

Bakersfield Regular Select Board Meeting  
June 24, 2024  
5:30 Belvidere Mtn Road Site Visit  
7:00 Regular Select Board Meeting

Belvidere Mtn Road Site Visit

At 5:30pm, the Board met with Nancy Patch (VT Franklin County Forester), Claire Polfus, Dave Wilcox and Silas Rainville, all from the State, and residents and guests concerned about the damage done on personal property and wildlife habitats along Belvidere Mtn Road due to abuse of riders on off road vehicles and ATVs.

Those present were Select Board members: Josh Goss (chair), Lance Lawyer, John West, Nicky Cribb, (Todd Cosgrove-absent), and residents/guests: Tim Joyal, Larry and Brenda Westcom, Tami Brennan, Ben Morse Patrick Gorun, Ewing Fox, Pat Evans, and Julie Hill.

The group met at the landing near the last of the camps and walked through where the road passes by the area called the arena which it totally on private property and the landowners do not want motorized vehicles on their property. As the group walked down the road, the steep rocks in the road would now make it impossible for a regular vehicle to make it through. Nancy said the road is unrecognizable from 5 years ago when a logging truck used to be able to make it down the road. Larry said that the beavers had built a dam that flooded the road down where the arena is off to the side and the ATVs made their own corduroy road around it. Brenda said that after they killed the beavers and the dam was taken out and the water drained, it became a playground mud bog and that continued until that dried up, then they kept going further off the road onto the private land and tore up the area called the arena, which used to be a beaver pond. Nancy pointed out places along the road that was water flowing down it in little streams, which she said was a problem and needed to be diverted off the road. Ewing said that a group needed to clear it with the town to work up here to improve the road. It was pointed out that the true road was marked with red paint on trees and pins in the road. Nancy and others from the state had been up there recently and put in stakes and ribbons forming barrier along the actual town road. During this visit it was discovered that the stakes with the ribbon had been moved so that off-roaders could go on the road that they had made on private land instead. Nancy said that she was giving people the benefit of the doubt that they hadn't known where the road was but now it is marked. She pointed out significant damage on every landowner's land. She said that this road is a Right-Of-Way, and you don't want to lose this ROW. She said that vehicles have just crisscrossed all through this land with mud bogging and it continues to expand and expand, and this cannot continue. Ewing said that you can tell by the track widths that it is mostly side-by-sides and ATVs. He said that a nice side-by-side cost less than the suspension in his ORV, so they are less concerned with damage done to the vehicle caused by mud bogging. He said the private property has no

signage and it's not posted, and the road has no natural or manmade feature. He suggested trees with signage or metal sticks to make it stupid clear where the road is. Nancy agreed that not knowing was a huge problem. Larry said that on the corduroy road, people kept building it up there further and further when the road was flooded. Ewing said that he is guilty of riding that road because he thought it was the road, and he said he was so careful, but he thought it looked like an archaic feature. Nancy said that beavers can be managed but if they try to keep it flooded, that doesn't help either. And beavers move around year to year. Nancy said that an excavator was brought down and that is audacious, moving dirt and things on private or town land. She said this has been neglected and fell apart and that signage was critical. She said that the landowners are not willing to do this on their own, signs get put up and are pulled down. It has to be a community effort. Claire said that we are talking about multiple issues at the same time...safe clean ROW crossing and a private land issue of damage to landowner's property. She said that the landowners don't want to post their land because they want to allow people to hike and hunt on their property. They shouldn't have to post their land as there is such a thing as common respect. By law, you cannot take a motorized vehicle onto someone else's land without written permission by the landowner, on your person on the time of riding. Someone asked if you could post your land for just certain things. Nancy said that no ATVs is already the law. She said you could put up signs as a reminder. Lance suggested posting the State Statute at the start of the Class IV Road. Nancy said to also place a kiosk with educational information about what a wetland is and its importance to water quality and habitat, and that it should be posted at both ends of the road. Dave said that it is also an ATV owner's responsibility to know where you can ride. Brenda said the quickest way is to drop some junk trees along the side of the road with a sign saying Private Property and No Trespassing. Ewing suggested some 4x4 post pounded in the ground with signs, but signs get taken down. Josh said the overarching problem in this town is enforcement. He said they can't get the State Police to come. Larry said that he saw the wardens come up twice for about 15 minutes each but that was in the day on a weekday and most of the riding on the weekends. Nancy again suggested education and said that if it's not maintained then you will lose it. She said the Baker property and the Manchester property has always let people hunt and hike on their property, but not motorized vehicles. John said that the landowners need to come up and post their land. Dave said that it was ribboned off and they moved the ribbon. There was a similar area in NH called the Cathole, a class 4 road that went through wetlands on both sides. First the town identified the road with signs by putting in posts with ribbons and then according to Northwoods law, began picking up people with ATVs going where they weren't supposed to be. Nancy asked who has the responsibility...as it's a public ROW going through the town of Bakersfield there is some responsibility for the town. She said to succeed, there needs to be group communication. This is a big problem as no one knows where to go and more effort needs to be put into it. It took a long time to get where it is and it's going to take a long time to get it fixed. She said

the Baker's just had a new survey done showing for sure where the road is located, and there needs to be engagement with the Manchester's, and Maple Horizons, the third landowner. She said there needs to be a community and group of people who want to be able to use this road and peer pressure to ensure they will be able to continue use it. She said that VASA does a great job in educating. Brenda said VASA also enforces their dates as to when it's safe to drive and not damage property. Ewing said that he realizes that VASA did it dirty up here and its embarrassing, but there is new leadership. He said that he's been to enough meetings up here to know how it was up here during that time. He said that now VASA was doing a better job of policing each other. He said it only takes a small group of 15-20 people, driving before the roads/trails before they are ready to tear it up. He said that some towns have ordinances that close class IV roads until a certain date. He said Bakersfield's class IVs are open and when other towns Class IVs are closed, they come up here. He said that even if the town couldn't enforce the ordinance at this time, it would enable people to self-police. Right now, it's not against the law in Bakersfield to ride a class IV before it opens because it was never closed. Nancy pointed out that the road continues in the same condition to the border of Belvidere and that it is no longer utilizable for logging or passable with a car or truck, since it has changed drastically. She said that you want to keep this ROW. She also pointed out where ORV are driving right down the little stream. She said this stream is now dead because nothing can live in a silt impacted stream. Nancy said that really big VT laws are being broken here. There are big rules about driving vehicles in streams and impact to wetland habitats.

### Regular Select Board Meeting

Called to order at 7:13pm by Josh Goss.

Board members present: Josh Goss (chair), Lance Lawyer, John West, Nicky Cribb, Todd Cosgrove

Residents/Guests: Pat and Sharon Evans, Gary and Alice Foote, Mac Newett, Julie Hill, Linda McCall, Dan Forand, Robert Miller, Clair Polfus, Nancy Patch, Tami Brennan

Previous minutes: Lance made the motion to accept the June 11, 2024, minutes as written, Nicky seconded the motion and the motion carried with a vote of 4-0, Todd abstaining having been not present at the previous meeting.

Warrants signed:

Road Commissioner's Order #5&6-2024	\$7,317.31
Select Board's order #05-2024	\$14.50
Select Board's order #16-2024	\$17,285.68
Road Commissioner's order #10-2024	\$710.38

Finance- Josh said that in lieu of the recent activities in town last night, he had come into the town office this morning and spoke to Kathy about ordering cameras to be placed at the town garage, inside and outside, and also one for

the Town office. He said that we can't do anything if we just have cameras on the outside, but the ones that are inside can be used as evidence. Kathy ordered the cameras this morning and that came to around \$800.00. and the service needed will be about \$200.00/year. Tami said that Kathy thought we should have one by the back door of the Town Hall as well and the board said to go ahead and order it. Josh said that events in town have moved past relying on neighbors. He said these cameras have night vision. Mac talked about the placement of the cameras enabling vision over the equipment outside and inside, so you can't get inside and out without being seen. Josh said that we need that in our town now.

Claire Polfus and Nancy Patch from VT Franklin and Grand Isle County Forestry Dept of VT Parks and Recreation stated that they had just done a site visit with the board and looked at the significant damage being done on private lands and waterways and wetland habitats. She said one of the landowners had a new survey completed that defines the road, so its location is not in question. She said that during the site visit, those attending talked about potential solutions, recognizing that people were making mistakes and how to mitigate the problem of people not knowing where the road is. She said this won't completely solve the issue as some are just determined to mud bog. She said that Parks and Rec will remain involved because of the importance of wetlands to our water source and on behalf of the landowners. She said that the solutions that were brought up were: signage based on the survey, passing an ordinance protecting the road and landowners which is a low-cost approach, but that it will have to be a multi-prong approach. She said you will need to engage the community. She said there were several riders that attended the site visit interested in keeping that road open and available to riders. She said the problem didn't happen overnight and solutions won't happen overnight, but you have to keep at it in order not to lose it. She suggested that you talk to the BCC, the neighbors, the judiciary committees of the St. of VT. Claire said that one of the values of having a group that meets together, the town, landowners, Parks and Rec, Conservation committee, riders, is that you can talk to each other to figure out who is going to do what. Nancy asked the board if they had any comments on what they saw and thought during the walk. Lance said that he agreed with Nancy that there is no short-term solution and that there needs to be oversight on those we not willing to participate. He said the people who want to be put on the committee are not the ones doing the damage. John said that the damage as you can see it is a shame and a mess. Nicky said that it's important to get that committee up and running ASAP. She asked Nancy for a list of recommendations to ask to join the committee. Nancy said that she had sent Tami those recommendations in an email, but it should have landowners or their agents, consulting foresters. Mike Green is the Manchester's consulting forester, Charlie is the Baker's, and Maple Horizon's consulting forester. Josh asked Ewing if he had access to or could give us an idea of town ordinances that have road closures seasonally, as to what their verbiage is regarding restricting access. He said

that the last thing he knew, gating a Class IV Road was illegal. Ewing said that you can gate it, you just can't lock it. Ewing said that Ron Hamilton, a delegate for Tread Lightly, is a very good rep for working with towns and landowners. He said that when the roads are closed during seasonal limits where the ordinance falls, then they go up to Bakersfield because it's open. Josh asked for an ordinance specific to Class IV to allow us to gate the road seasonally. Ewing said that in Maine, there were no road classifications, just road names and that is why the Long Trail is closed a lot because they have closed the road by name. Lance said that he would also like to get some input from the state of NH as they seem to do pretty well. Claire said that in NH, multiple ATV trails are managed at the State level and clubs and with town ordinances, but there is a lot more management at the State level.

Ewing asked how he could help, what he could do. He said we could go in and put in water bars, as that gets very expensive for towns. He said there is an interest and passionate people that are willing to be involved, willing to put in time, labor, and money. He said that it makes sense that it's being done with best practices. He said that if the landowner acknowledges the problem and doesn't do anything about it, then the landowner is liable. It gets very complicated. Involvement with the game warden would be helpful. Josh asked why the ATV clubs haven't gone to the state so that we follow the NH pattern in that the state helps manage. Claire said that Vermont and New Hampshire are very different states. One of the ways that VASA followed the VAST model is that a private group manages the state trails for snow mobiles and ATVs. There is not a lot of interest to close the roads. Nancy said that she has heard some of the reasons that have been used to suggest closing Class IVs are to reduce expense, to reduce noise on Class III roads, but she hasn't heard a single person say that we need to be careful of the wetlands so education is important. Ewing said that the Tread Lightly group will help Bakersfield keep the road open. He said that VASA was very interested in helping and would like to be invited back into Bakersfield. John said that they met with VASA at the last meeting and VASA is not an option right out because they said that they are not able to help us at this time. They said they did not have the finances to help or enforce. Ewing said that the staircase section of the road needed water bars and he needs the blessing from the town and the landowners to put those in. He said he would need to exceed the 3-rod road to put those in. Josh said that he has the ROW to get the water off the road. Nancy said that Dave will be here for technical advisor. Nancy said that he is the specialist of VT, and it doesn't get any better than that. Claire said that a specific issue is the crossing of the creek. Josh said that as a town, it would need to involve ANR. Ewing said they could make a ford or a bridge. He said we are here to offer our assistance. Nancy said the steps before that is identifying the road, signs in place, education, riders showing riders, word of mouth. Pat asked what water bars were and was told they are a device to stop erosion and to direct water off the road. Logs can be a reinforced water bar on both sides. Nancy said that the town can get advice from Silas Rainville to assist in designing a water bar. Ewing said it's not rocket science and that you can do it with a shovel and with

a group it would only take a couple of hours and we could preserve that section of the road. Nancy said that having a crew of people from different clubs and on social media talking about it is more valuable than the water bars. She said the value of this as a workday is that for every person involved, 10 more people have been included. Good to get students involved and children involved. She said on a kiosk you can describe what a wetland is and its value; how important it is to stay on the road; and a QR code to scan for more information or a link to Tread Lightly. She said you can put all kinds of information on those signs. Lance said it would be good to include Belvidere as well on the other side. Ewing said you can involve Scouts, Eagle Scouts, schools. When people take pride in what they are doing, it's amazing how that changes things. Nicky said that she didn't want to wait to have seven meetings to get this thing going. Ewing said that he can make a phone call and have three groups that would jump at it. Lance asked if Bakersfield were to invite a club in and just involve Belvidere Mtn Road, would it help if we only opened the three roads that this one involves. He said that Bakersfield used to have clubs in, and we had a lot of difficulty and a lot of complaints, so we went to the system that we have, and we've had a lot less. Todd said that Swanton ATVs policy has fines. Nancy said that she thought this meeting sounds very hopeful. Nicky said that she was willing to get this started.

Gary Foote from the Bakersfield Historical Society and Pat Evans from the BCC met with the board because the BCC has been talking to a donor willing to give funds to help restore the barn and asked if there was any way that they could give their donation through a 501C3 non-profit organization for tax purposes as it involves a retirement IRA and 401K. Gary said that the Historical Society is a 501C3 non-profit and they are willing to accept the donation and give it to the BCC. He said that they had called the donor and told her what they were proposing and she said that she thought that would be great. Gary said that BHS had a meeting and the members agreed to this 100% because it would help restore the barn in some way and that is their mission. He said that he notified the donor that the BHS is willing to receive the money and then the BHS can donate it to the town for the barn. Gary said that the only restriction was that it's \$5,000.00 and the donor wants a \$5,000.00 match from the town, which would make \$10,000.00 available to show when a state grant opportunity wants to see the town investing some money that would be used for the building or for a match. Lance said you also may be able to get a grant where the match is in-kind. Gary said that the donor said that it would take a week to 10 days to get the money available to give. Pat said that at one time the BCC had been a 501C3, but they have investigated and it's quite a lot to re-establish. Nicky asked if the match had to be money from the town or a grant that the town gets. Gary said it just has to be a match. Nicky asked if there was a time limit on this offer. Josh said if we are going to file for a grant it's going to take more than 5-10 days to get something. Gary said that if you gave the donor something in writing about what you were doing, that might work. Lance asked how far \$10,000.00 would get them toward restoring the barn. Pat

said that would be about 10-15% of the cost to re-establish the barn, so 1/7 of what we need to complete the project. Pat said that the barn is not falling down so it's not an emergency. John said that logistically, as the 501C3 taking the donation and turning it over to the town/conservation commission, the oversight would be by the BHS. The BHS would be the steward to disperse the money to the BCC. Gary said that the only thing wrong with that is that the \$10,000.00 with the town would show the money to match a \$10,000.00 grant. Lance asked if they could possibly fix the foundation with the \$10,000.00. Pat said that time is passing, and we are going to solicit for other grants as well, working with Alex when we need him. Gary said that the donor required something in writing. Nicky asked the BHS to draft something that they think they need and bring it to us. John said that on Town Meeting Day, we could put the \$5,000.00 as a line item to be voted in for the town to match those funds. Lance said that in the worst case, if it didn't get voted in, we would be obligated to return the funds. John said that he thought it would be good in the future if the BCC was able to get their 501C3 status reinstated. Lance said that he thought since the BCC is part of the town, they would not be able to qualify for 501C3 status. John said if that's the case, then never mind. Nicky said that using the BHS is a very legitimate way of doing it and it is in line with their mission as well since this is a historical building. John said that he would draft something in writing and send it out and have Tami get it to the BHS and the BCC to review. Alice said that she wants to ensure that we have evidence of community support behind us.

Roads- Mac had the board sign a road access permit to work in the town ROW for Consolidated to bore under the road to provide service to a resident.

Road Crew update- Brian Westcom has accepted the town's offer of employment as a full-time, semi-permanent position. Josh said that if we continue to advertise the position, Brian is willing to drop down to half time and then we would have a 3 1/2-man crew. Nicky said she would hate to have Brian assume there is a 1/2 time position before it gets in the budget. Josh said that Brian understands, he was on the Select Board for many years, and he is doing this to help the town, but he has made it very clear that if we find someone that is more qualified, that he would step aside. Nicky said she wanted to state for the record that Brian is qualified.

Mac said that they graded Pudvah Hill. Josh said he was asked to go up and ride it. He said that one of the residents said that the grading made one of the slopes toward his brother's property very evident and he was concerned, so he was wondering if we could find a way to cut that back. Todd said that he has gotten a lot of good feedback on the grading through town, especially on Egypt Rd.

Mac said that they put a piece of plexiglass over the window broken during the break-in and placed 2x4s over it like bars. He said he thinks the cameras will be a deterrent.

No updates on looking at trucks. Josh to reach out to Lamoille Valley Ford.

Tannerite- Nicky said that after the discussion at the last meeting, the board decided instead of sending a letter to the resident thought to be responsible for the Tannerite explosions, the board is to post a general public notice around town and on the town website. Nicky had drafted the notice and read it to the board. The notice read as follows:

#### PUBLIC NOTICE

The Bakersfield Select Board was recently contacted by residents of the Joyal Road/Witchcat Road area who were concerned about explosions heard in their neighborhood on May 23, 2024. There were reportedly three explosions between 9:00am and 11:00am.

The Selectboard would like to remind all Bakersfield residents that Tannerite (once mixed) and fireworks, require an explosives license AND a permit from the Bakersfield Fire Department.

If you plan to use Tannerite or set off fireworks, please be sure you are in compliance with these regulations. As a courtesy, please advise you neighbors of planned explosions.

Violators of these regulations should be reported to the Vermont State Police. Questions can be asked in person at a regular selectboard meeting or sent to the selectboard at [townofbakersfield@gmail.com](mailto:townofbakersfield@gmail.com)

Nicky said that she met with Sarah Jo and she has done a fantastic job with the new town website. She said it's not live right now but there are some questions for the board. The board decided to have the pdfs of the agendas and minutes stored on the cloud and accessible via a link, instead of stored on the website itself. She also asked what was important to be accessed from the homepage. Josh said the new website is 100 times easier to navigate than our current website. Nicky said that we can always make changes as needed as we go along. She said that anytime that you put an announcement on the website, it will automatically link it to the Facebook page and the Facebook page links to our website. John said that we'll need to stop the ability to make comments and with AI meta, you will need to manually go in and turn off comments for every post. Sarah Jo is willing to train whoever is going to use it. John, Nicky and Sarah Jo to sort out domain name and URL transfer, etc. Nicky said they expect to have the new website up and running sometime during July.

New open meeting law requirements to begin 7/1/2024...changes read at the meeting were as follows:

- non-advisory boards, which do have jurisdiction over legislature, quasi-judicial, tax or budget matters, required to offer a physical location and will return to pre-covid laws.
- recording requirements-must record in audio or video form and post the recording for at least 30 days following "the approval and posting of the official minutes for a meeting."
- training requirements- beginning 1/1/2025, all chairs of legislative bodies will need to take an annual Open Meeting Law training developed by the Secretary of State.



New website requirements:

- new website posting requirement of “an explanation of the procedures for submitting notice of an Open Meeting Law violation...” and associated text from the new law.

- a new video recording and posting requirement for informational meeting held with three days of Town Meeting. The video must be posted within 24 hours of the meeting and stay up until the results of the annual meeting have been certified.

- expanding from 10 days to 30 days the time period a municipality shall hold a hearing before it holds a meeting using the Australian ballot method of voting

- a new video recording and posting requirement for the hearings held before an Australian ballot system is used.

Nicky asked if that included the library and Todd thought maybe that would include the Fire Dept too.

Listers gave the board a copy of the two recent quotes for the mapping vendors. The board said that the listers are to go over the quotes, then meet with the trustees of public funds and then give their recommendations and the results of the meeting with the trustees and then present to the board.

Franklin County Field Days reached out to the board by letter asking them to sign saying that the Bakersfield Select board was in support of Franklin County Field days saying that they considered it beneficial to Franklin County. Nicky made the motion to sign the document to say that the Bakersfield Select Board was in support of Franklin County Field days. Todd seconded the motion and the motion carried with a vote of 5-0. Josh signed the letter.

John made the motion to adjourn, Todd seconded, and the motion carried with a vote of 5-0. The meeting adjourned at 9:07pm.

Meeting minutes recorded by Tami Brennan.