

Bakersfield Regular Select Board Meeting Minutes
December 11, 2023
7:00pm

Meeting was called to order at 7:02pm by Josh Goss.

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

Residents/Guests present: Lieutenant Michael Filipek (VT State Police), Gary and Alice Foote, Pat and Sharon Evans, Chris Ward, Vera Lawyer, Dan and Katie Forand, Tami Brennan

Previous minutes: John made the motion to accept the previous meeting minutes as written, Lance seconded the motion and the motion carried with a vote of 3-0, Todd abstaining as he was not present at the last meeting.

Warrants signed:

Road Commissioner's Order #	\$12,794.52
Road Commissioner's Order #19-2023	\$1,428.32
Equipment Repair	
Selectmen's Order #27-2023	\$14,070.46

Finance- Vera met with the board and gave the board updated Finance Reports. She asked the listers about the rise in usual hours. Sharon Evans said that for the listers have had to apply for a deadline extension for updating the Grand List for two years in a row, so this fall they have been doing a lot of their building permit information to inspect and measure and then to enter the new information into the computer program where they have typically waited until the Spring, which have given them extra fall hours. This will hopefully help them in the Spring. She said they have also been creating new sketches in the computer program as there is a lot of that to catch up on. Vera explained to the board that the Grand List was in the negative on the report, but that the board has budgeted for payroll anyway, but it just doesn't show up in the Grand List budget line. Josh said as they consider the budget in the upcoming meetings, they will look at the salaries for the listers and how many hours they are requiring to make sure they budget enough for salaries. Vera said that she talked to Sue and when the SB works on that part of the budget, Sue should come and talk to the board. Vera said that the money that we get from the State for the Grand List is meant to go toward the next Town wide reappraisal, and not toward Lister's salaries and that the Grand list should go in the payroll budget. Vera said that for the board to know exactly what a position is costing them, when setting up the budget, to add 7.65% to the wages for Social Security and Medicare. The Reappraisal is set up to begin next summer, 2024. Sharon said that the state law has changed, and towns are now required to do a reappraisal every 6 years. Our last town reappraisal was done in 2009, so we are way overdue.

Josh asked Tami to invite Sue and Sharon, as listers, and also reps from the BCC, the Planning Commission, Zoning Admin, and Cemetery Commission, to attend the January 8th Select Board meeting and bring with them a proposed

budget amount needed for their entity for 2024, as input for the Select Board as they build the budget. Josh said that this is different from how we have done it in the past. Previously, the board has looked at expenses paid the following year and adjusted where needed for inflation, but the BCC has acquired care of the parks so their budget will go up and getting updated on anticipated needs would be good.

Josh said the board will continue to look for Vera's replacement and anybody out there who is interested in being a treasurer to please contact the board.

LT Michael Filipek- from the Vermont State Police, met with the board. Lance thanked LT Filipek for coming. Josh said that the biggest reason for inviting Mike to the meeting is that the town is having some substantial issues with people speeding on the roads and we are acquiring a small homeless population, and other issues that people are having that they would rather be discussed not being on camera at a board meeting. Josh said the big question is what do we have to do to get some police presence. He said there used to be some troopers who live in town and that the sight of their police cruiser parked somewhere in town would deter some behavior, but those troopers have retired since. He said that people know that there is no police presence or enforcement in town and it shows. Mike thanked the board for inviting him and said that he was glad to meet the board. He said he was new to this position, and this is all good for him to know. He told the board that the SP are in a rough spot right now, and that the frustration that our town is feeling is the same frustration shared with every town that he has met with. He said that they can't be everywhere and while that is a common theme, open lines of communication is vital. He said that keeping the SP informed of issues, trouble spots, events that you would like to have a police presence at is helpful. He said that you have my phone number and email, so that you can reach out. He said there is also our subordinate leadership, so you would have points of contact with our patrol controllers, if I was out of town and couldn't respond immediately. Mike said that he would give us all their contact information after the meeting. The board asked if they had his permission to put his contact information, and the contact information of his subordinates, on our town website for residents to have also, and Mike said yes. Mike said then we can start talking about issues of where things are happening, such as speeding in a school zone, what time of day, and community events. Mike said he knows that a lot of people want to see change but are afraid to speak up for being labeled. He said there are relay systems set in place in which their voice can be heard without putting their name out in public. Lance said we have a worsening drug problem in the area. He said people are fearful of putting their name on an official complaint with what they have seen or heard. He said that we are baffled on how to approach this. Mike said this is a tough and common issue that we've seen across the state, due to intimidation tactics. He said the public is almost victimized with the threat of retribution. He said that there is power in numbers and when a community takes action together against the minority causing the issue, you have the most success. Lance said that in the past, the SB has called the State

Police on issues and were told that they can't help us. He said that there was an incident of an abandoned house, that was known as a drug house, and the SB was notified that people felt that there might be someone inside in need of assistance and in distress. Lance said there were several animals in there and the house has been left abandoned for days. Lance said that the SB called the State Police for help and was told that they could not help us. Lance said that a few of the Select Board members took it upon themselves to go and enter the property. He said they found it abandoned and in disarray with animals left with no food or water, but they found no bodies or persons inside. Mike said there is not much to say except that he is sorry. He said that nobody should be exposed to such risk. He said that community caretaking is their job as police. Mike said that while he is in charge that won't happen. He said that issues are going to happen, miscommunication and errors in judgement. He said that a lot of things can be lost in translation through Dispatch but the best way to correct that is to communicate and correct it as soon as possible. Todd said that it is true that two dispatches were involved when the call went through that a trooper was pushed and should have said that they were knocked to the ground. Mike said if that was to happen, then take corrective action right away. He said we are all on the same team trying to take care of our communities and when someone reaches out for assistance, we are here to serve. Lance said that the town has been told that the State Police can't help us because they don't have a contract with us. Mike said that is misinformation. He said we don't work on a contractual basis. He said by default we are the State police. Lance said whether it's the State Police or the Franklin Sheriff, it would be good to have someone in authority come to help. Mike said that citizens should not be risking themselves. We are the law authority, and it is our job. Lance told Mike thank you for saying that. Josh told Mike that you are sitting here is greatly appreciated. He said it has been a long time since a State Police officer has visited even though they have been asked. Mike said he will make every effort to be here when asked. He said that he also runs the tactical team as well and that takes him out of the county sometimes but he will give us contact for his Patrol commanders as well so that we can contact someone who can respond when needed. Lane said that we are not asking for the impossible and that he knows that Bakersfield is small, but occasionally we do need you. Mike said we can still monitor problem areas, even putting a speed cart by the school. He said we can't monitor all the time but to get them on our rotation. Mike thanked the board for being open with him because he needs to know this. Lance said that we've got issues that we can't handle alone. Josh asked Mike how many troopers they have. Mike said that we are in a tight spot. He said that we have 10 troopers that cover Franklin and Grand Isle counties. He said that they currently have 3 more troopers in training preparing to come in and they also have 3 supervisors so we're going to be ok. Mike said that the St. Albans barracks is not alone, he said the law enforcement situation is close to a crisis. Josh said that Bakersfield is a great training ground. Mike said that they are taking advantage of some grants to pay officers proactively to go look for impaired drivers, so we ask officers to sign up for extra shifts to keep the

roads safer. Lance asked Mike what changes he has noticed in the last 10 years. Mike said it's hard to measure in statistics, but he thought the most alarming is the violence accompanying the drugs. He said that gun crimes have risen significantly in the last 3 years and the type of drugs are more lethal. Chris Ward spoke about the Town Constable position possibly being a strong conduit with the St Police in St. Albans. He said there is a certification process down in Pittsford for two weeks, 80 hours, and then 50 hours in service training. He said that he is more than willing to do this. He said that you can bring this to another level with a level 2 or 3, if the town is willing to equip him with a uniform, car, etc. Lance asked LT Filipek how effective smalltown constables can be in this situation. Mike said that town constables were valuable but if they don't have the training and equipment to handle combative situations, such as a tazer or a cage to restrain someone when they are going crazy, they would need to call us. He said town constables have a lot of value if they are vetted in the community, and if a resource is needed, he has them right on his cell phone. He said the constable's effectiveness relates directly to his ability to communicate. Mike said that he doesn't want to downplay the value of a level 2 or 3 certification as that just makes you that much more valuable to us because you would know and be able to assess a situation. Lance said that puts the constable fully dependent to your department's willingness to respond to his call for help. Mike said they should always respond. Lance said that we are a bit jaded because we've called and not gotten a response. He said we are just afraid he will get into a situation where he calls for help and gets no response. Mike said that it would be best to notify us previous to what they are about to do to alert them. He said if it is more civil and less active such as a treat was made and even a firearm burnished if the call comes in afterward and everybody is separated and safe for now, and it is late, we would wait and take it up in the morning. John asked Mike, on behalf of Terri as she contacted him via messenger. Her question was that we have people living in cars and she wanted to know if we should put up no loitering signs and if they continue to stay there, will the police come and address this issue. Mike said this is complicated because it is not illegal to live in your car, but there could be private parking lots or areas that they may be trespassing. He said we can let them know that they are trespassing but they may just move to another area so it doesn't address the root cause, which is finding housing. He said it is a struggle all across Vermont and Vermont is a hard place to be homeless. Mike said the town decides the route of no trespass, then they should put up signs as it will let them know that they are trespassing. He said you can site them or send them a notification with certified mail, which is hard to do in a car. A citation is good for one year and filed locally and with the State Police. Lance asked if a trained constable could serve a citation and Mike said yes. Pat Evans said that the parking lot that people are living in is owned by the Church and the church has no issue with anyone who needs to be there and we've offered them help, but this is good information it is were ever to come to that. Sharon said that it might be good to have some kind of camera in that area if you are concerned with activities that may be going on there. Mike

said that he would reach out with good contact information for him and his subordinates, and told the board to keep checking in.

Chris Ward spoke with the board regarding Animal control and the constable position. Josh said there had been a dog bite issue a few weeks ago and the person couldn't get in touch with Chris. Tami said that she also had trouble as his home phone kept asking for a code. Chris said that he has one of the lowest plans through Consolidated Communications. Tami asked if it was ok to put his cell phone on the town website for people to call and Chris said yes. Chris said he came in to talk to the board because he has gotten a few calls and it pushed him into consulting friends in law enforcement. He said there has been blatant poaching and he spoke to a warden friend who then asked Chris if they could call him to ask for backup if needed. Chris said he didn't know if what he was allowed to do. Josh said no unless the warden deputizes you. Chris said that he was willing to go for training. He said under the Animal Control officers duties, he does have the authority to take the dog. He said that 3 of the 6 things that he has done, he has contacted the troopers. He said that he could do more if he was certified and he thought it would strengthen the relationship with the St. police barracks and also give him more credibility. Chris said that he is not just trying to go out and be Wyatt Erp, and that he thinks it would be beneficial to the town. Chris said that Level 1 requires a 2-week basic course/80 hours in Pittsford which is a low level certification. Level 2 requires in-service training, Fish and Game, and Firearms. He said the FTO portion requires 50 accumulative hours in 12 months. He said it is no cost to the town, but he must be sponsored. He said that would swatch state law and town ordinance put together. He said he can currently uphold a town ordinance but for example in the case of animal cruelty, which is a state statute, he would not be able to act. He said in most cases, the town constable is already a law enforcement officer. The board said it would require a lot of time from Chris. Chris admitted that it would take deliberate effort. He said that he did have support and a chain of command at work that would not be against this. Todd said that it's at the agency level where the liability comes in. If Chris is riding with Swanton police and he makes a mistake, it is not Swanton that is liable but would be Bakersfield. Lance said to Chris that the level of commitment that we would need from him would be considerable. You would need to be elected and if you only stay for a year that would be a loss of all we have we have invested. Todd said we could put him through Level 1 and that would get him qualified to begin. We would have to talk to our attorney about liability. Lance asked Chris if he was willing to take a Level 1 and Chris said yes, if the town is willing then he is willing. He said it would mean that the town would provide the belt and uniform. Lance said there was a gentlemen who lives in town who was once interested in the position but it didn't work out but Lance thought we might be able to talk to him about sponsorship. Todd said that the board would look at other towns that are using a Level II. John said the main concern is it is hard to get assistance out here. Todd said we will do our due diligence and check with our attorney and check with LT Filipek regarding other town

constables. Todd said that at a Level II then the town must provide a firearm and a ballistic vest. Josh said one of the areas of concern is that things with a constable could improve, and the board thinks that everything is going well and then someone in the town feels that "Steve" is being targeted and then the constable gets voted out. Tami asked if the town could vote to change the position from elected to appointed. Todd said then the town would need to provide a salary and a car. Josh said that we tried to contract with the police for 10 hours/week and part of that 10 hours was travel time for the officer to get to and from Bakersfield. Josh said the board would get Chris an answer about the level 1 training by the end of January.

BCC- Pat and Sharon Evans and Alice Foote met with the board to have them sign their contract with Alex Barkley. Sharon said that they thought they could sign it since the board had agreed to pay for half the grant writing fee, but Alex wanted the board to sign. The board said that they needed to have a standard contract that the Select Board would be familiar with so it would be easily accepted and signed. John said Alex's fees are pretty much the same and that he formed his own LLC company to be able to do this. Sharon said he certainly sounds like he has a lot of experience, and he knows a lot more that we do. Alice said we want to know that the community is behind this. Alice asked the board if they have ever been on the side of approving a grant before. Josh and Todd said no. Alice gave the board a handout of the Bruhn grant. She said it is a grant that pays 100% but it reimburses in three stages so if we get the grant, it will take some input from the town. Alice said if we get the grant we will need to be listed on the list of Historic places. Sharon said that she thought we were already on the list, but the paperwork wasn't completed. Alice said that Larry Krygier is also working with us. Todd made the motion to accept the contract as written and to authorize Josh to sign on behalf of the entire board as the Select Board chair. John seconded the motion and the motion carried with a vote of 3-0, Josh abstaining.

Road- Josh said Mac is out taking care of the roads. Todd told the board that there was an accident on Boston Post Rd this morning at 9:00am. He said that we might get a complaint on how we set up plowing. Josh said that section is cared for by Enosburg. Todd said the access up Boston Post was not the best. He said he was not blaming the road crew. He said that when he was able to contact the crew on the radio in his truck, Mark was already refilling with sand and on his way. Josh said that is where Mark usually starts his route early in the morning and the snow was coming really hard all morning and he had been plowing all morning, so it would have been about 3 hours since his first run over it. John said that he had come down Boston Post at 7:15am and it was fine. Todd said that he was the only one that could contact the crew on his radio, so it would be a good idea to get the town frequency in all the trucks so they can easily contact the crew when needed. Josh said to get the other guys to come and get tuned into the town two-way radio system.

Road Reclassification- Todd said there are two ways to change the classification of a road. Either the Select Board changes the road, or a petition is presented to change the road. He said either way, it requires a 30-day notice, notification of adjoining landowners via certified mail and posted in 3 locations. Then you have a hearing, notify the landowners of results, posted publicly and then an appeal date. The board decided to postpone this until April when there is warmer weather to do a sight visit.

Review mail- Josh said that Vera has provided us with a general scope of practice. He said there are 3 documents, one for property taxes, the end of the year, month to month, and an overview, but not an in-depth scope of work for the treasurer position. He said this has come into view because of considering someone who has the training but has a full-time job and we would have a treasurer's assistant in the office to do filing, mailings, collect taxes, and have the treasurer come in after hours to do the treasurer's job. He said that we have to figure something out, we are getting into the nitty gritty. He said it has been brought to the boards attention that if we are going to get a treasurer that is going to be here to do the job, \$18,500.00, is not going to cut it. The board discussed offering \$20,000.00 to \$30,000.00. John said we could offer \$40.00/hour. He said we should get someone in for that. Josh said that hourly wages for this position are hard to budget. He said a job that takes Vera 12 hours a week to do could be 20-25 hours a week for someone else to learn it. The board talked about having the treasurer hold office hours in the evening instead. The question of safety was raised of the treasurer working alone at night. They spoke of having an assistant treasurer in the office 2 days/week during regular office hours. Josh said he has had multiple conversations with Vera and she has said that the position needs more money. The board said we will never get another Vera.

Lance made the motion that we repost and rework the previous treasurer job listing as paying from \$22,500.00 to \$30,000.00/year, depending on qualifications, experience and successful background check. Todd seconded the motion and the motion carried with a vote of 4-0.

The board asked Tami to run an updated ad in the Burlington Free Press, the Messenger, the Courier, and VLCT, offering a salary of \$22,500.00 to \$30,000.00, dependent on experience and performance. The board also said to check with the Unemployment office.

Josh said there is a Tax Sale scheduled for Wednesday morning.

The board received and read a Thank You note from Mary Lumbra's grandson for the flowers.

Josh updated the board that the resignation letters of the Cemetery Commission are to go to the CC board and not the Select Board, and the CC is to notify the Select Board so that they can place the position on the ballot.

Josh said that the CC is not to appoint a replacement but to operate with the remaining members until the next election. The board did receive a resignation letter from Stacey Maynard that will be forwarded to the CC.

Lance said that for the record, he would like to thank Harmon Mayo and Stacey Maynard for their faithful years of service to the town.

The board received the Dispatch contract for 2025 from the St. Albans City police department. Josh said that we have to sign this before creating the budget. He said this is a non-negotiable, we don't really have a choice, so we need to sign it.

John made the motion to accept the Emergency Dispatch Contract as presented and to give authority to Josh Goss as Select Board chair to sign the contract on behalf of the board. Lance seconded the motion and the motion carried with a vote of 3-0, Josh abstaining. Josh signed the Emergency Dispatch Contract.

The board had questions on the Workman's Comp insurance through VLCT. The town is required to pay this for all town employees.

The board received a notification that it is time to Update and Renew the Village Center Designation. This makes us eligible for more grants. Tami suggested that the board ask Linda McCall if she will do the paperwork as there is quite a bit to it and Linda would be familiar with the background. It was Nancy Hunt who originally completed the paperwork for the designation. The board asked Tami to contact Linda to see if she would do this.

The board scheduled the final Select Board meeting for the year for Thursday, December 28, 2023, at 7:00pm, as the 4th Monday of the month is Christmas day.

Lance said that we need to hit the budget hard in January. The board asked Tami to get a final due date for the budget from Kathy.

The board scheduled budget meetings for:

- Thursday, January 4, at 6:00pm
- Monday, January 8, at 6:00pm, with the Regular Select Board meeting beginning at 7:00pm
- Wednesday, January 10, at 7:00pm
- Tuesday, January 16, at 7:00pm

John made the motion to adjourn, the motion was seconded by Todd, and the motion carried with a vote of 4-0. The meeting adjourned at 9:55pm.

Meeting minutes recorded by Tami Brennan.

