

Bakersfield Regular Select Board Meeting  
Monday, September 27, 2021  
7:00pm

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

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

Members absent: none

Residents/Guests present: Mac Newitt, Kathy Westcom, Rosalie Williams, John West, Sue Ann Coffin, Joshua Prior, Tami Brennan, and via zoom, Alan Cunningham, Katie and Dan Forand

Motion made to accept the previous minutes, with the correction that it was Lance, instead of Kathy, who estimated the remaining balance of the FEMA LOC loan to be around \$100,000.00, was made by Brenda, seconded by Gary and accepted by a vote of 5-0.

Warrants signed:

Selectman's Order #21-2021	\$7,950.54
Road Commissioner's order #17+18-2021	\$6,022.74
Road Commissioner's order FEMA #14-21	\$62,550.00

Finance Report: none

Josh reported that on September 26, he and the board had received a letter of resignation from the current Town treasure. And after the business on the agenda tonight, the board would discuss the next steps to appoint an interim treasurer.

Gary made the motion to accept the letter of resignation from Audrey Haselton, the current town treasure, the motion was seconded by Brenda and passed with a vote of 5-0.

Roads- Mac said that the roads are looking decent. They are a little behind on the ditching and may need the excavator a little longer than a month. Josh asked if they would be able to do some grading before it gets slimy and if they were planning on putting anymore chloride down on the roads. Mac said no more chloride, we are past the point of having the roads getting really dusty. Terri asked if the crew was planning on adding more dirt when they grade. She said that Waterville Mtn was like a washboard down the big hill. Mac said there was quite a bit of material left on the side of the road that they could probably pull in. Josh asked if Mac had ordered crushed stone for Spring. Mac said not yet, we'll wait, we have quite a bit of the stone from the gravel that we screened. We've done 7-8 trench drains and we have 8 or 9 more to go. Gary said that Belvidere Mtn Rd was a washboard as well. Josh also said that Mr. Branon had offered up an area to stockpile a couple of piles of stone if we needed to. Mac presented the board with an access permit for Vermont Electric CoOp on Belvidere Mtn Rd. Mac said that he and Brenda went up and looked at it and it looked fine. They are asking for a ROW. Terri asked if it was further

up from Gary's house. Mac said way up past, by the little yellow camp close to the road. Once those poles are set up, others can pay to connect in. Another access permit was for Shawn and Jennifer Montique on Sunset View Rd. Josh thanked Mac for trekking the roads when I called about that stick. Mac said that it was cleared by the time I got there.

Terri made the motion to go into executive session re Road personnel, Gary seconded the motion and the motion passed 4-1, Lance opposed.

The board entered executive session at 7:13pm, with Mac attending.

The board ended executive session at 7:24pm.

The board said that the executive session regarded a personnel issue and no votes were required.

John West, on Joyal Rd, said that he noticed that the road on Joyal seemed a little smaller, especially when you are driving, and a Fed Ex is coming at you. He asked Mac if they were going to put markers down to show where the Road edge is once the snow comes. Mac said that they don't usually do so but if it's an issue, we can put them up. Josh asked what type of markers John was looking for, grade stakes or popa whips? John said either would be fine, as long as they are high enough above the snow to see where the edge of the road is. Rosalie said that she wanted to find out the status of her road. Mac said that the road had been ditched and trench drained, and they still had to put grass seed and straw matting down. Lance said that he assumed that Rosalie was asking about what they had talked about, putting a culvert in there if we can, off Joyal Rd across to her barn. Lance said that if Rosalie could get help from her federal friends, we might be able to do something, but that Lance thought we had a used culvert, but we don't. Rosalie asked if it needs to be metal or plastic. Lance said it was a galvanized one. Rosalie said that she has a couple of culverts. Lance said that he was still waiting for the report that the engineer said that they would forward. Rosalie said that the engineer didn't end up coming until Friday. Lance said that he spent 4 hours with the NSRC and Rosalie. Lance asked Rosalie if the road was fixed to her satisfaction this year and Rosalie said no. She said that she wanted loads of gravel so that the road would not continue to wash out and she wanted the dirt pulled back from the pond and a couple of ditches on either side of the road, so it doesn't wash into the pond. Rosalie asked Josh if he had gone to see it and Josh said not recently. She said that there should be ditches on both sides of the road, so the water goes down into the ditch and then into the pond. She said that right now, it's draining into her pasture. Josh said that there are defined laws that the state has about what we can do with the ditch line, and it needs to be stone lined if it's around an 8% slope. Rosalie said she was upset about the situation that happened on Tuesday. She said that there was a 12 ft hole opened up and dug down to drain. She said she spent 1800.00 digging it out. Rosalie said that if Mac could take a couple of loads of gravel to the West's to help fix their problem, then he should be able to put something down to fix her situation. Rosalie said that even if you reached down and pulled the dirt back, once you

break the sod, it's still going to wash. Lance said that directly north of the depression, that is sometimes a pond, is where the gravel would go. Rosalie said that ever since a big 4-foot boulder was taken out of the hill, the road has been tilted. Lance said that the boulder was removed by the owner of that land at the time. Rosalie said that something could be put here to prevent the water from going into the pasture. She said the way the road is fixed, she couldn't even go down there with the tractor because the whole side is messed up. Rosalie said that the whole Select Board needs to take a look. Terri apologized that she didn't get Rosalie's message, as her phone has been messed up. Gary said that he will have to go take a look at it. Lance told Rosalie that a lot of this work is contingent on financial aid from the federal government. A new 40' culvert would cost over \$1000.00. Rosalie said that when the road was raised 3 feet, about 5-6 years ago, the water had nowhere to go. Josh said that they can't make any recommendations before we find the specs on slopes and plunge pools. Rosalie asked Lance what Lauren had asked him when Lauren said something about finding nothing about Joyal Rd. Lance said that he had told her that Joyal was a class III road. Rosalie said that she wanted to ask Lance a question. She said that Lance said quote, "This was unacceptable." Lance said that he did say that when considering that we had already said that we were putting gravel down, that it was unacceptable. Lance said that he disagreed with Rosalie that it was done out of spite. Rosalie said that they did the same thing against her barn with the snow. She said that Mark told her that we didn't think you were using the barn anymore. Rosalie said that maybe it was the same reason he did the barn. Mac said that Rosalie accused Mark of something that he did not do. Mac said that he, himself, pushed the snow against Rosalie's barn. Gary said that it is hard not to get snow up against the barn right there. Mac said if she had something to say, don't talk to Mark, talk to me or the board, if it has anything to do with the town. Josh said that he would appreciate the town not slandering the Road crew on Facebook. He said the board meets every 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month and we are here to hear your complaints and figure out the right answer and work with the people that you have voted in or have been employed by us. Josh said that he couldn't say how fed up he was at seeing things vented on Facebook. Facebook is not the place to put complaints. The board thanked Rosalie for coming here and telling her complaint to the board and not putting it on Facebook. Rosalie said that she would not do that. Terri said that she was confused as to why Lance was out at Rosalie's. Lance said that he was asked by Rosalie and the Road Commissioner. Terri told Lance that he couldn't act alone to make a decision. That he was to take information and bring it back to the board. Rosalie asked who the Road Commissioner was. The board said it was Mac, and whenever Rosalie had an issue with Mac, to bring it to the board. Josh said that they were trying to figure out how best to handle the pond and we have to look at the orange book and take a group visit to view it. Rosalie asked when they were planning on viewing it. Kathy said that if the board goes as a group, it needs to be warned 3 days ahead. The board and Mac agreed to meet this coming Saturday morning,

Oct 2, at 8:00am at the town hall and head up to Rosalie's from there. Rosalie said that that time worked ok for her. Tami said that the warning would be posted tomorrow.

John West asked about having the pitch of Joyal Rd, adjusted right by his house. John said that he paid \$9000.00 to fix his driveway in 2014 and another \$7000.00 a couple years later, and the gravel keeps getting washed away. The driveway is getting washed out now. He said that the road pitches toward his driveway and the ruts are starting again, and we haven't gotten the fall rains yet. He wants to tip the road the other way because the water is running toward his driveway. Mac said that he would need to get a couple loads of gravel to build up that side and make a couple of water cuts toward your driveway. Mac said that there are no guarantees that will happen this year. The crew is committed to excavator work right now. John said it was part of Rd maintenance. Gary said that we have 40 something miles of road and only 3 guys.

Library- Nicky met with the board on behalf of the library trustees to make a request that the board apply for a credit card on behalf of the library for occasional use. The library is trying to get antivirus software and the best deal requires a subscription. The card would also be used for occasional misc purchases. Nicky said that the trustees thought that a \$250.00 credit limit would be adequate. Josh said that he could totally see where the library is coming from, and he said that he thought that the library should be able to do that for themselves because the trustees have authority over the library money. Nicky said that the library trustees voted to get a credit card but they can't go to the bank themselves because the library is a town entity and all expenses for the library get paid through the town so the Select Board would need to sign for it. The library would like to apply for a credit card through TD bank which is different than the Town funds at Community Bank.

Josh made the motion to appoint Brenda to work with the library trustees to apply for and receive a credit card for library use, regarding subscriptions and occasional purchases. The motion was seconded by Lance, and the motion carried with a vote of 5-0.

Road Commissioner Job Description- Terri began the discussion by saying that most towns have a working Road Commissioner, which Bakersfield does not have. We just have a Road Commissioner who reports to the Select Board. Terri read one proposed job description that she had been working on. Mac presented a Road Commissioner Job Description from the town of Danby which he though sounded pretty good.

John West said that if you are requiring this position and paying \$100.00/week during the on-call months, he can understand if you are just requiring this position to carry a pager, but if that includes hopping in a truck and rolling, for \$100.00/week, that's not much.

Terri said that she would take the job description that she was working on and the one that Mac shared and will edit the job description and bring a draft to be considered at the next Regular Select Board meeting.

The board said that the Road Commissioner has been an appointed position for the past 30 years. It was an elected from the floor at town meeting before that. You can't have any requirements listed for an elected position.

Mail- received information on Emergency Guidelines for gas pipeline and Josh thought it should go to the Fire Dept.

ARPA- Brenda reminded the board that the town had received the second payment at the last meeting. And we should be receiving the second half in the Spring. Brenda said that there may be a grant process that the town may want to empanel, that would enable people to apply for specific financial needs to be met, that have arisen because of COVID. The bulk of the grants available would be for individuals and families. Terri asked where Brenda was getting the money from for this. Brenda said ARPA. Brenda said that she was going to be taking a class from the VLCT townhall event. Lance said that he was taking a class through the VLCT townhall event as well, for the Brigham Residence Grant.

Lance said that things are proceeding well on the Brigham Residence. Paul Dryer is soliciting contractors for odds and ends, and the money is freed up and ready to use. Lance said that he has a zoom meeting on Wednesday with Kathy Lajoie and Paul Dryer, and he asked Brenda if she wanted to join in case there may be a use for ARPA funds. They are now reconfiguring budget for Brigham.

Brenda said there will be a meeting on Wednesday night, Sep 29, at 6:00pm, regarding options for General Store. Brenda said that there were a couple of options to consider, such as a Cooperative, or setting up a Community Trust. She hopes to have speakers attending that have done something similar in their own town. Brenda said that this is not a town project it is a project that she and community members would be heading up. Brenda said that they she will try to record the meeting so those who can't attend could access and listen what was discussed. The link to the live meeting will be posted on the front-page forum on Face book.

Outside Audit- The Select Board was to be reaching out to request three quotes in order to choose an amount to put before the voters in March, regarding having an outside audit done on the town. Terri said that she contacted Piche accounting, and they cannot perform the audit for Bakersfield because Jason, one of their employees, is an auditor for the town. And Terri said that Jason said that he couldn't begin the internal audit for the town for Jan and February, due to the change in Treasurers, until October 15. The board thought that was not too far away at this point.

The board had a brief discussion regarding the resignation letter from the town treasurer. The board said that they can discuss the situation, but no decisions can be made without being the meeting being warned. The position will be appointed until the next election. Josh said that there are many small firms that do that type of accounting and they can look into seeing if they can do it for the amount of money that we can afford. That would remove town people being in charge of town funds. Lance asked if we could afford it since we aren't paying the treasurer that much. Terri said we shouldn't have a problem filling the position. The board talked about making a motion to put this before the voters in March asking if the town would give the Select Board permission to change the treasure position from an elected position to an appointed position. Josh said they could outsource like a payroll company that handles payroll. Terri said there is a lot more to the can of worms to source it out. Terri said that most towns have one person be the Town Clerk and the treasurer and that was how it used to be in Bakersfield. Josh said that we would have to go back and see what the wording was when the town separated the two offices. John West asked the board how many people have to sign the checks. The board said that three out of the five Select board members need to sign a warrant requesting payment, but the check itself requires one signature. John said that you really have no security because usually more than one person needs to sign the checks. John said that he runs a small business in Burlington. He said that they gather bills monthly and they have weekly payroll and their accountant only touches the books once a week. Lance said that security was a touchy subject for Bakersfield because about 42 years ago, the town clerk embezzled a lot of money. John said that the position would be more secure if you have the bank require two signatures in order to get the check paid off.

The board received an informational letter from Linda McCall, regarding Vtrans, as to what she was doing to keep the board in the loop and keep us aware. The board said that they did see that the state was changing and lowering the sidewalk by the fire station.

Tami had a question regarding the agreed upon pay rate of the interim Zoning administrator, so that the office can issue a paycheck. The last two ZA's were paid different rates and we were unsure what rate had been agreed upon. Terri said that Garret at VLCT said that while the position of ZA is allowed to be filled by someone on the Select board, the only problem is that when there is a complaint about the ZA is brought to the board, the ZA board member would be unable to vote on the decision. At this point we do have three people that are willing to be on the Zoning Board of Adjustment, so that would be where someone who contests the ZA decisions would go for a decision instead of the board. The board asked to put the ZBA appointment on the agenda for the next Select Board meeting.

Terri made the motion to offer the interim ZA position \$18.00/hour, Josh seconded the motion and the motion passed by vote of 4-0, Brenda abstaining. Then the board voted to set the rate for the appointed ZA position until Town meeting day. Terri made the motion to offer the secondary interim position \$18.00/hour, Gary seconded. Then Josh asked for discussion on the request of \$20.00/hour, which has been made by the person holding the position at this time. VLCT recommends at least \$25.00/hour, which is more in keeping with other ZA positions in VT. The board voted on the motion on the table and the vote was 2-2, Terri and Gary approved, Lance and Josh opposed, with Brenda abstaining. Lance said there must be a quorum of approval votes for a motion to pass, and they didn't have that quorum, which is 3, so the motion failed. Josh then made the motion to offer the secondary interim Zoning Administrator, \$20.00/hour, Lance seconded the motion and the motion passed by a vote of 3-1, Terri opposed, Brenda abstaining.

Future Agenda-

ZBA appointment

Brigham Residence update

Road Commissioner Job description

Internal Audit- Jason Bapp- need two internal audits- One for Jan and Feb, and another for March 2 to November 1, one for each treasurer- both audits need to be completed by November 22.

Site inspection discussion- Joyal Rd

Terri asked Mac if the gravel pit was shut down. Mac said no. Terri said that someone told her that it was on the market. Lance said that they were probably talking about the wooded land above the gravel pit. It is not now, or never has been, on the market, but we still have an outside party that is interested in the parts that we are not using. The board hasn't really discussed it. The party approached the board about 5-6 years ago and the previous Select Board would not sell it for a reasonable amount. It's not valuable, access wise, and not considered prime land, more like goat country.

Brenda made the motion to adjourn, the motion was seconded by Gary and the motion passed by a vote of 5-0, at 9:08pm.

The next Regular Select Board meeting is scheduled for Monday, Oct. 11, 2021, at 7:00pm.

Meeting minutes recorded by Tami Brennan.