legitimate complaints and that we have also had complaints in the past that we were spending too much money on the report to send it to the printer to be printed and we began using our printer 4 or 5 years ago to keep expense down. Lance said that writer of the letter expects a response and has included a Self-addressed stamped envelope. She said as a taxpayer, she deserves some answers. Terri said that the board said that they recognize that there are issues with the town report and tell the sender that they are going to try to improve it next year.

Letter about VLCT is launching their new website with a new portal.

Mileage- The board signed the mileage report as is since there have been no changes in since last year.

Internet for the garage- Tami told the board that she had called Consolidated and received some numbers for internet service at the garage. She said that the board had told her if the numbers fit within the amount that they budgeted for it, then get it going. Tami said that she couldn't find the amount that the board had budgeted for internet at the garage. She said that Consolidated quoted an additional \$59.95/month, with either a one-time \$159.99 payment for the modem or \$9.99/month to rent it. Mac asked if that was for basic service and Tami said yes. Tod said that is probably because it is a business. Mac asked about the town office. Tami said that is through Comcast and they allow one reduced rate for one town office per municipality, so we pay around \$30.00. The board asked Tami to check with Comcast and see if they could add an extender that would stretch WIFI to the town garage.

ARPA- John said he has scheduled the final ARPA meeting for April 4th. It's already been warned. He said all proposals and requests need to be in by that date to be considered. Nothing will be accepted by mail. It can be emailed and received before the meeting, but must be presented at the meeting, either in person or via zoom in order to answer questions that the Select Board may

have. John will scan all the proposals and send them to the members of the Select Board and Katie Buckley at VLCT for review, to make sure that we are spending within the rules. The Select board will have 8 days to review. There will be a special Select Board meeting on April 12th, that has already been warned, for the discussion and determination of fund disbursement. The money will be awarded at that meeting. The disbursements will be presented to the Select Board at their regular Select Board meeting on April 24th, for the Select Board to sign and then checks can be written the following day, unless we want to hold a special meeting and come in to sign the warrant early. The funds should be disbursed by the end of April. Terry asked why there is a deadline to write checks. John said so that people can get started with what they receive the money for. Josh said so the question is do we want to hold a special meeting after the 12^{th,} or do we say that checks will be cut on the 25th, after the Regular Select Board meeting on the 24th. Josh said he would choose the regular Select Board meeting. Tod agreed and Lance said he seconded that. John said he was putting together a disclaimer document regarding individuals requesting funds for loss of salary. Logic says that if we are replacing salary, this will be considered income and they may need to pay state or federal taxes and fees that may be due. Bakersfield will not be responsible for any fees due for replacing wages lost. Since this will most likely be considered income for a business, it might need a 1099. Terri asked what they are supplying to the Select Board as proof of financial loss. John said he is asking for proof of loss demonstrated through bank statements and tax returns from at least 3 years before Covid so 2017, and we would want to see 2022, after Covid, to see that come back up if it was truly a loss due to Covid. Also, all the bills put out and the money taken in since 2017. Profit and Loss statements should enable us to see somewhere a difference in the average received. Because if you're not doing events to raise money, are you really spending the money that you would have spent. He said Bakersfield will not be responsible for taxes and he will call VLCT to get that wording right. He said the ARPA funds are being distributed as grants so he doesn't know if they would have to pay taxes on it or not. Terri asked if they are also providing what they received from other services that they might have tapped into like VRAPS that paid for utilities or fuel. Terri asked if they would finish it on the 12th. Terri asked if the board would have a chance to talk about this by themselves. Lance said that all the proposals will be in by the 4th and the board will need a meeting to discuss the proposals amongst themselves at the Regular Select Board meeting on April 10th without interference from the applicants, which could make it confusing, and we can discuss things that might spark arguments in the audience. Terri asked when we have to have spent this money. John said by 2026 or give it back. He said we have to have the money obligated earlier. He said we don't have to have it all gone at this time. Josh said that the board wants to warn, as a bold item, an executive session for discussion and evaluation of ARPA proposals, so there is no question about it, at the end of the April 10th Regular Select Board meeting. There will be no decisions made during executive session. He said the board

will be able to come up with questions or requests for more information that the applicants can answer and justify at the meeting on April 12th.

Linda said that if everyone is giving updated proposals on the 4th and you are sending them all for review by Katie Buckley, will she have time to look them all over by the 12th. John said Katie said she would need one week so he's hoping that she will.

John said that he has asked for the ARPA proposals from the last ARPA admin, however because of issues going on in her life, she can't find them at the moment. He said Tami found one of them in the office but no others. Tod said he thought they were in a book. John said no. Todd said then we paid someone to do a job that they didn't do. John said they have to be somewhere. Todd said they should request that they be to you by a certain time frame otherwise we paid someone to do the job that is not getting done. Terri said otherwise we need to be reimbursed for paying for a job that didn't get done. John said that there have been updates since first submitting requests, such as the Fairfield Community Center has received grants for the things that they requested from our ARPA funds, so they have changed their proposal and are now requesting for other things. Terri said that she makes a motion that they are not entertaining any proposals outside the town of Bakersfield. John said that Brenda has already accepted Fairfield Community Center's proposal. Lance said although no decisions have been made. Josh said that Terri doesn't have to make a motion for that, that can just be part of our final decision. John said that Brenda has transferred over the portal to John. He said it opens April 1st and now that we've signed a warrant, we can try to pull together some final numbers. He said he has 30 days to figure that out.

John provided a handout about the Municipal Energy grants resilience program. He said you can get money for energy updates for municipal buildings. He said there is no deadline, but it's first come, first serve. He said we should take a hard look at this fast and all agreed. He said this is something that the grant writer would be working on. The board noted that the Historical Society is not a municipal building. Linda said unlike a lot of towns in Vermont. Lance said the Historical Society has never asked to be a municipal organization. He said the library found that they were failing and asked to come under the financial responsibility of the town, so it became a municipal entity. Terri asked if the library would apply on its own. Josh said he thought we would have a better chance if we applied for the 3 municipal building projects together. Todd agreed saying that the least they can do is turn down one of the projects that you ask for. Todd said it covers furnace, insulation, lights, weatherproof doors, all energy efficient improvements. John said that he has registered to take the class offered for information on this grant on, offered by zoom on April 18th. He said he sent the board the link and encouraged them to attend also.

Todd told the board that he wanted to bring it up that he had asked Mac to put up some signs at the Catholic Cemetery, prohibiting dogs and 4-wheelers. He said he received a complaint that 4-wheelers had been riding on the road through there. Josh suggested that Mac reach out to the Catholic Church in Fairfield center and see if they had signs that they wanted to put up since technically that is not town property, and they might want to put up their own signs.

Josh made them motion to adjourn. John seconded the motion and the motion carried with a vote of 5-0. The meeting adjourned at 8:40pm.

Meeting minutes recorded by Tami Brennan.

