

Bakersfield Regular Select Board Meeting
May 22, 2023
7:00pm

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

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

Members absent: none

Residents/Guests attending: Jen Micky-Montague, Shaun Montague, Brenda Churchill, Sue Sonski, Mark Doremus, Alice Foote, Mac Newett, Linda McCall, Lisa Stone, Ivan Stone, Dan Forand, Katie Forand, Tami Brennan

Previous minutes: Terri asked to have the May 8th meeting minutes to be amended to golfcarts “cross in front of the country club” instead of “drive in front of the country club.” John made the motion to accept the minutes as amended, Todd seconded the motion and the motion passed with a vote of 4-0, Lance abstaining since he was not present at the May 8th meeting.

Warrants signed:

Road Commissioner’s order #20&21-2023	\$9,216.57
Road Commissioner’s order #7-2023	\$642.00
Selectmen’s Order #11-2023	\$25,300.33

Finance- no finance discussion tonight.

Jen and Shaun Montague met with the board to ask for information for what it might take to have Sunset Drive become a town road. Tami gave the board a copy of the surveys of the subdivision with the road and said that it doesn’t look like the road is owned by the community, that the residents own up only to the edge of the road. Shaun said that there is a Road Maintenance Agreement that the residents have committed to maintain the road, with the exception of David Hall and his father, Gary Montague. He said that the David Hall property has just been sold to Landon Bonk. Tami said that the permanent easement on the David Hall property, for the residents to access Sunset Drive, remains and transfers with the deed, but it looks like the rest of the road is still owned by the Snow’s. The Montague’s asked what they have to do. Josh said that they would need to check the town standard for a Class III Road. Josh said we would need to know the width. He said it would need to be at that stage before we take it over. He said they would need to look into it through VLCT and the zoning by-laws. Lance said it has to meet all the standards of a Class III Road. Jen asked if they could find those standards online. The board said that they would need to look into the deeded part as well. Josh looked at the survey and said if your deeds say that you own to the center of the road, then you will have to concede that to the town so that the town has a 3-rod right of way. Josh said that looking at the survey map, the road looks separate and looks like the Snow’s parcel. Sean looked at the map with the board. The board said they would need permission from both sides of the road, and everybody needs to be in agreement. Lance asked Mac what he

thought. Mac said that the town has never taken over a road like that in all the time he has been here. Lance said that doing so would open up some issues. He said Log Cabin Lane, Paradis Lane, Birchway and others are private roads like this one. Jen asked if it made a difference in that they have fire hydrants on their road. Lance said that the Water/Fire district is completely separate from the Road Dept. Shaun asked that if it did become a town road if the taxes would be higher. Sue Sonski said there would be no difference in the assessed amount. Jen also told the board that they have no road sign. The board said that a private road needs to buy their own sign. Josh said that Mac could order one for them and they could pay for it. Mac said that the signs that he has to order are expensive because he has to get the State mandated size letters, etc., but they can buy a sign for less money and put it up. Shaun asked about the road access fee that needed to be paid for access to his property off a private road. The board said that was a good question. Shaun said it was no different from a farmer that cuts out a clearing to access fields. John said that is agricultural and agricultural can do all kinds of things. John said why do I have to get a permit for a deck, it's on my property; the town needs permits for things. Josh said that what they are really asking for is to make their driveway a town road. Brenda said that she would look into what it would take to put the road into the town inventory.

Linda spoke to the board about the park trees and the Town Common Commission establishment. She said that she received a call from Shane Lumbra asking about the situation with the town regarding the trees. She said he saw another tree that needs to be taken down and put a blue ribbon around it. She said it's on this side of the park, closest to the Town Hall. She said he said it is barren and runs the risk of limbs dropping on cars in the road. She said he wants to get to that before the end of the month. There are to be two removals and 2 pruning's. Josh asked Mac if he and Dan had looked at these. Terri said that the board will have to take a look at them. Linda said that Shane needs a decision so he can set his schedule. Lance said that the tree that we're discussing will require a road closer and we'll need to warn it. Mac said it shouldn't be that big of a closure. Josh asked if they had a quote from Shane. John and Linda both said yes, we were given a quote a few weeks ago. John found it on his email and said it was, \$2,100.00 to remove the two rotted maples and \$1,400 to prune the other trees, which comes to around \$3,500.00. and then it would be around another \$1050.00 to remove the additional tree. Alice asked if anybody noticed the giant pine tree that was encroaching on the Town Hall property, hanging over the Town Hall roof. Terri said that tree is not on town property and the owner would have to pay for that. Lance asked Mac if he wanted to take a look and see if it was feasible for him and the guys to do the trees. Mac said that he didn't think that the town wants them to take down the trees by the fences and the power lines. Josh asked if the trees coming down on the common were being replanted. Linda said that was up to the town. Linda said that you might be able to get people to donate a tree as a dedication. Lance asked if it had to be maples. Josh said

that it is Maple Grove Cemetery. Linda said that Franklin County Forester, Nancy Patch, planted the two trees out there in front of the cemetery, called Green Mountain Maples. Lance said that they have Sugar Maple and Red Maple. He said that Green Mountain Maple is not native to the area. Linda said that it is a hybrid and not susceptible to disease and has a longer life. It's a good tree. Josh said that at the end of this meeting, the board would walk out and observe the trees and make a decision. Lance said there could be an issue of liability, not only for the road crew as well as those on the road. Josh said that he agrees with the one on the roadway but asked about the one's on the common. He said that he's not so sure that the pruning is a fix as much as a band aid. Josh said it might be time to take them out and replace them. Linda said the quote doesn't include stump grinding. Each stump costs \$300.00. Josh said that if we were to have Mac and the guys do it ourselves, they could grind 4 instead of 2. Linda said the quote is with us taking care of the chips. Josh said they might be able to just take the chips away with a bucket. Linda asked about the Town Common Commission establishment. Linda asked if the board had checked with VLCT. John said that VLCT said that we cannot combine the two entities, not with the cemetery. They need to be kept separate. They could put the TCC and the Conservation Committee together. Linda said that the Park Commission would include the Town Common and the park. She said that we have had no discussion with the Conservation Commission about this. John said that we went away from the last meeting to get answers, and this is the first meeting with the answers. He said that after attending a Conservation Commission meeting last Thursday, they have a lot of the same initiatives that the TCC wants to do. He asked if they thought that they could meld the two into one and make a fund for it. Josh asked how many members are on the BCC. Alice said they currently have 5 members, and the rules say we should have seven, but nobody wants to give the time. John said that if some people want to join in on the beautification of the town common, they would be welcome to join. Lance asked Alice if the Conservation Commission would be willing to take over the Town Common. Alice said that she can't answer that question, she said she deferred to Lisa Stone. Josh asked Lisa if the Conservation Committee would be willing to take over the common. Linda asked if that was the mission of the Conservation Committee. Terri asked what Linda wanted to see. Linda said that she would like to establish a Park Commission with a board. Terri asked if Linda knew how hard it is to get someone to run a commission. She said that it is one thing to get volunteers but to get someone to lead a committee is something else. She asked if anybody wants to take the leadership. Lance said that we already have a commission that is doing the same job, right next to each other. Ivan Stone said that he agreed with Lance. John asked to invite the Bakersfield Conservation Committee to the next meeting and also the volunteers that worked in the park last year. Alice said that the BCC has a lot of other things as its mission. Josh said that they are not saying that the BCC can't do those things, but they are saying that some of the folks might want to work to take care of the park. Linda said that she was writing a grant for the Town Park and asked if they could call

it Park and Recreation. Josh said that they could call it whatever they wanted. Josh asked Lisa if they could reach out to the people working with you and ask them to come to the next meeting, or it could even be just she and Ivan, and the rest could volunteer. John said that the Cold Hollow Community Collective raised funds last year and are donating \$400.00 to the Town Common for flowers and \$400.00 toward the fireworks.

Mark Doremus said that he spoke with Todd about the accumulation of vehicles down by the old creamery on Rt 36. He said they are starting to build up and it is a problem in Bakersfield. Josh said that is on private land and it is overflow from Stone's garage. He said that Carl owns the old creamery. John said that it is overflow but there are bylaws about how many unregistered vehicles are on one property. He asked how many junk cars make a junk yard which requires a permit. Terri asked if we are enforcing that. She said we can't just enforce it because it's on Rt 36 because we have some on Rt 108, some on Boston Post, and others. John said that we need to have Brenda look up the zoning bylaws. Todd said that Brenda has already researched and is working with the property owner. Brenda said he is not in violation now, but his plans will likely bring him into violation. She said there is crushed cars out there. They have not been there for more than 3 weeks. Todd said that there were cars last winter and he rotates them out as insurance comes to get them. Todd said the owner is planning on putting up a fence to protect from view. Mark said that he understands Carl's situation. John said we will look up to see what constitutes a junkyard. Josh said it it's something we pursue, there will be other properties that we will pursue as well.

The Zoning Administrator found the following statute regarding junk cars:

5.13 STORAGE OF VEHICLES AND JUNK In any district, motor vehicles that are both non-operative and non-inspected shall be stored in an enclosed structure or in an area concealed from public roads. Junk storage areas of 200 square feet or more are considered junkyards and are prohibited in all districts. Vehicles being used in farm operation are exempt from this provision

Per State of Vermont Statues

- A. It shall be unlawful to place, discard or abandon as junk four or more junk motor vehicles in a place where any such item is visible from the traveled way of a highway or town road, or visible to an abutting landowner from that portion of the abutter's land used on a regular basis.

Sue Sonski spoke with the board regarding the Town Reappraisal. First, she gave Josh paperwork to grant an extension for the listers to file the grand list this year. She said they are running out of time, and they still have a lot of work to do. The extension grants another 30 days to get the grand list in. Terri asked if the tax bills will be out in time. Sue said they may be a little bit later. Lance made the motion that Josh Goss, Select Board chair, be allowed to sign the lister's extension for submitting the grand list. Todd seconded the motion and the motion carried with a vote of 5-0.

Sue also gave the board an estimate for the Reappraisal of \$109.00 x 711 parcels and an additional \$6,576.00 for the Reappraisal firm to schedule the inspections of the properties. Sue said the Vermont Appraisal Co. was the only proposal that we received out of the 16 request letters that she sent out. This comes to a total of \$84,431.25. Sue said if we drop below 80% of appraisal value, then the town doesn't get any education money. Lance said that if the property valuation goes up, the town will still need a certain amount of money, so the tax rate might go down. At least for the municipal part. Josh said that is very helpful. Sue said that the firm would like to start in the summer or fall of this year, to be done for the grand list for 2026. Sue said they have scheduled two appraisals. Terri asked if they could reappraise without coming inside the house. Sue said you can, but you won't get the new bathrooms and new basements. Lance asked that if you don't let them in, will they just go high in valuing the assessment. Sue said no, they will go with what they've seen in the past.

Josh said since we only got this reply then it makes this decision easier. He said that we have about 1/3 of the money in the Reappraisal Fund and the timing will give us a chance to have more. Josh said he thought to begin in 2024 would be our best option and gives us another tax year to add to that account. Sue said it gives us a little more time to get things scheduled. Sue said that we do have some phone numbers from permits, but we do not have many.

Lance made the motion for the Vermont Appraisal Company to begin in 2024. John seconded the motion and the motion carried with a vote of 5-0.

Roads- Mac gave the board 3 Access permits for the final sign off; Dan O'Rourke, Catherine Villitaro, Jamie Curtis. Mac said he had inspected the accesses and they are done according to the requirements.

Brenda Churchill spoke with the board about the ordinance regarding commercial growing of Cannabis that the board was asked to consider previously and the board decided not to consider. Josh said if we had considered it at the time, it would have given us the authority to say yea or nay, but since we didn't do that, we are now must go with the State's decisions. Brenda said that this applicant is not retail, it's wholesale and agricultural and she believes the only permit they need is a change of use permit from a barn to a commercial location. She said it's all produced inside, located where Sherry Joyal's barn is on Rt 108. Brenda said she was asking what the considerations

are for the town. Todd asked if they are drying the product there. Brenda said she doesn't know that scope of the operation. Todd said if they are drying it, that may need to involve the Fire Marshals/Fire Dept. Brenda said she wanted to make the board aware. Josh said that now we don't have any authority to say yay or nay. If he is successful in growing and then decides to sell, we have no say. Brenda said that she wouldn't say that. Josh asked if this was a local permit or state. Brenda said it was a state permit. Josh said that we did have control of the liquor situation and Bakersfield was a dry town much longer than its neighbors. Linda asked if neighboring properties have a say in it. Josh said that if they see the permit and have questions, they will contact Bakersfield zoning.

Mac continued on Roads and said that they did grade today and put down chloride today. He said they emptied on of the tanks and ordered another so by the time we empty this one, we should have the new one.

The board and Mac talked about an excavator and decided it was too small, Mac said they would be better off getting a backhoe for the small work and rent an excavator rather than buy one that's too small. The board talked about a few excavators that are for sale, some way too big and some too small. Mac said that Beauregard Equipment is in the process of sending a salesman up. Josh said that one dealer was 100% on board with taking the older grader in trade. Josh said that he knows the road crew would not really like this. Mac said if people could see the two graders running at the same time, they would understand the benefit, you can get twice as much done. Mac asked if they told him what they were offering for it. Josh said no. Todd said that CCR has a couple of units out back and they carry a 5year warranty.

Lance said that he had received a complaint that someone had gotten a flat tire on Lawyer Rd, and also on Pudvah Hill Rd, because of the sharp stones that weren't worked into the ground. Mac said he would check it out. Todd said that Fairfield has the same thing with the same rock. He said you can't do much. Mac said as it gets moister, the rock with sink into the ground.

Josh said the board was going to take 10 minutes and walk over to the Common to look at the trees. The board and Linda McCall and Mac went into the park to evaluate the trees reportedly needing to come down.

The town crew as a whole with help from Lance could tackle the 4 trees. Mac said the crew can run a stump grinder which they can rent for a couple days. Josh said that we're trying to save some money and the crew will take down the trees and replant. Josh said it was more cost effective for the crew to do it. Linda said she would just give Shane the go ahead to do the cemetery side. John asked how much notice would be needed for road closure. Mac said once it is on the ground, you can push it out of the way. Road closure should be a matter of ten minutes so we would have to really close the road. Terri said they can always go around and didn't think it needs to be notified.

Treasurer update- Tami said that she had gathered information from the temp agencies. She gave the board a contract from one agency for them to read over and become familiar with the conditions, etc. She said she spoke to two agencies, both wanting to be sent a job description and salary.

ARPA Update- John said that he spoke to Katie Buckley about avoiding clawback from the State in regard to the unused ARPA funds. He said she said that the general fund would be good. He said it could take a subset and put it in New Equipment and then it must be used for new equipment and then put the rest in the General Funds to be used for the match for matching grants. John said that he knows we are looking at excavators. He said that 90% of the roads in Bakersfield are dirt. He said that they are too hard at times to grade and if we had a water truck, we could wet the road down and get it wet before you grade. He thought at first that we could repurpose a chloride tank but that is not big enough, we would need a larger capacity. Josh asked about using one of the purposely made tandem tanks. Mac said, that if you had one that fit perfectly into the dump truck, we would pump water from the brook. Todd said that we would have to buy a new pump at 500gal/minute. Terri asked how much money they wanted to put into the new equipment fund.

Mac said that it does rain. Lance said we would work with what we have this year. John said that he is not the only one complaining about the roads being too dry and hard to grade. Lance said people will always complain. He said one time, we had a road with a lot of potholes and bumps and we had the guys grade the road, and then at the next meeting, we had somebody come in and complain about the crew taking the speed bumps out. Josh said that he doesn't think that you can please everybody. Todd said that we should make a decision about the ARPA money by the next meeting. John said that once it is in the general fund, we can't transfer to purchase equipment without a vote from the voters. Terri made the motion to move \$130,000.00 from ARPA to the New Equipment fund and then the remainder to the General Fund to cover grant writing fees and for matches for matching grants. Todd seconded the motion and the motion carried with a vote of 5-0.

New Mail- Ross sent in a bid for Cook Brook Cemetery. Josh said we will have to give that to the cemetery commission. He gave the bid letter to Linda McCall. Josh asked her to keep them privy as to what they decide.

Update on the Dog Bite- The board said that at the Special Meeting, Mr. Wunderlich understood the importance in dealing with the dogs. At the conclusion of the meeting, the board gave the Wunderlich family a deadline of June 1st to come up with a plan and a deadline of June 16 to have the dogs rehomed or euthanized. Terri asked where the town stands liability wise because we keep letting these dogs get rehomed. Josh said that the board was very specific at the meeting, that if the dogs are rehomed, we are to be notified of the town and address of the new owners and the dogs needed to be separated. He said that they would pass on the records of bites from these

dogs. John said that the one other stipulation is that the dogs have to get retrained before they are rehomed. He said the trainers would evaluate the dogs and if they are untrainable, they must be euthanized, and if they are able to get retrained, the Wunderlich's would pay for the retraining. Josh said a neighbor was in attendance and agreed with this solution.

Update on the issue on the Avenue- the situation has been put to the state. John sent the URL to the complainant to bring the DEC enforcement officer directly into this at this time.

Harding and Mazotti- Have had no response. Todd said we have had no reasonable confirmation that it came from their office.

The Triangle on Egypt Rd- waiting for the state to send new maintenance papers.

Grant writer out of Barre- Josh said that he preferred to keep our business local, and we have had interest showed by local people.

The new Flags are supposed to be in tomorrow and should be up for Memorial Day. Linda said that we have a green light to put on the monument for Memorial Day.

Town Hall accessibility- ramp 3/4" too narrow, and 3/4" too high. Someday will address when there is more time.

Dropbox- Terri showed a picture that she had taken of the Fairfield Drop Box. A box on a stand with a concrete pad. John said people could cut the pole and take it, we should fill the pole with concrete. Josh said that we could put cameras up too.

Brigham Academy- Nothing to report.

John asked Tami if she could contact Josh Farnsworth regarding the electrical outlet needed.

Terri made the motion to adjourn, John seconded the motion and the motion carried with a vote of 5-0. The meeting adjourned at 9:00pm.

Meeting minutes recorded by Tami Brennan.