

Bakersfield Regular Select Board Meeting
May 10, 2021
7:00pm

Meeting called to order by Josh at 7:01pm.

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

Residents/guests present: Melanie Riddle, Sam Cribb, Katie and Dan Forand, Abbey Miller, Robert Willey, Cathy Keller, Tim Joyal, Nicky Cribb, Hobie Gates, Mac Newitt, Matt Hull, Tod Cosgrove, Lance Boardman, Gary Rounds

Warrants signed:

Road Commissioner's order #11-2021.....	\$39,327.32
New Equipment order #02-2021.....	\$25,997.33
Equipment repair order #07-2021.....	\$1204.31
FEMA – 500	
Road Commissioner's order #18&19-2021.....	\$10,935.92

Nicky Cribb met with the board, on behalf of the Library, bringing the concerns of the library staff. She said that there have been 3 paychecks since the new treasurer took office and all have been late. Also, the bills that have been paid have been for the wrong amounts. She also said that communication has been a struggle. Their emails have had no response and the library has been struggling with getting bills paid and employees paid on time.

Josh reported that Nicole had said that the issue needs to be brought to the board as a whole so that everybody is receiving the information and that the board can receive the information and adjust accordingly.

Nicky also spoke of the issue of Direct Deposit. That when the town switched to the new software last year, their understanding was that Direct Deposit was to be a perk. The board instructed that the library has to make that decision and record it in their minutes. The Select Board does not need to approve it. Once the library records and finalizes the DD decision, then give it to Audrey. Abbey will email the DD form to Cheryl to get the ball rolling.

The Select Board, acting as the Zoning Board of Adjustment, reviewed the Vincent's application for a variance in order to place a deck on the front of their dwelling to the same degree that exists on both neighbor's houses. The Variance would allow the deck to have a 33' setback from the road instead of the required 35' setback allowance as stated in the Town's zoning laws. Hobie Gates attended because he had received a letter from the zoning administrator about his neighbor asking for a setback variance. Josh said that Hobie had gotten the letter because he was an abutting property owner and that the variance requested was toward the road. Hobie said that he had no problem with that and he spoke for his neighbors as well. Josh noted to the board that the Vincent's are only asking for their front porch to go as far out as their neighbors and asked for Melanie's suggestions as to the variance. Melanie said the that the variance request seems reasonable since it will be the same as the

other neighboring encroachments. She also added that she would prefer that variances of this type don't get approved regularly, that the ZBA would offer recommendations to build a smaller deck or place it in a different spot, etc., so that it does not become a habit.

Lance made the motion to approve this variance, with the note that this approval should not be understood to be a blanket approval for other variances, each needs to be approved individually. The motion was seconded by Josh and approved by a vote of 4-0. (Terri having not yet arrived)

Josh asked Melanie if she needed anything else from the board to proceed with the approved permit and she said that as long as the approval was recorded in the minutes that she could proceed.

Melanie asked the board if they had any people that were being considered for appointment to the ZBA? Lance said that they were looking for volunteers.

Melanie said to give her contact info to any persons interested, that the position doesn't take a lot of time and she needs 3 people for a full ZBA board. Until then the Select Board must continue to fill any vacancy on the ZBA.

Melanie said that she is waiting on ticket books from the judicial branch to proceed with ticketing. Lance said that the books have just arrived and he will place the 5 books on Melanie's desk at the town office.

Gary made the motion to accept the previous minutes from the Select Board meeting on April 26, as written. The motion was seconded by Lance and carried by a vote of 4-0. (Terri having not yet arrived)

Abbey met with the board to say that she had accepted a fulltime position with the town of Enosburg, and she begins on May 24, so her last day available to assist the current treasurer will be next Friday and after that she will not be available during the week. Abbey will put this in writing and submit it to the board. She expressed concern that it has taken longer than planned to train the new treasurer in day-to-day things, so they have not gotten to the other things and property taxes are right around the corner.

Abbey also asked the board if they wanted her to continue assisting the town in the FEMA projects. She said things were moving quickly now. Tyler is putting bids together on 3 projects, Jordan Rd, Whitney Rd, and Waterville Mtn Rd. The Goat Path demo and Trobridge, we are just about to begin to see money. FEMA sends us something, the town signs off on it and sends it back to FEMA and then it goes to the state. Lance, Mac and Abbey have a meeting this Tuesday to get the workbooks done. One project has a lot of roads lumped together that had less severe repairs and needs to have the force labor documented (work our road crew has done), so in the next two weeks, they need to pull all the time sheets to document all their time, etc. Abbey asked the board if they wanted her to continue. Josh said that this is really a question for Lance and Mac. Lance said that it is foolish to change a good racehorse in the middle of a race. Abbey knows the ropes, and she knows what's going on and she has, quite frankly, done most to the work. Mac agreed.

Lance made the motion to have Abbey remain on as the financial contact for FEMA. Josh seconded the motion and the motion passed by a vote of 4-0. (Terri not yet arrived)

Abbey asked the board if they had touched base with Audrey. Abbey said the upcoming property taxes were a concern. She said that she was not coming into the office tomorrow to give Audrey a chance to work on her own without relying on Abbey, but that she was only a phone call away. Josh talked about hiring an assistant. Abbey said that she had talked to Audrey about that and Audrey had suggested Vera, but Abbey said that she has talked to Vera and she believes that Vera is not interested in the position. Audrey understands the need for an assistant but that she herself is not fully trained enough to train an assistant. Abbey said that if the town could appoint someone that has some bookkeeping experience that it could be an asset for the town. Vera had given Abbey an operations binder and Abbey has been updating this to reflect the new software that the town now uses, along with a month my month checklist that Vera also created to assist Abbey. Abbey said that Audrey says that she needs someone to go over each procedure step-by-step, which is what we have done for some things but not yet all. Abbey wasn't sure the best way to move forward, whether the board wanted to appoint a liaison, between the board and Audrey, in order to touch base regularly, or if the auditors should be involved? Abbey said that Jason was an auditor and she thought that Courtney was technically as well, but that Abbey didn't believe Courtney was going to be available this year. Abbey said that she had already spoken to Cheryl regarding one of the paychecks. The library meets on the first Monday of the month and the warrant got dropped off the Wednesday before and was expected the next day, which wouldn't have happened until the following Monday anyway. Josh said that after the board receives Abbey's resignation in writing, that they would inform Audrey that she has ten days to appoint an assistant of her choice, and if she does not do so within ten days, that the Select Board then will search for an assistant to appoint for her. Sam Cribb asked how long the treasurer will need an assistant and how much that will cost the town. Abbey said that she should have an assistant the entire time and that the town should expect that when forming the next budget. The treasurer should always have an treasurer's assistant that knows what's going on and can sign checks when the treasurer is unable to do so, so that employees and bills gets paid. If the treasurer is the only one to do this then if she is unable to do so, no one gets paid. Abbey will have her name removed from the town checkbook next Friday.

Josh said that the board would have to decide what they want to offer as pay for such a position.

Fire Dept- Matt Hull, Fire Chief; Tod Cosgrove, Past Chief and 2nd assistant; Lance Boardman, Treasurer; Gary Rounds, Fireman

Josh noted that the town just made the remaining contract payment to the Fire Dept on the current warrant that was signed tonight. Abbey reminded that the

Fire Dept's loan payment was due June 1, and Lance Boardman said that as soon as the town's check was deposited, the FD would be able to make the loan payment. Matt said that the FD formed a committee has been working on the town contract proposal since January, going back over the past 25 years. They did a business analysis of past, present, and future and it was clear to see that our expenses are going up at a drastic rate. He said that thankfully we have 20 amazing volunteers for our Fire Dept who put in an enormous amount of time for the community's sake. Keeping our guys safe and the community safe, is top priority for us. We have put together for the board our total income and total expenses for each of the past four years. We go through each year carefully to make sure if we have a break down problem due to a failed hose or lose a set of gear that we can fix it and continue. We basically do triage for our pieces of equipment to keep it operational. We purchased two more AED's this year, which brings us to four. We have two volunteers in the field with the AED in their possession so when a call comes it, it eliminates the need for the jumper to drive to the station to pick up the AED, they can do directly to the call which should get them there quicker. Even with rising costs, we have been operating on basically the same budget. We have to upkeep communications, the generator, etc. We now have a Jaws of Life tool and more air packs. We have a training center to increase our services to the town. We are proud of our team of qualified, talented, committed members, completely volunteer, non-paid, the pool of resources we have for a small-town volunteer fire dept...you just don't find it. Matt gave the Select Board a handout of what the bills and income were, saying that they went through every piece of equipment and purchase life expectancy. They do have a concern about the aging trucks and have been trying to strategically put away \$10,000.00/year, toward purchasing a new truck, but they have been struggling with that. Engine 2 is the oldest truck, the first truck we bought in 1982 for \$120,000.00. To replace would be a minimum of \$125,000.00, which would depend on if it was a one-to-one replacement, which would be much higher than that. We do everything we can to make it last as long as possible. Engine 1 still has a \$16,000.00/year payment for another 6 years. It had a 16-year loan which has made it hard to start saving for a replacement sooner. In the business plan, the truck payment continues after the truck is paid off in anticipation of having the money to replace it when the time comes.

Abbey asked if they had done a cross comparison with other towns as to expense? Matt said that it not like comparing apples to apples since most town only have a Fire Dept and we also are a First Response which needs different equipment. The closest one to us was Berkshire but it has since closed down their first response and only have 3 firemen now. Abbey said that she never realized the difference between First response and Fire Dept. and the different equipment etc. as to why we were paying more than other towns. She said that she had looked at Sheldon, not realizing that it wasn't the same. Matt said that Sheldon is paid for by the Mill. He said that a 100% volunteer, non-paid Fire Dept and First Response is almost obsolete. He said that this last year, with the trainings being virtual and the calls down, still if you paid everyone

minimum wage for the hours they put in, it would be around \$20,000.00. Lance said that he so appreciated their team. That 3 years ago, when his dad fell and shattered his leg, you guys were there. Thankful that we have a first response team that a lot of towns don't have. Matt said that they plan to have CPR training for the town. Brenda asked who bears the expense when the FD/First response responds to a call to a neighboring town. Matt said that they have a mutual aid agreement with the neighboring towns that if we respond to Enosburg, we don't charge Enosburg and if Enosburg responds to Bakersfield, they don't charge Bakersfield.

Matt presented the proposed contract that would go into effect in 2023, saying that after they did the business analysis from 2008, they found a 25% increase, which is sort of what we have come to here. Our old contract ended with \$73,814.00/year and the new contract proposed is \$83,814.00, a \$10,000.00 increase over the last contract. This presents an increase of 5%/year over the last contract, a correction of 25% over 5 years, to get us there over time. He said that they try to purchase and replace a little bit of equipment each year. The lifespan of equipment is around 5-7 years and then you can't buy parts. You have to beware of OSHA violations. We try to get the most life out of everything but if somebody gets hurt and the equipment is not up to date. We are committed to having the safest equipment for them, it's just due diligence, the right thing to do.

Matt said that even though right now, the contract is due as one payment in November, the FD was open to a more agreeable payment plan for the town, if that would work better. Abbey said that usually the November payment works best because that's when the town collects taxes, but this year was different because the tax collection was extended due to COVID.

Brenda asked if the Fire Dept if they saw any gain in their fundraising plans now that COVID restrictions seem to be lifting. Matt said the Golf fundraiser is back on which covers their CPR training, usually \$25.00/student and \$25.00/instructor to pay for the books, etc. Matt plans to donate his time as instructor this year to save money. It cost basically \$20.00 for town members to get your card. He hopes to have a May/June class annually for the community. Josh said that he was interested in maybe having them come to the tech center in St. Albans and Matt said that they would be willing to do it. He also said that the Golf fundraiser is August 20th and he would love to have the town folks there.

ATV riders spoke to the board. Josh filled the board in on the some of the back story of Tim Joyal calling him to speak about the ATV stickers and what happens at the state level of VASA, saying that if the town charges money for the sticker, then VASA would take Bakersfield Trails off their maps. Josh said that he would need to bring it before the board. Cathy, the president of the local VASA group spoke with the board, saying that Danny from VASA said that if Bakersfield charges a fee for the sticker, then VASA would no longer maintain trails and roads in Bakersfield. Josh asked Kathy what maintenance would you be removing from the town? She said that would include sheriffing,

etc. She said that she realizes that the Sheriff can't be in all the towns at once and that the squeaky wheel gets the grease and that if there is a problem, that the town should be calling the Sheriff every day to complain and that she couldn't do that for us. They won't come out without complaints from the town. She said that some towns do stickers to know who is riding in their town but don't charge money for them. She thinks it might have something to do with liability, she doesn't know.

Josh asked that if we have a charge for the sticker, then VASA would remove the Bakersfield trails and roads from the Polaris Riders app and they wouldn't be advertised on the VASA website as a trail, correct?

Kathy said correct. Josh said...So the town's concern about out of towners coming to Bakersfield and tearing up our roads by those who are not contributing to maintenance and repairs on our roads would no longer be an issue, correct?

Cathy said that she doesn't know if the people that know these roads will get the sticker and how will we enforce it. Gary said that he lives on Belvidere Mtn Road and the ATV situation is atrocious. Nobody is patrolling it now.

Josh said that we've had VASA come to half a dozen meetings since Josh has been on the board and we get promises but nothing gets followed through.

Cathy said the Squeaky wheel, you need to call every day. Josh said that the town can call the sheriff every day without VASA and if there are no trails, then the riders can be ticketed legally to the Town's benefit.

Lance said that VASA's threat to pull enforcement out of town if we charge for these stickers is laughable. We've been seeking enforcement year after year from VASA with no results. Cathy said that she can't tell the sheriff to there and she was curious, personally, how the town is going to enforce getting the stickers out. Josh said that he had reached out to the game wardens and they are willing to set up a road block to check registrations and we could issue stickers. They will not pursue, but will do a road block. Cathy wanted to know what if a local rider brings in a friend that's not a resident of Bakersfield to ride with him? Josh said that if the rider's vehicle registration is not a Bakersfield address, then he needs to purchase a sticker. He said that that's a good point, we'll look into it. At this point, if we sell 10 stickers, that's \$100.00 more towards roads than we've gotten in the past. Cathy wanted to know if there was something we had to submit to the state to put the roads in usage. Josh said that the town does not receive any money from ATV or Snowmobile registration. VASA membership doesn't contribute anything to the town either...it's a pretty one-sided deal...the town providing and maintaining the roads and bearing the cost of repairing the roads. It looks like the town is losing nothing. Your club is using our infrastructure and we are doing and paying for all the maintenance and when we try to recap some of that cost by implementing a small charge, and we're told by you that we can't do that, while we're still maintaining the roads, is laughable. Josh said that it's nothing against any of you, we've worked together well in the past, but this partnership is not working out. It's not fair and equitable to the Town of Bakersfield.

Cathy wanted to know what she should say when she is asked by VASA members if they can go to the trailhead in Bakersfield. Josh said to tell them that Bakersfield trails are not on the VASA map and if you want to ride in Bakersfield, you need to pay for a Bakersfield sticker. You can buy a sticker at the Town Clerk's office, Monday thru Thursday from 8am to noon, and every second and fourth Monday evening from 7pm to 9pm at the Town Hall during a Select Board meeting.

Brenda said that she is still willing to come out to the VASA club meeting and sell the stickers. Terri wanted to know why the sticker charge is being contested now when we've been talking about it with them for a while. Cathy said that they are just a little local group of VASA. She said that they can't have their VASA meeting on Peaked Hill anymore because the trail won't be on the map and some of the attendees may not have Bakersfield stickers. Josh said that VASA still requires a VASA fee even though the members are registered by the State of VT, so Bakersfield will still require a sticker fee. Terri wanted to know if it would be better if we charged VASA for using the trails instead of charging for stickers. Josh asked what VASA's \$60.00 fee goes toward. Cathy said \$10.00 to VASA, \$20.00 to the Club, \$30.00 to the Trail Access Decal (TAD). She said that they were not allowed to pay landowner's permission to ride on their land because of liability.

Terri said that she is not understanding the liability piece. How would that make VASA liable? Cathy said that TADs give riders permission to ride on the roads. Terri said, so closing the roads would solve it all. Josh said that we could close our roads to all riders except town residents and we can continue to issue stickers to town residents free of charge.

Brenda asked if VASA has ever applied for any RTP grants to help fund some of these things we're talking about? Cathy said that if VASA needs trails fixed, we fill out a RTP grant and submit it to the state and the grants give money to VASA to fix trails. Brenda asked why hasn't this been brought up for some of our roads, etc.? Cathy said that was a good question. Brenda said that she needs to talk to the Select Board but that full size recreation vehicles have to pay to ride. We pay the State, the club, the insurance and to ride trails and to access land to ride. This is just to be expected. She said that she goes with the board to maintain the sticker charge. VASA members can still access our roads by buying a sticker. There will be no VASA trails/roads in Bakersfield, but people who purchase a sticker can ride. Brenda suggested that they keep the dialog open. We've got to get a handle on the expense of tearing up our roads. Josh said if Danny wants to come to a meeting, the board would be willing to meet with him.

Brenda said that the RTP grants have been in place since 1991. They have been available for decades and should be utilized. The club should have been applying for them for repairs and enforcement. It's called the Recreational Trails Program, NOHVCC, and sponsored by Yamaha. It's been there and nobody has applied on our behalf.

Road report-

Mac said that we have an issue starting with Scott Maple on Hennessey Rd. again. We put some gravel on the road in front of his place and knocked down a post that he had in the road with tires on it. He won't come out when we go up there. Mark and I went back down, and he was putting the post back in. Mac asked him what he was doing, and he just walks away. Mac asked him if he was going to call the cops or shall I call the cops. When we came back, he had filled in his hole and had his ATV and lawnmower parked in the road and he was putting tires along the road. He put his lawnmower and tires where Mark had graded "to let the shoulder dry out." The board said to go back next week after dry weather to see if after it's dried out and the tires removed. Mac showed the board pictures. He said it's happened before. The State Police had said if it happens again, to call the police. The Police advise that we do not attempt contact with Mr. Maple, that they have a crew to go up and deal with him. Mac asked Lance to take a ride with him up there just to take a look. Mac said that Scott had called the Town Clerk's office and talked to Tami, who didn't know the history, and told her that the police had told him to put down a hose with nails in it to keep the trucks off his property. Lance said that Mac and He will take a look and then decide if they needed to call the police. They said that nobody should go up there alone. When Eric Jessimen was Constable, he had a restraining order placed on him to stay away from the Maple's by the State Police.

Robert Willey said that the Fire Dept. won't respond without State Police to the Maples, but they will go beyond them to the neighboring properties.

Mac gave an update on Jordon and Waterville Mtn Rd. On the 18th meeting, they are hoping to go out to inspect the sites and the bids open on June 1st. They graded the Class III road by Sue Riggs, as far as Witchcat Rd, and then on Friday, from Witchcat to Cook Brook. Terri wanted to know about King Rd. Mac said they were up there grading Friday. Gary said the rise before Belvidere Mtn Rd is pretty rough. Mac said they put 6 gravel loads on the worst potholes from the end of the black top to Allen Hobarts. Terri wanted to know if the guys could get some paint on the town garage at some point. The board said to wait until after the Spring rush and after all the grading is done.

Terri was approached about the building at the Y on East Bakersfield Rd. Rosalie had received a letter notifying her that she had 30 days to take the leaning building down, but Rosalie is not the owner, her daughter is, so we need to get another letter out. The board said that that is a zoning issue and would alert Melanie of the situation.

Lance said that the barn on the Geddes property is starting to fold and could endanger the electric pole there. Terri asked if we could put it out to bid and see if someone wants to take it down. Lance showed the board pictures of the floor starting to collapse and the wall folding toward the power pole. He said we need someone who could do take it down safely and it needs to come down

soon, before it does damage. Lance said that the steel shed should come down too. He said Sam Geddes had expressed concern about the barns when they were still here and wanted a week's notice to get his equipment out if the town was going to take it down. Josh said that we need to consider how much we are willing to put into taking it down. Terri said we don't put anything into it, that the person taking it down would get the materials. Lance said there are really no materials to gain. There are no beams and not great barn boards. Terri spoke about a salvage company and Lance told her to forward him any information about the company for him to contact in regards to the Geddes property.

Josh brought up a refrigerator left on town property down behind the Nelson's by the Town nature path. It's on town property about 5-7 ft from the property line. The refrigerator is full of rotten meat and food. Terri said to send a letter to the Nelson's telling them to remove the refrigerator. Mac said that Kathy was told by the Solid Waste District guy that if nobody saw the person actually put it there, there was no proof and it was the property owner's problem. The pins on the property line have been marked and it's clearly on town property. Terri said that maybe we should send the health officer over to the Nelson property to check it out. Lance said that he had gone over there to check on a report about an abandoned dog locked inside and found nobody there and no response to knocking.

Others-

Ginger said that David Reynolds has a straight pipe over the bank and no septic tank. Gary is to contact Ginger.

Tim Joyal checked in to get the final position on the ATV deal. The board told him that they were sticking with the \$10.00 sticker charge except for Bakersfield residents. The town would look into the liability issues that we keep hearing about. Anybody can buy a sticker, they don't have to be a resident. We will ask for the VIN#, the registration#, and address that goes with it. Bakersfield residents don't have a charge.

Josh said that since they have finished going through the items on the agenda for this meeting, that he makes a motion to go into executive session at 9:00pm, to discuss personnel responsibilities and duties. Terri seconded and the motion passed by a vote of 5-0.

At the conclusion of executive session, Terri said that no action is needed at this time per our executive session conversation.

Terri said that she wanted to keep talking about the job descriptions that the board keeps saying they are going to write up. She asked to keep them on the agenda to make sure that they get to it. They are to be placed on the agenda under Road.

Lance made the motion to adjourn the meeting at 9:30pm. The motion was seconded by Gary and the motion passed by a vote of 5-0.

The next Regular Select Board meeting to be held on Monday, May 24, at 7:00pm.

Meeting minutes recorded by Tami Brennan.