

Bakersfield Regular Select Board Meeting
Monday, September 14, 2020

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

Members present: Lance Lawyer (chair), Josh Goss, Terri Gates, Gary Denton, Sam Cribb

Members absent: none

Residents/Guests present: David Westcom, Kathy Westcom, Mac Newitt, Tami Brennan

Motion was made by Lance, seconded by Josh and approved by 5-0 vote, to accept the August 24 meeting minutes, with the correction to the minutes as follows:

Remove the third line in the third paragraph, "The board assured the Piers that town residents would still be able to ride in Bakersfield."

The board discussed a concern for possible misunderstanding by town residents that all roads to be designated closed to ATV's would be open for ATV riding by town residents, which is not the case. The roads designated closed to ATV's in the new town ordinances would be closed to all ATV's, residents and non-residents alike. The sticker that all ATV riders would be required to purchase in order to ride on the designated roads open to ATV's, according to the new town ATV ordinances, would be issued free of charge to residents.

Warrants signed:

Selectmen's order #24-2020	\$299.12
Petty cash	
Selectmen's order #23-2020	\$2223.88
Road Commissioners Order #7-2020	\$213.34
Equipment repair	
Road Commissioners Order #16&17-2020	\$16,445.26

The Roadside mowing ad ran in the St. Albans Messenger from Tuesday, Sept 8, to Saturday, Sept 12. Mac said that he has received no phone calls in response to the ad so far.

David Westcom attended the meeting to participate in a discussion regarding the landowner's petition to change the Class IV section and the Class III section of the north end of Skinner Hill Road, from a public road to a private road.

Terri requested the consideration of a revote on the boards decision to accept the landowner's petition for such action, since she was not on the board when said vote to accept was cast. Lance said that the board members that had previously cast the vote for acceptance of the petition constituted a forum and to have a revote would require giving warning to all petitioners and land owners of the revote.

The four options available regarding the petition are:

-Upgrade the whole road to a Class III road, which would be very expensive since it would require building the road, along with a bridge and maintaining the road, which the Town hasn't done in decades.

-Maintain the road as a Class IV, which would also require building the road with a bridge, since Town ordinances require that a Class IV road be maintained by the Town to be passable with a vehicle one season out of the year.

-Downgrade the road to a public trail, which would require the permission of the abutting landowners and none of the landowners want the road to become a public trail.

-Throw up the road, changing its status to a private road, accessed and maintained by abutting landowners.

Terri expressed concern over new resident access if a current landowner sold or subdivided their property. Lance stated that case law supports the right of access to private roads by abutting landowners. David pointed out that all the landowners own the road and would have the right of use and responsibility of maintenance. Any landowner subdividing could place an easement in the deed guaranteeing access from any subdivided lots. David stated that he has been maintaining the northern Class III section of the road for years already. Terri asked if the Town received State funding for the Class III section of the road and the sum of \$267.58 a year was determined as the amount the Town received annually from the State for the northern section of Skinner Hill Rd.

Road Report-

John Crock, the director of the UVM Consulting Archaeology Program, is putting a proposal together, including an archaeological resources assessment and a historic preservation review, regarding the removal and replacement of the bridge on Goat Path Rd. Because FEMA and the State will cover a total of 91.5% of the costs, the board believes that this is the best route for the Town. If the Town decides to circumvent the bridge by purchasing land from a neighboring farmer to put in a road, the Town would be liable for the entire cost of the project.

Mac's planning on running the grader up on Kings Hill Rd, and putting a couple loads of gravel on the class III portion of the road.

Mac and Josh were present when a State Biologist inspected the site by the Luneau's camp, early this summer, because of the beaver dam that's causing the flooding, and gave some suggestions. When FEMA replaces some of the culverts that we currently have on the roads affected by the flood and installs larger ones, the town is going to give the Luneau's a culvert to put in place themselves, to help with stabilizing the route so they can pass over to get to their camp.

The Selectboard set the date for the Skinner Hill Rd Site Inspection/Hearing for Tuesday, Sept 22nd at 5:00pm and all Select board members signed the form to be posted, warning the public and land owners of the coming inspection.

The board has since changed the date of the Site Inspection to Tuesday, Oct 20th, at 5:00pm. The form is to be sent to Town attorney, Mike Gawne, and he will notify the land owners effected by this petition.

Noise Ordinance- A discussion regarding the lack of a noise ordinance in Bakersfield was addressed because of a residential complaint of noise from a neighboring property late at night. The resident contacted the Town Clerk and Lance with his complaint. He was told to call the State Police is he believed there were drugs or alcohol involved, and Josh said that he would speak to the neighbor.

As to creating a noise ordinance for Bakersfield, the board agreed that until the Town has a way to enforce such an ordinance, there was no reason to create one.

The ATV ordinance is to be put on the agenda for the Sept. 28th, 2020, Select Board meeting.

And the Personnel Policy is to continue to be worked on.

The Historical Society sent an email to be addressed by the board as to the possibility of the Town hiring a grant writer that the Historical Society could access to seek assistance in writing a grant to repair foundation damage to the historic building, caused by the Oct. 31 2019 flood, when all the water quickly froze underneath the rear building addition, causing the building to heave and shift. The subject of a Town Grant writer was addressed at the 2018 Town meeting and the board had said that they would look into it.

The board said that they did look into it and didn't find a grant writer. A resident had applied to try the position on a payment-only-if-they-succeed basis. As it happened, Mac was successful in applying and receiving some road grants so the Town has stuck with that since Grant writers are a large expense. They also stated that the Historical Society is not a Town owned entity and therefore the Town would not be responsible to pay for a grant writer for use by the Historical Society.

Gary made the motion to adjourn the meeting at 8:37pm, the motion was seconded by Sam and approved by the vote of 5-0.

The next Regular Select Board meeting will take place at the Bakersfield Town Hall on Monday, Sept. 28, 2020, at 7:00pm.

Meeting minutes submitted by Tami Brennan.