

Bakersfield Regular Select Board Meeting
Monday, Sept 13, 2021
7:00pm

Meeting was called to order at 7:01pm by Josh.

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

Members absent: none

Residents/Guests present: Bernadette Earle, Diana Capsey, Nicki Cribb, Kerri Flieger, Wendy Cobb, Mac Newitt, Rosalie Williams, Nathaniel Cobb, Kathy Westcom, Audrey Haselton, Tami Brennan, via zoom-Dan and Katie Forand, Vera Schoolcraft, Mary Lumbra, Sam Cribb

Warrants signed:

Road Commissioner's Order #FEMA 13-21	\$2,302.08
Road Commissioner's Order #03-2021 New Equipment	\$4,112.28
Road Commissioner's Order # -2021 Includes Gravel Pit loan payment	\$32,246.35
Road Commissioner's Order #12-2021 Equipment Repair	\$460.76
Road Commissioner's Order #FEMA 12-2021 FEMA LOC payment	\$96,282.75
Selectman's Order BCC #05-2021	\$100.00
Selectman's Order # -2021	\$6,055.67

The motion to accept the August 9, 2021, Select Board meeting minutes as written, was made by Lance, seconded by Brenda and passed with a vote of 3-0, Josh abstaining since he was not in attendance on Aug 9. (Gary having not yet arrived).

The motion to accept the August 23, 2021, Select Board meeting minutes as written, was made by Josh, and seconded by Brenda and the motion passed with a vote of 2-0, being a quorum of those in attendance at the Aug 23 meeting. Terri and Lance abstaining, having not attended the Aug 23 meeting.

Treasurer's Report- Audrey gave the board the reports requested for the first meeting of the month. Audrey said that she was giving two different types of reports for the road and would like the board's opinion as to which they want. Josh said that he liked the report to say what we, as a town, passed as a budget and what we have spent to date and what is remaining to be spent, for the road and for the town. And also, an itemized report for road repair and bridge repair.

The board said that they liked the form of the Brigham Library report. The board requested a year-to-date tracking of what has been spent instead of monthly. Audrey asked if they wanted the balance since Jan 1 and the board said yes. Josh asked if there was anything that Audrey wanted to bring to the

board's attention. He asked if everything was going smoothly. Audrey said that things were going smooth and that she was plugging along. She said that the taxes were coming in and she's been really busy with taxes. She said that on the report she gave the board, it told how much the town has collected in taxes to date. She also showed on the report how much we've transferred over from the TAN loan and what the balance is. Josh said that we've received \$96,000 from FEMA and asked if we had received the ARPA funds. Audrey said that we have received the first and second amount and it is located in a separate interest-bearing account to make it easier to keep track of. Josh asked for a report showing the balance in the ARPA account to date and Audrey said that she put it on page 2 of the report that she gave them tonight.

Josh asked what the balance of the FEMA LOC will be, after they receive the 96,000.00 payment that we received from FEMA. Kathy said that there is a balance of about \$100,000.00 left on the balance after this payment. Audrey asked if we are to expect more FEMA money and Lance said that yes, there is more coming, when FEMA gets darn good and ready.

Kathy asked why the library does not receive a copy of the monthly report that the board receives for the library, since the library trustees are responsible for spending the library budget. Audrey said that she didn't know that the library needed one. Audrey said that she asked the library what reports they wanted and that she had gotten no response. Audrey said that she stopped at the library and asked Cheryl if Audrey had given her the right reports and Cheryl said that they were not the right ones. Audrey said that she asked Cheryl for what reports that she wanted, and Cheryl showed her, and Audrey got the correct reports to Cheryl. Audrey said that it was partially her own fault because she should have been more aggressive in getting that to them.

Terri had a question about the telephone bill on the Road warrant. The bill showed a past due balance that had been paid but not received in time to be shown on the current bill. Kathy looked at the bill and showed the board that the bill was dated Aug 24 and the last Select Board meeting was Aug 23rd. This month there was an extra week which put three weeks between Select Board meetings in which to sign a warrant to pay bills.

The board asked Audrey about a notice from the bank that notified the town of a check that was covered that had insufficient funds. They said that this is the second notification. Audrey said that she transferred the funds on the same day and the check crossed. The board expressed concern to Audrey that deposits or payments are not late, but they are being made at the last possible instant. Lance told Audrey to pay things a week ahead. Audrey said that she needs to wait to know how much to transfer so as to not transfer too much into the checking as it does not earn interest there. Lance said that he is more concerned about the credit rating of the town than the little bit of interest lost. Terri told Audrey that if you haven't transferred the money, don't send out the checks. Terri said how long does it take to transfer. Audrey said the transfers are electronic. Kathy said that as soon as Audrey gets the warrant, she would know the amount of money needed to pay it and she can transfer before she writes the checks.

The board also asked Audrey about the notification from the state of the town's failure to submit a Form 436 to the State. Audrey said that the form reports how much the town has taken out for the employees of the library. She said she had no idea that she needed to do that. But she did it and now everything is fine. Audrey said that it is a state form, and the state income tax was not withheld, and the return was not filed. Even if there are no taxes taken out, you still need to file it, and the library's is done quarterly. The state had sent a letter saying that they had not received it. Kathy said that the last one filed had been done in March when Abbey was here. They were due to be filed again in June and then in September. Josh said to put up a reminder so that the town doesn't get another letter.

Nicki Cribb, the chair of the Library Trustees, spoke on behalf of the library, regarding the library transition with the new treasurer. She said that she had first brought the concern to the board last May, and that she had also written a letter for the library addressing the two issues that the board has already spoken about tonight. These things have been a real concern to the library board. The insufficient funds notification for the library caused the library trustees to call an emergency meeting last week regarding the situation. The library board feels that is entirely unprofessional. Their main concern is the handling of public funds appropriately. Nicki said that the Director of the Library said that she was considering resigning because she doesn't feel that she can work with these conditions. And that is something that the library board does not want to see that happen. The library board realizes, that according to Library law, the state says that the town must write the checks. Nicki said that at the emergency meeting, the board wanted to have their accounting done elsewhere.

Josh said that he had received the minutes from the library meeting last week and he had read the Library Law from VLCT. Josh said that the library board of directors are in full control of the monies allocated by the town. Josh said that the money does have to go through the town treasurer, but the library can appoint positions as you see fit, so if you want to do the finances on your end before they get to the town treasurer, you could line up with Audrey and determine what dates certain things need to be filed. Josh said a little bit of teamwork will go a long way. Nicky said that our librarian has been here weekly trying to do that. Audrey said that she has not seen her weekly and that she has had to stop at the library on her own time because the librarian has not responded to my emails. Nicky said that the library board of trustees meets on the first Monday of the month. Josh told Audrey to give the library an up-to-date balance on their account so that they can track it on their end and we can track it on our end. Josh asked if that sounded agreeable. Nicki asked if they could get an assurance of no more bounced checks. The board said they were aware of three bounced checks. Audrey said that 2 were in December before she came. Kathy and Terry said that they were in June. Audrey said she found out that she wasn't transferring the money correctly. Lance asked where the balance for the H.F. Brigham Library was on the report and Audrey pointed out

the checking and the savings. Lance said that he didn't see how we can be bouncing checks with that amount in the accounts. Audrey said that when she was transferring from savings to checking, she didn't realize that she wasn't completing the transaction. Lance said that the interest in the savings is about 1%, so there is no reason to keep the balance of the checking so low. He said to bring the balance up to a reasonable amount, so we don't need to worry about bouncing. Audrey said that she was told not to transfer more than is needed. Josh said to total the warrants for the month for the library. Josh said to keep around \$7500.00 in the account as a balance so that we would have a \$5000.00 pad. Josh said that the board was all set for now and asked Audrey if there was anything she would like to ask or tell the board. Audrey said not at this time but that hopefully we can get some good communication.

Lance gave an update on the Brigham Residence. He said that the group had applied for and received two planning grants, \$45,000.00 from Housing and Urban Development and \$10,000.00 from Franklin County Planning. Paul Dryer and his architectural firm will be working with several other firms and the NWRPC to do planning. Lance said that August 31st was the official start date. The Agency of Natural Resources makes available a revolving loan for wastewater up to \$125,000.00, to help with the septic, which is forgivable if you qualify for this program and from what we can see this does qualify. Gary said that there was a septic there and Lance said that there was, and they are trying to see if it's salvageable, but it is sorely lacking and not up to date. He said that there may or may not be a leach field and it certainly wouldn't be adequate for 30-40 units. That could cost around a quarter of a million dollars. Lance said the test pits start this fall. Public tours will begin in the spring of 2022. They plan to bring the public on tours for an informational meeting, and vision meetings with Paul Dryer, with a quick artist. Paul can talk and the artist can sketch really quick what others envision. Lance said that they are not looking for public involvement at this time but that in the spring, they will reach out for all public involvement. They will conduct feasibility studies this winter.

Terri asked if the insurance company will allow tours through the building. Lance said that the group will make sure that it's safe and any areas of danger will be roped off.

Bernadette Earle and Diana Capsey asked what exactly "the public" means. Does it mean Bakersfield Residents or Franklin County Residents or anybody? Lance said that it would include outlying communities as well. Bernadette said that they had learned very little, only rumors, and asked if in fact, the Brigham Residence was for senior housing. Lance said yes, and we are going to lose the gymnasium in order to have enough units to make enough money to enable it to run on its own so we will need to have enough residents. The auditorium is staying and one of the grand staircases because of historical requirements. Bernadette said that she was familiar with the building since she used to substitute frequently in Bakersfield. Lance said the study hall room would be an open cafeteria/public meeting area. The project expects to create 30-40

residential units but at this point all is subject to change. The company's CEO is Heidi Eikenberg, and the long-term plan is to renovate the building to a usable space, make her company's fair share and then turn it over to Bakersfield as a self-sustaining entity with an HOA committee that could set standards, etc. The first tier would be Bakersfield residents and then trickle down. Bernadette asked if the units would be for sale or rent and Lance said that they would be rental units. The building itself would belong to an entity of the town and governed by a board. They were hoping to have a management company like Cathedral Square run Brigham Residence but at this point Cathedral Square has too many projects to add another. Melissa Southwick and Kathy Levoie from NWRPC are working to make this project successful. Bernadette said that she had a feeling there was going to be a housing crunch, especially for seniors. That according to her understanding, there is a real shortage. Lance said that grants and federal funding especially would be coming through. Heidi is working to make it work. Bakersfield has donated as well. The building as it is, is assessed at around \$260,000.00 and the town donated it to the project. Bernadette told the board that they are to be commended for their efforts to provide elderly housing. Diana asked if the building will be owned by the people of Bakersfield or if the government will be dictating regarding its usage. Lance said that Bakersfield will not own the building, but that it will be run by a board of trustees. At this point they have not found someone qualified. Diana mentioned the rising prices of property and asked if the donation amount for the Brigham building could be higher in this market. Lance said that the building has declined and if the town sold the building as is, it would not be sold. They also have to consider that it is located very close to an elementary school, so they need to be careful as to its use. Rosalie asked who actually owns it. She said she remembers that the school owned it, then the town owned it, then the school owned it, and then the town owned it. Lance said that the town owns it but signed it over to the Brigham Residence group, in kind, so the studies could be conducted, and grants could be applied for. Lance said if this project does not go through, he doesn't know what will happen to the building. He said it's all contingent on the feasibility study. The building infrastructure needs to be rebuilt completely, including all plumbing, etc. The minimum numbers hover around three million dollars for the project. Lance said that if the town has to pay three million to renovate that it will not be renovated. Rosalie asked if that when it is all done, and some other entity owns it, will the town receive taxes from it. Lance said that in his opinion, he for one, was willing to defer taxes on the property. Tami said that she thought from the early meetings, that the town was to transfer the property to the company to do the project and then after the project was completed, that the company would transfer the property back to the town and a board would run it. Lance said that the property would be transferred to a Board of Trustees with one resident of Bakersfield residing on the board. Josh said that the crew that looked through the building had substantial knowledge of structural restoration. Lance said that most of the funding for time and materials could be gotten from grants. Rosalie said that years ago, when the school owned it,

they got a \$125,000.00 grant to put on a new roof. Rosalie asked if the Historical Preservation group has a say in the building because of the grant. Lance said that Historical Preservation has a say in the building because the building is on the National Historic Register, not because of the grant. Paul Dryer said that he could be available by zoom, if there were any questions that we couldn't answer tonight. Josh asked if there were any other questions and Bernadette and Diana said not at this time and thanked the board.

Roads- Mac said that Waterville Mtn Rd is done except for the guardrail. Whitney Rd will be closed on Monday, May 27th for 2 weeks. The company is hoping to have it done in one week but has booked 2 weeks. The road will not be passable because of the culvert and will be closed 24 hours/day. Mac said there will be a big hole there. The concern was for logging trucks that would have difficulty making the turn onto Rt 108 using the detour rd. The board asked Mac to get signs up, with the dates on them, ahead of time. Mac said he could use our Road Closed signs and put the dates underneath. Mac said that Scott Goodhue will contact all emergency services and school buses, etc, three days before the start date.

Terri mentioned the complaints on Facebook. Mac said that he is going to let Facebook do the Road Report, so he probably doesn't need to come to the meetings anymore. Mac asked if the town wanted the crew mowing or fixing roads, since we've rented the excavator for one month. Terri said can't one of the crew do trimming and the other two work on fixing. Mac said no, it takes three to work with the excavator...one to drive it and the other two to pull dirt out of the road. Josh added that it would be dangerous to have only one man working on trimming with the chainsaw. Mac said he had one crew member ready to resign because of Facebook complaints. That's not the forum for town complaints. Mac said there has been no difference in mowing. Terri said that there were complaints from non-Bakersfield people who drive through Bakersfield on the Enosburg Rd and they don't like the way it looks and say that they can't see. Gary said that it's been there for 30 years and it's the same people. Terri said that people are paying taxes. Mac said that the taxpayers need to understand where most of those taxes are going and it's not the roads. He said he's had complaints about the stumps left from the trees that they took down at the bottom of the cemetery. Mac said they were told to leave the stumps that high and that the cemetery committee would come and take them out which they have not yet done it, and it's been over a month. Terry said that we bought equipment. Mac said that we bought a sickle mower to mow the roadsides and that obviously the equipment we bought can't do everything. Terri asked why they didn't trim. Mac said we did trim just maybe not in that place. We trimmed Lawyer Rd last year, along with Witchcat, and over by Doane's, and we did on Belvidere. He said that that one time we cut on King Rd, we got complaints that we trimmed too much because Grampa George will go into the ditch without the trees to guide him. We've been on King the last couple of years. Mac said there are not a whole lot of trees next to the road on King Hill Rd. Mac said they put some reclaimed blacktop in those two ruts on

the hill on King Rd and he thought that it worked out well. Gary said that he drives there a lot, and it was much better. Terri asked about Boston Post Rd by the Golf course. Josh said he drives that a lot and he thought by Ivan Stone's house it was pretty clear. Mac explained that the town has rented the excavator for one month, so it won't be happening for the next month. Terri asked what we were doing with the excavator. Josh said they were doing trench drains and ditching and culverts. Mac said they were working east of the Snyder Farm, then will head up on the Joyal Farm, then out to Butternut and out to the Poor Farm, then move to Basswood to hit that hill, then Lost Nation and then on Whitney and then to the culvert at BJ's. We have 2 culverts beside Brenda's, 2 by Terry Malone and one or two on Joyal Rd. Rosalie asked about a culvert to go on the side of the road so that the water doesn't go into her meadows. She said that she has already had engineers out there and that neighbors John West and Deborah were fine with it. Mac asked if they understood that it's going to put more water on his land. He said just before Robtoy's there are little culverts, and the big culvert is between Wendall's old driveway and Debs. Josh said that there will be ditches there by the end of the week and that should take the water to the culvert that she is concerned about now. Rosalie said that she was losing between 20-35 bales at \$65.00/bale, so it's a concern to her even though she is not milking. She said she would be willing to fill in that particular culvert and put in the culvert near Robtoy's to direct the water. The NRS said there are three culverts running into her field which shouldn't be that way. Mac said you would have to dig a ditch where it goes across the road and take out the culvert and blast the ledge. You would need a Hydrolic Study. Rosalie asked if between the tractor shed and the barn, that ditch will be dug so that it goes down beside the road like it used to? Mac said yes. Josh looked at the ANR website to aid discussion. Josh asked if a Hydrolic Study had been done. Rosalie said no, but that the NRS will be talking to the board and Mac. Rosalie said that she has videos of where the water is running so they can visualize what it's doing. She said it's a lot of water and she said that she could send the video to them. Mac said that the water is going from her property back onto her property. Rosalie said that she didn't want loss of use and that's what is happening. Mac said that it's always been that way so it's not loss of use. He said he can't put a new culvert in without permission, he can only replace an old culvert. He said if he directs all the water down to the 30" culvert, it will stress the culvert. Rosalie said that the pond across the road has all filled in with gravel. Lance said to see what it looks like when Mac gets done this coming week. Rosalie said that she wasn't attacking Mac, she just wanted to work with you guys to resolve the issue. Lance said that the Waterville Mtn Rd culvert job cost \$55,000.00 and the other one was \$125,000.00. He said once the state does the study, you have no choice but to install what they designate. We are going to ditch it and see what that does, and you already have somebody doing a study on it. Rosalie thanked the board for listening.

The board approved a building use permit for the Bakersfield Republican caucus. Josh made the motion to approve the building use permit for the Bakersfield Republican caucus, Brenda seconded it and the vote passed 5-0.

Application for Zoning Administrator- The board pulled up the VLCT chart at the meeting, to make sure that the Zoning Admin position was not a position that was prohibited to be filled by a Select board member as a conflict of interest and the chart showed that a Select Board member would hold the position. Lance made the motion to accept the application of Brenda Churchill to fill the role of town zoning administrator. Gary seconded and the motion passed by a vote of 3-0, Brenda abstaining since she was the candidate, and Terri abstaining because she was unsure about a Select Board member filling the ZA role.

ARPA update- Brenda said that the ARPA fund had sent the town another \$129,000.00, bringing the ARPA money in the town's account to \$198,486.88, currently earning interest that the town is allowed to keep.

Brenda said that the first report that she needs to file regarding tracking the ARPA funds is due on Oct. 31, 2021. She is planning three informational meetings, one in November and the second in December, and the third one to be held before Town meeting. Brenda said that Jaime Marble and Katie Buckley will come to present from VLCT. She doesn't have a date yet but from a transparency point of view, we want to let people know what we can and can't do with the funds. The first meeting will be to collect a wish list from the community, the second will bring the list down to feasible list and the third to appropriate what will be seen on the ballot for town meeting, so we need to have the meeting and the list completed by the due date that it need to be submitted to be on the ballot. Usage has to have a COVID related reason, i.e, if the General Store went out of business due to the influence of COVID, funding may be available for that. If Brigham suffered a loss because of COVID, funds may be used for that. We may be able to use funds to digitalize records, then people could research land and vital records remotely and pay remotely online, in the event of another shut down.

Inside Audit- Terri reached out to Jason Bapp and hasn't yet heard back. Terri gave Tami some of Jason's contact information to continue to connect and set something up. Terri was also going to contact KBS regarding the Outside audit and to get a quote to be voted on by the town. We need a minimum of three quotes to be presented so the board can choose the most cost effective to present to voters.

Road Commissioner Job Description- After reading the Road Commissioner job description so far, the board and Mac agreed that the job description sounded like the Road foreman's job description. Mac said that the Road Commissioner also looks at access points and advises the board. The Road foreman answers to the Road Commissioner, who answers to the Select Board. Terri said that

they can't be the same person. Lance said that when they started the RC job description that the board had talked about what happens when they are the same person. Josh read the job description. If both positions are held by the same person, that person comes and reports to the board directly. The board appoints the position every year.

Terri made the motion to table the discussion for another night to give them time to look further into the Road Commissioner responsibilities. Lance seconded the motion and the motion passed by a vote of 5-0.

Future Agenda-
Road Commissioner Job description under Road.
Internal Audit

Brenda made the motion to adjourn the meeting, Lance seconded, and the motion passed by a vote of 5-0. The meeting adjourned at 9:29pm.

The next Regular Select Board meeting is scheduled to take place on Monday, September 27, at 7:00pm.

Meeting minutes recorded by Tami Brennan.