

Bakersfield Regular Select Board Meeting
November 8, 2021
7:00pm

The meeting was called to order at 7:01pm by Josh Goss.

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

Members absent: none

Residents/Guests: Vera Lawyer, John West, Ron and Laura Hathaway, Maria DeRosia, Sue Ann Coffin, Pat Evans, Alice Foote, Mac Newitt, and via zoom: Linda McCall, Mary Lumbra, Dan and Katie Forand, Carolyn Bronz

Motion to accept October 25 Select Board meeting minutes, with the correction of instead of a W99-2021 said to have been erroneously paid out of the Road account, it was an Equipment Repair warrant that was paid out of the Road account, was made by Gary, seconded by Lance and the motion passed with a vote of 5-0.

Warrants paid:

Road Commissioner's order #22+23-2021	\$10,646.25
Road Commissioner's FEMA order#18-21	\$117,941.12
Road Commissioner's order #14-2021	\$5,017.08
Selectman's order #24-2021	\$103,294.01
Included Fire Dept Contract and Overpayment of taxes, etc.	

Terri asked about the clothing allowance on the Road warrant. Mac said that the clothing allowance allotment is \$500.00/year. Terri asked if it was for anything or just for certain items. Josh said that he had just finished an OSHA course and the town is required to provide ear protection to the Road crew, so that doesn't need to be taken from the clothing allowance. The clothing allowance is for boots and clothing.

Josh said that the listers will not be coming tonight. They asked to be placed on the agenda for the next meeting.

Mac said that he got 6 new tires for the grader. Total came to \$4,809.75 and that included installation.

Finance update: Vera met with the board to update them on what she's been doing. She said that she has refiled the 1st quarter for the town with a letter of explanation. She also filed the 2nd and 3rd quarter 941s for the town as well. Vera said that she has filed the second and third quarter 941s for the library. She said that she assumes that the 1st quarter has already been filed although she can't find the quarterly reports for the State of Vermont. She said that the unemployment had not been filed at all, and now it's all filed, the 1st through the 3rd quarters. The board asked if there would be penalties involved. Vera said that there will be penalties for all, but she didn't know for how much. Terri

asked if the state wasn't willing to waive them. Vera said that we need to wait until they come and then we can see. Vera said that Jason Bapp had been here Friday and Monday and he had gotten through the small accounts and the library was done. On Wednesday, Jason and Joy Doane will be working on the General Fund, and the Road account and the property taxes. Vera said she still has to work on the taxes because she can't get them to balance. She said once they get finished with the Town and the Road, they will focus on correcting Quick Books. Vera said that \$1,124.27 will be taken from the Equipment Repair fund and paid back to the Road account and approximately \$3200.00 from the TAN needs to come out also. Vera said that she voided a check that didn't clear the bank, and she didn't know where it went. should be on the warrant tonight. The amount that we voted in for Equipment Repair is on the payroll tonight. Josh said that we voted in \$19,000.00 for Equipment Repair at Town meeting to keep a beginning balance of \$35,000.00 each year.

Simple IRAs-Vera said that she needs to find out if the correct amounts were paid to each employee's account. America Funds. She has sheets on each person, money from the town and money from the individual. She said that she's been through them all and there were three payrolls that money was deducted but not sent, and then twice it was paid twice. She said she is trying to get down to what we actually owe. Tyler called America Funds to see how to handle it. She said there is something on the IRS website. The Funds are either losing or gaining money during all that time. It comes to around \$1,043.17, and we will soon know what the town must pay to get it to where it's supposed to be and what we're supposed to pay. She said that after we get things correct on Quick Books, then she can sit down with Maria and go over one thing at a time. Vera said that the bank is coming Monday. She said that she also has to sit down with Sue Sonski. Vera said that on 7/22/21, she came in to help Audrey figure out and determine the municipal tax rate, and then the board set the tax rate and a couple days later the tax bills go out. She needs to talk to Sue about what happened in between those two days because things change in that time. Vera said that she still needs to balance with Sue. Vera said that she has worked as fast as she could to get things correct. She said that she has so many things to do, she has a list and keeps adding to it. The board thanked Vera and told her to make sure she submits all her hours that she works.

Lance pointed out that Vera was under no obligation to do any of this, that she volunteered, and that they are all so grateful for her services.

Vera pointed out that on the report that she gave the board tonight, she had changed a few things in the General Fund report. She took out the Fire Dept because that is Direct Tax and so was re-coded to a different spot. The said she broke down the Gravel Pit payments in the Road account. Vera said that if there are any reports that you would like next time, let Maria know and we'll figure it out. Josh told Maria, that once she has 3 of the Select Board signatures, she can write up the checks and pay the bills. She doesn't have to wait for additional signatures.

BCC- Pat Evans and Alice Foote met with the board on behalf of the BCC. Pat Evans, the Chairman of the Board of the Bakersfield Conservation Commission, said that it has been a long time since the BCC has spoken with the board, over a year ago, about the possibility of installing a charging station somewhere in town. They said that there are grants/money available, and they had submitted paperwork. Pat said they are looking for a yay or nay, as to whether it would be a good thing to pursue. There is money available, but we have to get on the list and decide on a location. Pat said that they are thinking that this facility would be a good spot, but they are also thinking of the store. Lance made the motion to give the BCC permission to apply for a grant to install an Electric Car charging station in the Town of Bakersfield. Terri wanted to know what kind of grant it is, matching funds or in kind, or totally funded. Alice said that this is through the state. Lance said that he thought that he remembered it being 100% funded, but he wasn't sure. Terri said that GMP has a program right now. The board thought that the store might be a problem since the parking is so limited. Terri was thinking that between the townhall, and the church would be a good spot. Terri asked if the board should make a motion to get more information. Lance said that you can always refuse a grant, and it would be better to jump in now. Brenda seconded the motion and the motion carried with a vote of 5-0.

Pat brought the boards attention to a minor repair needed of a tree down across the trail that goes behind the cemetery and up through the town park, and he was asking for assistance to remove the tree before something happens. He said it was about 5½ ft above the trail. Terri asked Mac if he and the Road Crew could go check that out. Mac said if it is quite high in the air, it would be a safety issue if they had to cut with a chain saw above their head. Pat thought that they could probably cut it at its base. He said that it was quite long and that there is quite a bit of traffic through there. Josh told Mac that if it was something that he and the guys could not do, then to give him a call. Pat said that the BCC had been commissioned to identify ash tree borers that may be dangerous to us. They were to search and check trees and a report was written from Nancy Patch and given to Mac. We responded at that time, which Lance thought was 5-6 years ago. Lance said that he has currently seen and identified Emerald Ash Tree borers in this area, but has not reported it to the state. Pat thanked the board and said that he hoped to see them more often.

Josh said that he had received an email from Sarah Jo regarding holding the Annual Tree-lighting ceremony. She said that she would like to set up starting Thanksgiving week and is requesting to have the power turned on by then. She would like to plan the lighting ceremony for Sunday evening, December 5. She said that she would defer to the board as to when the power should be turned off. Josh made the motion to turn the power on for the park now so that Sarah Jo could get set up for the Annual Tree lighting. Lance seconded the motion and the motion passed with a vote of 5-0. Terri said that she will get the power turned on tomorrow.

Alice asked about the procedure and the rule for the availability of having the power on in the front part of the park. The board said that it was the same as using the building. There is a building usage application to fill out and present to the board and they can approve it and have the power turned on. Alice said that they have a music program in the park, and they have been using this guy's (pointing to Mac), power with an extension cord from his house. Mac said that it would probably be easier and less complicated to keep using that guy's electricity.

Ron and Laura Hathaway appeared before the board regarding 2 ½ acres of land that he bought a few months ago, on Belvidere Mtn Rd. He said it's been a nightmare since he bought it. He said that his neighbor has pulled his boundary line stakes up, which is a Federal Offense. No one can move or remove stakes that have been placed by a licensed surveyor. Ron said that they pulled up the stakes and moved them 12 feet onto Ron's property and posted Ron's land. Ron said that Mike Gervais said that Ron cannot move the pin back, Mike Gervais would have to do it. Ron said that Mike Gervais said it would cost about \$5000.00 to survey those 2 ½ acres, even though it already has stakes. Ron said that he has put a lot of money into that place and a lot of time. He said that the neighbor tried to buy the property out from under him. Ron said that he bought it from Michael McSweeney and at the time, the grass was long, and they could only find 3 stakes, but he said that they just found the 4th stake. Ron said that the original stakes were put in stone and painted red. He said that the guy on one side of me comes every other day and says I hate to say it, but your camp is going to be on my property. Lance said that in a boundary dispute, there needs to be a surveyor involved. Ron presented the board with a bill from Mike Gervais for research on the boundary line description, but not for a survey. Ron said that the neighbors posted his property. They have cut my property right in half. They just go and put their stakes in. His neighbor Shawn Riley posted the land that Ron says is his on 11/3/2021 and registered it with the town and state. Ron said he has no address yet. Mac said that you get issued an address after an approved road access permit. Ron said that the driveway is not there legally, and that he is aware of that now. He said that was not a deliberate action. Laura said that she has kidney disease, and she needs an address in case she needs an ambulance to find the address. Mac said you get a 911 address after you receive a Road access permit. Ron said that he knows he made a mistake. That the town made him aware and then he applied for a Road access permit. Mac said that the neighbors can grieve the road access permit within 30 days. Ron said that his neighbor was so mad that he didn't get this property and that's when all this started. Josh asked Ron what Mike Gervais had advised and said that Mike is the professional in this situation. Ron said that Mike said to get a lawyer. Lance said if you take your neighbor to court and win, then the neighbor will have to pay for the survey and all the expenses. Lance said that to make a decision on this is outside of the Select Board's authority. He said this needs to be solved by a licensed surveyor and a court of law. We as the

Select Board cannot make this decision. Ron said it was surveyed 16 years ago by John somebody. Lance said if you can find out who originally surveyed it, you might be able to get access to the information and map. He said that your deed has a written description of the parcel. Lance said that if Mike researched you would think that he would have found it. Lance said that he would take Mike's advice. Ron and Laura thanked the board for their time.

Road Report- Mac said that he and Lance met with Bethany from Better Back Roads. Terri asked why Mac took Lance with him. Mac said that two sets of ears is better than one. He said that Bethany came here to meet with us. Mac asked Lance if he brought the paper that Josh needs to sign. Lance said he didn't and that he hasn't received the second one from Bethany yet. The paper that Josh needs to sign is to apply for a grant for a piece of equipment for the town. Mac said the town could get a hydro seeder, a roller, a bale shredder, or a set of harrows to pull in the edge. The grant is a 20% match for the grant. The town would have to pay about \$1500.00 out of \$7500.00. So, we can get a \$7500.00 piece of equipment for \$1500.00. Mac said that they would probably go for the hydro seeder which they would use when they redo ditches. Josh said that's the quickest, most efficient way to do it. He said he saw that Enosburg did Boston Post in a day with one of those. Mac said that they could store it in the garage.

Brenda made the motion to apply for the grant and to allow Josh to accept and sign for the grant if we receive it. Lance seconded the motion and the motion passed with a vote of 5-0.

Lance said that an Erosion survey for Bakersfield has not been done. The town has called it a culvert inventory and the State calls it an erosion inventory. Lance said there is a grant of \$7,000.00 or \$8,000.00, available to do the erosion inventory. It might cost us up to \$1500.00. After we do the erosion inventory, Gary said that it needs to be updated in two-year segments. The erosion survey needs to be scheduled by April 2022 and needs to be completed by the end of 2022. The grant needs to be applied for ASAP. Bethany knows the deadlines and compliance requirements and Bethany will pull up the grant and Josh just needs to sign it.

The feds said that they couldn't find the run-off report. Mac said that Bethany said that she had heard that there was a place on East Bakersfield Rd that had some issues, so Mac and Lance took a ride up there with Bethany to take a look. They looked at the culvert and Bethany said there should be a retention area and stone within the Town right-of-way, but she said that outside the town ROW is not the town's problem. She also said that on the downhill slope where the owner is claiming crop loss, is not the Town's problem. She told us not to remove your culverts across the road because if you need to put them back in, you may not be able to do it. Bethany said that she has a map with all the culverts on it and that they are all hydraulically connected and cannot be messed up. Brenda asked if there was an issue with the collapsed pipe by John West's? Mac said that she said it should be replaced and can be put back in

with the same size culvert. Terri asked about the water problem. Mac said that Bethany suggested that we contact the state on how to handle that at the bottom of the hill. The State would usually divert the flow to go out into the meadow, but since we're having the issues we're having, we can try to do something to slow the water down, but it needs to be done within the Town ROW. Some federal grants would be definitely a positive thing. Bethany said the Better Back Road grants should be used for places similar to that one, but that have a higher priority. Mac said that we needed to do 20% of the upgrades by the end of 2022 and we could pick and choose what we want done. Mac said that almost all of our roads are listed as not meeting standards. Bethany did say that our roads were crowned and that she didn't see an issues with the crowning, but that the edge needs to go.

FEMA- Mac said that Blow and Cody sent a bill. They wanted to bring the superstructure and rebars down to the bridge site. They were finishing up a project in Fletcher and wanted to know if they could work. They asked if the project had to be made to State Standards and Mac said yes. Therefore, the concrete needs to be tented and the Rebar needs to be protected so that it doesn't rust in the elements because then we can't use it. That is why we got a bill for a percentage of the Rebar. Blow and Cody are responsible to protect the Rebar.

Josh asked if there had been any complaints on the roads. Josh said that there was a complaint that the guys were grading too fast and not taking the bumps out enough. Mac said that there is only a few more days that we can grade. And we are getting the plows on, etc. We can rake it later.

Terri asked what our plan was for the mower down there that we don't have a tractor for. Mac said that we would need a heavy tractor, with around 70 or 120 horsepower. Terri asked if they had any interest in selling it. Mac said that isn't a bad idea because it's really heavy and needs a really heavy tractor. It hasn't been touched for 5 or 6 years. Lance said that he occasionally sees tractors for sale and Terri said that Fournier has their auction in April. Josh said that he saw a used 2016 65hp tractor with a bucket 4WD for \$28,000.00 and thought we could pick up something for multi-use and then buy a lighter mower and then there are many other implements you can run, and you can run the sickle bar upright. Mac said that if they got a 65 or 70hp with a long arm, they could go all over with it. He said that the roadsides have definitely been a concern of the taxpayers this year and nobody bids on it and we're losing ground fast. The little trees grow fast. Terry said that she had someone interested in possibly buying the mower. She said that she was going to tell them to come make an offer. The question was asked if the SB can sell a piece of property without it going out to bid. Lance said the SB has right to purchase and sell equipment. To put out to bid, we need to advertise in three places. Brenda to post it on Front Porch Forum and Facebook and Tami to put it in the County Courier.

Zoning complaint regarding a foundation that has already been put right in the middle of the road in the town ROW on Browns Pond Road. Mark said that he can't turn the truck around there anymore. Haible, the adjacent landowner has a deeded ROW through there. Brenda asked Mac to go up with her to view the site. The board asked Brenda to email them if there would need to be a special SB meeting. They said that that road has already been established and it was already decided not to throw that road up.

Smuggler's Notch snow mobile club is asking for landowner permission and sent their permission form. Josh asked if we are willing to give permission again. They are asking for 5-year usage but said they are fine if we renew for just one year. They are just trying to expedite and not need to apply each year. The board said they would like to talk to Gabe or Rock who gave permission for them to cross. Brenda said she would call the club and ask them to submit in writing exactly where it is that they need the permission to ride, and we can discuss it at the next meeting.

Josh read portions of the Disabilities of Vermont Polling Place Accessibility Report (posted with these minutes) to the board, citing that our ramp is not in compliance. According to the report, the slope of the side ramp is out of compliance by 0.17%. Josh said that when the ramp was installed it was installed in compliance with the ADA and that if it was off, it must be because of the ground shifting or heaving slightly. Also, the distance between the handrails is 2 inches too narrow. The board discussed and thought if they took one inch off the inside edge of each handrail, this would put it in compliance. The town hall parking was not in compliance because we don't have adequate number of accessible parking spaces, including one space designated for van parking, closest to the accessible entrance. Standards say that we need to block off 16 ft. that is accessible for a van, located closest to the accessible entrance and we can do this temporarily with traffic cones.

NWCUD- Brenda said that the NWCUD has hired an Executive Director and posted a budget, and they have money to pay the position for 5 years. They have received around one million in grants and plan to do 1000 miles of fiber optic infrastructure. She said they have a verbal arrangement to join NW and Lamoille counties in having fiber optic by the end of next year. They have huge money for broadband for 100% of the population, including every back road, and improve cell service and reception. Josh West asked if this would be installed on poles or if they were going to trench it. Brenda said on the pole because it was the cheapest and fastest. John said that it was also the most expensive and difficult to fix. He said that the fibers are smaller than your hair and an unforgiving medium. John said the problem is with the trees. Brenda said that they have gotten more resilient.

ARPA- Brenda said there were no updates. She said she'd been in contact with Katie Buckley and NWRPC and they have put off the public meeting until December, to talk about the 66 categories. Brenda said we'll have printed copies at the town hall within 2 weeks. The company putting in the fiber optics is Northwest Fiberworx.

Brigham Residence- Lance said that the town has to come up with a new purchasing policy by April. The Brigham group needs us to have a written procurement policy with a payment policy attached. Everything goes through the Select Board. They are happy with the procedure we have, it just needs to be written.

Outside Audit- Still looking for quotes. We need quotes to put on the ballot in March. The board asked its members to bring the name of a firm or person to us and they would have Tami type up a generic letter of inquiry and to request availability, willingness, and a quote. We need to get some numbers before we can go to the next step.

Future Agenda-
Listers regarding reappraisal
Heather Jewitt- NWCUD

FEMA loan renewal- We are in the process of renewing the FEMA LOC as the current FEMA loan is due in December, and not all the work has been completed. Lance said that he contacted the bank, and they are in the process of reviewing our records and they don't think there will be a problem. The new gal handling things at the bank is Robin Wade.

Gary made the motion to adjourn the meeting at 9:13pm., it was seconded by Brenda and passed with a vote of 5-0.

The next regular Select Board meeting is to be held on Monday, November 22, 2021, at 7:00pm.

Meeting minutes recorded by Tami Brennan.