

Bakersfield Select Board Meeting
Monday, November 13, 2023
7:00pm

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

Members present: Josh Goss (chair), John West, Todd Cosgrove, Terri Gates

Members absent: Lance Lawyer

Residents/Guests: Gary Barnes, Catherine Dimitruk, Pat Evans, Sharon Evans, Nicola Cribb, Ivan Stone, Lisa Stone, Linda McCall, Alice Foote, Julie Hill, Ginger Parent (Town Health Officer), Dan Forand, Deanna Allen, Rodney Allen, Mark Doremus, Sue Sonski

Previous minutes: Todd made the motion to accept the minutes with amendment. John seconded the motion and the motion carried with a vote of 3-0, Terri having not yet arrived.

Warrants signed:

Selectman's order #24-2023	\$443,472.38
Selectman's order #25-23	\$4,367.43
Road Commissioner's order #17-2023 Equipment Repair	\$893.86
Road Commissioner's order#23&24-2023	\$13,248.12

Finance- Vera gave updated Account Reports to the board. Vera also gave Independent Contractor Employment packets containing a Contract form, liability insurance form, a hold harmless agreement, non-employer work agreement, W4s, I-9 form, W-9s. Vera said that workman's comp does an audit each March. She said that if we don't have this paperwork filled out by any contractor that does work for the town, then the town will be charged workman's comp for these people. Vera told the town committees to give the contractor a packet to fill out and that these forms must be turned into the treasurer before any work is done. Nicky asked Vera what they should do in the event that we get work done with volunteer workers. Vera said that she will talk with Vicky Abair at workman's comp about that and what we might need, especially about liability insurance. Vicky said that we need these papers for contractors that work on town property. As for people like Paul Drehr, who do their work off Town property at a business, then we shouldn't need them. Vera also gave the board a Declaration of Health Care Coverage for them to fill out. She is updating these forms for all employees, and the town has to keep them for 3 years.

Todd said that we also have to make sure that the Workplace poster must be kept current and displayed.

Vera said that she feels that, at this point, the town will need her to be here until the end of January, through the audit, since the audit will be on her work for 2023. She said that W-2s, 1099s, quarterly's 941, unemployment, and State of Vermont WHT436 forms, all need to be filed and sent out by the end of January. Vera said that W-2s need to be filled out online and to receive authorization approval in order to be able to file online takes 45 days, so she

has begun the authorization process for 2024, so she will be able to file these in time since the town still does not have a treasurer. Vera said she was offering to be called Assistant treasurer for the month of January if the board would like her to stay for the month to accomplish these things before she leaves.

Terri made the motion to appoint Vera as Assistant treasurer for the month of January 2024, Todd seconded the motion and the motion carried with a vote of 4-0.

Vera told the board that the state has sent their state payment for Roads to Bakersfield early this year. Vera said we have received two payments early this year, the January 2024 payment and the April 2024 payment, so the board needs to remember that they don't have all this money for use now. This is for 2024. She said that when the town report is done, this will be noted on the report. John asked if we can take the money out for now to set it aside. Vera said we can't take it out, it is road money, but it is noted that is it for 2024. Vera said that it would be good for a copy of each request letter that is sent to the board requesting funds at Town Meeting be given to the treasurer because sometimes mailing addresses change and it would be nice for the treasurer to have those readily available.

Vera said that she thinks the board needs to offer more pay for the treasurer position because they need to get someone in there.

Vera also told the board that we have Desktop 2021 on our computer, which will no longer be supported after May 31 next year and she has contacted Intuit for the cost for the updated version. Vera said to do manual payroll would be better because Kathy figures the taxes withheld using the current tax tables which can be pennies off from the Quick Books calculations, so Vera always fills them out manually. She said it costs around \$50.00/month to have the payroll option and she doesn't ever use it. John said we should get a quote for the cloud version since that continually updates automatically. Vera said she can try and call them. She said that the owner is still listed as Abbey and that needs to be changed.

Catherine Dimitruk from the Northwestern Regional Planning Commission, came to talk about the MTAP program. She said that even though the Select Board was in doubt, this really is free. She said last year the State passed a new program and devoted 3 million dollars to it, as an impetus for smaller communities across Vermont, who don't have the staff to apply for and access monies coming in. Catherine said that this program provides technical assistance to municipalities who might have a project that they want to move forward. Projects involving water supply, wastewater, housing, workforce development, energy projects relating to climate change and resilience projects. She said that this is for projects that have been preapproved by the state, this would provide help with project management to help get the project completed. This would provide money to hire a consultant. She said the funds are prioritized based on community need, population, tax base and staff. She said that Bakersfield came up on top of the list. John asked if this could coincide

with the MERP grant. She said this would apply if we have a project that has been identified and is eligible, but we don't have the implementation funds to apply for more funds. John said we applied for the MERP grant for four buildings and we have been told to set two of the buildings aside, the two town garages. He asked if this would be able to be used to shore up the town garages. He said that one of the garages is basically a wind tunnel and is heating the outdoors more than anything. He said maybe we could move those under this heading. Catherine said that if the project is MERP eligible then you can't use the MTAP funds, but she will ask. Josh asked if it could be used to apply for grants to rebuild the town garage. Catherine said that it needs to get preapproved potentially. She said it needs a structural evaluation. She said that town garages are hard since there is no good grant program and they are such an important thing. Josh said we are one of the last towns in our area to upgrade. Catherine said she would check on that one.

Catherine said the first step is to accept their offer of MTAP assistance and then second, we'll continue to work with you to investigate projects to be done. Todd made the motion to move forward with the MTAP and work with them toward projects. John seconded the motion and the motion carried with a vote of 4-0. Catherine said she will look into projects and will come back to the December 11th meeting.

She said the Fire District/Water District is eligible if the request comes from them.

Catherine said that at present, we don't have a rep from Bakersfield on the Transportation Advisory Committee since Gary Denton. She said they meet once a month on the 2nd Thursday of the month so if the board had any ideas to let her know.

Catherine said that Bethany wanted to let the board to know that she is working with Mac and the crew on East Bakersfield Rd and Belvidere Mountain Rd. And Catherine told the board that Emily Kloft met with the Planning Commission last week about applying for a grant for next year as they work on updating the town plan. Catherine asked if we had a new zoning board administrator and was told that Brian Westcom had begun in the position and that he was catching up on the back log of zoning permits and had begun to have evening hours at the town office, that are posted on the whiteboard at the Town Clerk's office. Catherine said that she would reach out to him and invite him to the Zoning administrator round table who will help with needs such as training, questions, etc. Catherine thanked the town for the two Bakersfield residents now serving on the Northwest Regional Planning Commission, Bill Irwin and Linda McCall.

Gary Barnes met with the board regarding a property that he owns and has tenants. Ginger Parent, the town's health officer, said that she did a rental inspection of the property which is owned by Gary Barnes. She said that as health inspector, she doesn't need the owner's permission to inspect the property. She said that she discovered several dangers. There are no working smoke alarms and no working heat. She said that in Vermont, when the

outdoor temp drops below 55 degrees, the landlord has to provide a working heating system. Ginger said that she contacted Mr. Barnes and he was very respectful and understands the steps. Ginger said that she was required to issue an Emergency Health Order and has spoken to Mr. Barnes attorney. Mr. Barnes said that the tenants have not been paying rent since they moved in August 2022, and he is at the end of the eviction process. Ginger said that as long as people are in the house, they have tenant rights. Ginger said the issue was ordered and sent to Mr. Barnes, the tenants, and Mr. Barnes' attorney, and Gary has 5 days to appeal to the Select Board. Todd, the Bakersfield Fire Marshal, asked Mr. Barnes when the heating unit stopped working. Mr. Barnes said the furnace stopped working 3 years ago. Todd said that the renter can set aside money in an escrow account until the heat is fixed. He said you can't evict someone if you haven't fixed the heat. Gary said they never complained. Ginger said this meeting with the board is to appeal the Emergency Health Order. Ginger said she has sent the report to the Division of Fire Safety. She said if the town writes the health order, there is a fine of \$100/day. She said the health order would force Mr. Barnes to make the repairs. Gary said that as soon as the tenants are out, he is going to demolition the building. He said that what he is asking for is for it to be condemned. He said that he can make it condemnable. Ginger said that the tenants are using electric space heaters. Ginger said that 40% of fires caused by electric heaters are fatalities. Electric heaters are a temporary heat source, not a legal permanent heat source. Gary said the outside tank is collapsed. He said that the last person that I had in there is now in jail. He worked on the system and messed it up. He said he called everyone and finally Fred's came and put in a new fuel tank in the basement which Ginger said was empty. He said that last year the tenants heated the house with the woodstove. Ginger said that the tenant said that last year they had chimney problems. Gary said that is the first that he heard that the chimney was not serviceable. He said that last year he had to supply the wood for them and that he is tired of feeding these people. The board asked if there was any documentation to show what was wrong with the chimney or the furnace and confirm that there is really a problem with the heat. Todd asked Ginger to contact the Division of Fire Safety and request that the state do an inspection, which they are supposed to do withing 48 hours. He said there is no charge for this. Ginger said she has already sent them her report. Gary said he is nearing the end of the eviction process and that all has been done legally. The sheriff has posted a sign on the door and the attorney says that they are to be physically removed on the 21st. Gary said that he has dealt with this for 3 years. Ginger said she remembers inspecting this same house several years ago and all the smoke detectors and fire extinguishers were there. John asked if the courts deemed them tenants or squatters. John asked if the smoke detectors were removed by Gary and Gary said no, so John said then they were removed by someone other than the landlord. Josh said that the board doesn't have the professional ability to make a decision on this tonight. Todd made the motion to contact the Fire Marshall's Division of Fire Safety to request an immediate inspection of the heating

system. John seconded the motion and the motion carried by a vote of 4-0. Josh said that they are going to the state and have them look over the report with educated eyes and get a report to us. He said this may require an emergency meeting. Ginger said she will contact the tenants that the Division of Fire Safety will need access to the residence. Josh asked Gary that if we have to have another meeting, can he bring the paperwork with you. Gary said they will not be in the house after the 21st. He said there will be no house after that.

BCC- Sharon and Pat Evans and Alice Foote met with the board as an ad hoc committee about clarification on the Carriage Barn/Hearse House assessment/small building in between. Sharon said that although she is not part of the BCC, she worked with Alice about getting the assessments done on the carriage barn. Sharon said that she and the BCC read the minutes of the last meeting and were alarmed at the board's understanding of the report. She reminded the board of the timeline of their pursuit of funds. She said they applied for an ARPA grant and got turned down and were encouraged to get grants. She said they found that we needed an assessment to apply for any grants and found a 50/50 grant to cover the assessment. Charlotte Barret from Preservation Trust of VT visited and encouraged us to include the Hearse House in the assessment, even though the HH is not part of the BCC's concern, and the CC and the SB agreed to include it in the assessment. Sharon said that the Carriage Barn's assessment for restoration was \$61,000-\$75,000 and they are hoping for volunteers to help reduce this expense. The Garage came in between \$6,000 and \$8,500 and the Hearse House came in between \$134,000 and \$161,000, although that does not mean that this is the kind of money that will be spent. She said that the amount of \$240,000 to restore the HH was not accurate. John said that the board did understand correctly, and it was discussed as such and that must have been a misunderstanding in the minutes. Tami said that the discussion of the three buildings was at the meeting before last meeting, and at the meeting previous to this one, the only building spoken about was the HH and that the number they were using in the conversation was \$240,000, so that's what went into the minutes. Sharon said that their understanding of the matching grant was to match what it cost to get the carriage barn done. John said that what the board agreed to match was to the cost of the assessment grant. Sharon said that when they applied for the ARPA funds and were turned down, we were told to come back for the next round, and there wasn't a next round. Pat said that for a while grants, didn't seem to be available, but then we found this grant for between \$50,000 and \$100,000 dollars, and it is not a matching grant. Your building does need to be on the historic register to be considered, but we can apply for the grant as long as your building is deemed eligible. Sharon said the grant needs to be done and submitted by the 23rd of December and they would like to hire Alex Barkley and are asking for the town to pay 50% of the cost of writing the grant, from the money set aside from ARPA. Sharon said Alex thought that writing the grant would probably take around 10 hours at \$60.00/hr, so we are looking at an estimate of around \$600.00. So that would be for the BCC to pay

around \$300.00 and the town around \$300.00. Sharon said there is enthusiasm at the state level for this project and we get the feeling that they are rooting for us to try to get this done. John asked if being on the Historic registry means that it has to be done up to historical standards. Sharon said no, it would just have to look the same as much as possible.

Josh made a motion to match, out of the ARPA funds, 50% of the cost to write the grant for the BCC, not to exceed \$500.00, for the town's half. Todd seconded the motion and the motion carried with a vote of 4-0.

Josh said that when we talked back in the spring, when Lyle and the Stones joined with the BCC, we had said that they would be more of a subcommittee within the BCC. Lyle volunteered to head the subcommittee that takes care of the park and be a liason between the BCC and the parks. John said that we would pass this decision onto the BCC. Alice said that when the BCC was organized in 2009, with rules and procedures, we had nothing related in our board proceedings in communicating to anyone except the board directly. Josh said that they would still speak to the board. Ivan said that he and Lisa only wanted to do the flowers on the common, not to mow the lawn, etc., we just wanted money for the flowers. The BCC said they didn't feel like they needed a middleman. Josh said if things are working the way they are, then let's keep it the way it is. He said Carry on! Everything out there that you guys have done looks really nice. Ivan said that since the CC and the Common have divided, then some of the funds from the CC should be given to the Town Common and that will give us money for flowers. He said that it could be taken out of the current CC account and moved over. Linda said that the BCC will have to ask for that at Town meeting. Josh asked what the BCC needed money for at this time. Ivan said that Lisa has a price for the flowers to be ordered in January 2024, for \$600.00. Josh said that we do have a flower budget to provide for flower arrangements for funerals of town employees that have passed on, on behalf of the town. Josh said we have \$500.00 in that account that we can pull and we can find another \$100.00 to enable you to order the flowers in January 2024. Then you would ask for the amount of money needed to order flowers in 2025, at town meeting this coming March. One attendee asked if donations have ever been sought out, where you can have a little sign that says this garden sponsored by the donator.

John made the motion to give the \$600.00 required to order the flowers in January for the BCC. Todd seconded the motion and the motion passed with a vote of 4-0. Pat said that we have some generous spirited people in town. Gary Montague and Linda McCall donated two park benches and Ivan installed the benches and there are two more coming. Josh said that is what is needed in this town, and you are doing a great job.

Cemetery Commission- Linda said she was shocked and frustrated at the last minutes. She said she wanted to make sure that the message got across that the CC has authority over the Hearse house because it uses it to maintain the Cemetery and so has authorization to spend CC funds on the Hearse House.

Terri asked even though the CC doesn't own it. Linda said the CC owns nothing and the Select Board owns nothing, all is owned by the town. The CC has authority over the cemetery and the HH. She said on our town website, there is a handbook defining the duty. Todd said that the confusion came when the board understood that the CC couldn't use CC money on the Hearse House. Linda gave the board a memorandum drawn up by the CC for the Select Board for reference. The board confirmed with Linda that **if the Hearse House has any repairs needed, then the Cemetery Commission will spend their funds on it and obtain grant money to do the same.** Linda said that is correct. Linda said that she told Lance that the last SB meeting that she attended was chaotic since there was so much going on. She said that she has spoken to their contractor who is now ready to get started in the spring and they are working with a professor at UVM to get the HH on the Historic registry. There was an error on the original application that made it look like the HH was owned by the CC, which made it look like it was owned by a private institution, which would make it ineligible, but it is owned by the town. She said they have been working to clarify it all and digging into things at the Secretary of State and VLCT to find that the land on which the HH sits is set aside for a building to support the cemetery.

The board said they wanted to make themselves clear on funding matching grants for any group. The Matching funds are only for matching the costs of Grant Writing only...which is the key point...not for doing the work itself, because there is not a lot of money in there.

Linda said that no repairs can be started on the Hearse House because one of the conditions to apply for the grant is that no repairs have begun.

Road- Mac was not at the meeting because he was out clearing the roads. The board decided to wait for Mac to discuss the reclassification of Stage Coach Rd. Todd said that he had heard that someone had put a barrier across the road at the point that it changed to Class IV, which is illegal. The board asked Deanna Allen, who was attending via zoom, if they had encountered a barrier when they went up there to access their land and she said no, they had had no trouble going up the road.

The board discussed repositioning the Speed limit signs on Boston Post Road so that they would be more visible and centered. The board had seen that one of the signs had been unbolted and was down on the ground. Josh to let Mac know.

Employee Insurance Discussion- Terri said that she thinks the employees should be paying part of their insurance. Josh said that they will be if there is more than one person on the plan. Josh said we already voted, and it passed that the town will pay for a single platinum plan.

The board compared the costs of the platinum plans of BC/BS and MVP and there was less than a \$40.00 difference in cost for comparable plans. The board decided that it was not a big enough difference to change from BC/BS. The board said that they will give the information to Mark, who is the only employee of the town that is getting insurance through the town, for him to read through and see if he wanted to change to MVP for 2025. The board was going to give it to Mac to give to Mark.

Wunderlich Dog Bite- John said that the board has been contacted again from the counsel representing someone who was bitten by Mr. Wunderlich's dogs and is requesting a copy of our files. He said the email states that they are not intending to sue the town. The board discussed that documents of public record are those that have been discussed in a public meeting. Josh said that the town needed to get legal clarification to see what we can legally show. John to respond to the lawyer and let them know we are having our attorney review the records and Tami to contact Mike Gawne to ask him to review the records.

The board signed an agricultural access permit for 1412 Waterville Mtn Rd for Larry and Cynthia Lawyer. Terri made the motion to sign the Ag Rd access permit, John seconded the motion and the motion carried with a vote of 4-0.

Budget meetings- Terri asked about scheduling Budget meetings. She said she wanted to discuss all the little entities at the end. She said we should have a letter outline for requests. Josh said we don't have a pre-qualification list, we go off what benefits the town.

Terri asked what we are going to do about the racing on Main Street. The board asked Tami to extend an invitation to VT State police to attend a Select Board meeting.

The board discussed having a solar cross walk signal by the crosswalk from Brigham to the library. Todd asked if that would be our responsibility or the state since it is a state highway. Tami to call the Agency of Transportation, District 8, to gather information about this.

RDAG discussion postponed until Lance is in attendance.

Ratification of Contract postponed until Lance is in attendance.

Brigham Academy Update to be held on December 11th at 6:00pm prior to the Regular Select Board meeting at 7:00pm. All are welcome to join!!

Todd made the motion to adjourn the meeting, John seconded the motion and the motion carried with a vote of 4-0. The meeting adjourned at 9:34pm.

Meeting minutes recorded by Tami Brennan.

Motions Made at the November 13 Select Board Meeting

Terri made the motion to appoint Vera as Assistant treasurer for the month of January 2024, Todd seconded the motion and the motion carried with a vote of 4-0.

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**Bakersfield Cemetery Commission
P.O. Box 203
Bakersfield, VT 05441**

November 9, 2023

MEMORANDUM FOR THE RECORD

Subject: Bakersfield Cemetery Commission - Use and care of town cemeteries, to include the Hearse House

- 1) The Bakersfield Cemetery Commission is made up of five elected Commissioners who serve five year staggering terms.
- 2) In accordance with VT § 5373, "when a town votes to place its public burial grounds under the charge of cemetery commissioners, it shall elect separately a board of three or five cemetery commissioners, who shall have the care and management of such burial ground and exercise all the powers, rights, and duties with respect to such care and management and all responsibility on the part of the selectboard shall cease."
- 3) Inasmuch as the Bakersfield Hearse House is and has historically been used in support of the care and management of the town cemeteries, the care and maintenance of the Hearse House is the responsibility of the Cemetery Commission.

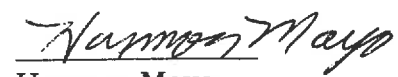
Information in the Memorandum was obtained from the following references:
VT Secretary of State website
VT League of Cities and Towns website
VLCT Handbook for Vermont Town Officers
Deed ... Naramore to the Town of Bakersfield, Bk 14, Pp 404-405
Bakersfield Vermont - the way it was the way it is - 2nd edition 2018 - Elsie C. Wells

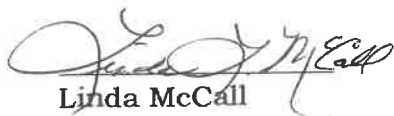
We certify that this information is correct based on our research and to the best of our knowledge.

Cemetery Commissioners:


Stacy Maynard


Ron Marcotte


Harmon Mayo


Linda McCall


Heather Tanner