

**Merger Committee Meeting  
(Rockingham Selectboard & Bellows Falls Village Trustees)  
Tuesday, March 24, 2015**

Present: Peter Golec, Nancy McAuliffe, Charles Hunter, Joshua Hearne, Sanford Martin, Stefan Golec, Susan Hammond

Absent: Thomas MacPhee, Ann DiBernardo, Colin James

Also Present: Kristi Morris, Facilitator; Willis Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Jim McAuliffe; Deborah Wright; Andrew Smith; Joe Brissette

Press: Joey Powers, FACT8; Domenic Poli, Brattleboro Reformer

Call to Order: Meeting was called to order at 6:03 p.m. by Facilitator Kristi Morris.

Additions to the Agenda for Routine Administrative Matters and/or Pressing Matters that will require ratification at a future meeting: None

Approve Minutes of February 24, 2015: *Peter Golec made the motion to approve the minutes of February 24, 2015 as printed. Motion was seconded by Nancy McAuliffe. Motion passed unanimously.*

Morris noted that at the last meeting an error was made on a voted motion. Morris restated those sections of the Rules of Procedure, specifically Section C. Organization 5. *Motions made by members of the body do require a second. A motion will only pass if it receives the votes of a majority of the total membership of the body.* Morris stated that with a 10 member body there must be 6 votes in the affirmative to pass a motion. At the 2/24/2015 meeting the vote to utilize the 2009 Charter document as the draft working document only passed with 5 affirmative votes. With 6 affirmative votes required this has been put on the agenda for re-vote. In addition, Morris also stated that the public is afforded 3 minutes per person at the beginning of each meeting for items not on the agenda and at the conclusion of the discussion by the Committee and before any action is taken there is also 2 minutes per person for open public comment on those agenda items. The Committee may also increase the time allotted per person by majority vote of those committee members present. Morris also reminded everyone that comments must be directed to the facilitator or to the body as a whole and not to individual members of the committee and members of the public must be acknowledged by the facilitator before speaking.

Public Comment on Items Not on the Agenda (3 minutes per person):

- Deborah Wright stated that she had 3 items to address. The first is that she finds it disrespectful that the Committee and Board meetings are at 6:00 p.m. when many individuals are just getting home and are unable to participate in government. The second item is the public comment on items not on the agenda noting that there is nothing in State Statute that requires that the items that the people speak on have to be items that are not on the agenda and considering that this is a committee meeting on merger only as a specific item she does not believe that it is appropriate that the public can only comment on items that are not on the agenda when the only item on the agenda are about the merger and this is why people would attend to speak on the items and feels that this is not appropriate. The third item is that because these meetings are about merger her concern is not the items on the agenda but the

initial process that was brought up by Hunter many times is that the Village should know what the vision of this merger is, what they anticipate to see from this, what they want from it, what they don't want and also town reference. Wright noted that there is nothing in this process that shows a vision of what the Village residents and the Village Trustees and the Town Selectboard want to see as the vision of the merger once it is completed.

Morris stated that as a facilitator he knows that start time is always a difficult process and this Committee elected to start at a specific time, the meetings are videotaped and there is the opportunity for the public to comment. Morris also stated that in regard to the item of "Public Comment on Items Not on the Agenda", the public is afforded time to speak on items on the agenda and this gives the public the opportunity to speak to items not on the agenda and this covers both. Wright did state that she understands this but that the public is afforded 3 minutes per person for items not on the agenda and only 2 minutes for items on the agenda and does not allow sufficient time for some individuals to get their point across. Morris did recommend to the Committee that they have in mind the why's and why not's when it comes to certain points. Morris also noted that the goal of this Committee is to come up with a document that will then go back to each individual Board for approval and then there are 2 public hearings required that have to be held according to State Statute before it can then go to the voters.

- Andrew Smith noted he had 2 items he would like to address. First, the VLCT document that is referenced in the last meeting were a product of a publically funded study and noted that individuals are required to submit a public records request to obtain those documents. Smith stated that no research was required by Town Hall staff to find these documents and believes that report should be readily available to the public without having to submit a public records request. Second, Smith stated that he knows that not all members of this Committee are fervent supporters of merger and during the organization of this Committee he recalls assurances that the Committee wouldn't be rushed. Smith noted that the public should be concerned that despite this, the Committee's stated goal and focus is already on drafting a Town Charter as part of a merger document as opposed to studying where the Village's interests are looked after and it appears that the Committee is charging ahead to get a document set and moving ahead to hearings instead of determining if that is an appropriate step. Smith stated that this strongly suggests that the tail is wagging the dog and this Committee's cart is placed way before the horse and what belongs in front of the rambunctious horse is calculating the impact to Bellows Falls' taxpayers and rate payers. Smith noted that the assets of the Bellows Falls Village Corporation total many times the value of those belonging to the Town of Rockingham and the equity in a merger is an essential component of this process because of that and until the issue can be resolved as to how the Bellows Falls taxpayers and rate payers will be equitably compensated for generations of investments in Village assets there is no legitimate path forward for this process.

Stefan Golec asked if the VLCT document could be available on the web site. Stearns stated that the main reason that was discussed was confusion with 2 documents. After discussion the following motion was made. *Peter Golec made the motion to place the 1991 VLCT document on the web site and individuals can request any other information from the 2004 packet if desired. Motion was seconded by Joshua Hearne.* Wright asked if the entire 2004 information packet could be posted and not just the 1991 VLCT document. *Stefan Golec made a motion to amend the original motion to include the entire 2004 packet which includes the 1991 VLCT study. Motion was seconded by Joshua Hearne. Motion to amend the original motion passed with 6 voting in favor of the motion, 1 opposed.*

Morris then called for a vote on the motion which would now be to post the 2004 packet of information which includes the 1991 VLCT study on the rockbf.org website. *Motion passed with 6 in favor of the motion, 1 opposed.* Hammond suggested that this be marked as background information. Stearns stated that hard copies of the document did require a public records request and a fee for copying. However, the document is available for on-site inspection at any time.

Agenda:

1. Discuss 2/24/2015 vote to use 2009 document: Morris stated that due to the 5-3 vote at the 2/24/2015 meeting, the vote will need to be re-taken and 6 votes are needed to pass a motion. *Charles Hunter made the motion that the Committee uses the 2009 “Charter Town of Rockingham” document as the working document. Motion was seconded by Nancy McAuliffe. Motion failed with 5 voting in favor of the motion and 2 opposed.*

*Peter Golec made the motion that the Committee uses the 1991 Vermont League of Cities and Towns document as the working document. Motion was seconded by Joshua Hearne.* McAuliffe stated that she was in favor of the 2009 document; Hunter stated he had no problem using the 2009 document; Hammond also was in favor of the 2009 document and noted that the Committee will get to the merger process in Chapter 10 and this will require extensive discussion; Wright stated that she felt the 1991 VLCT document may have more of what the Village and Town want for a process; Hunter felt that getting the bureaucratically required items out of the way first seems like the responsible way to go and the 2009 document does this; Hammond noted that when the Committee gets to Chapter 10 in the 2009 document it would be reasonable that the Committee will review the 1991 VLCT document at that time; Stearns noted that by using the 1991 VLCT document the process would be going backwards and the boilerplate items would be discussed last and this is what the public will have in mind and not the items that need discussion. Stefan Golec noted that the 1991 document discussed police and fire. Stearns stated that this will be discussed in Chapter 10. Martin stated that he felt this was like a construction project – get the foundation dug out, bring up the bones then go to design build, Chapter 10. Martin feels the Committee should move forward with the 2009 document.

*Peter Golec moved the question. Motion failed with 2 in favor of the motion, 5 opposed.*

Peter Golec then stated that he would change his vote on the motion to use the 2009 document to move the Committee's process along. *Peter Golec made the motion to proceed with the 2009 Charter Town of Rockingham document. Motion was seconded by Sanford Martin. Motion passed with 6 in favor of the motion, 1 opposed.*

Morris stated that the votes for Chapter One that were taken at the 2/24/2015 meeting would now require ratification. Morris further noted that all votes on Chapter One at that meeting were unanimous votes. *Charles Hunter made the motion that the Committee ratify the votes taken at the February 24, 2015 Merger Committee Meeting. Motion was seconded by Joshua Hearne.* Smith stated he would caution the Village Trustee members of the Committee to look carefully at 1.2 in Chapter One that states "The Town may acquire property within or without its corporate limits for Town purposes by purchase, gift, devise, lease or condemnation, consistent with Vermont law, as amended." Smith felt that this might put the Town in a position of authority to assume by eminent domain the Bellows Falls Village Corporation property. Peter Golec stated that this is governed by Vermont Statute. Morris stated that this is consistent language with most towns, that the governing body must have the power to do that and must be consistent with Vermont Statute.

Morris called for a vote on the motion. *Motion passed unanimously.*

2. Continue with Review of Draft Document:

a) Chapters Two – Officers: Morris read Chapter Two from 2.1 to 2.2.10. *Charles Hunter made the motion to adopt Chapter Two – 2.1 through 2.2.10. Motion was seconded by Nancy McAuliffe.* Hammond asked if the Committee felt the number of Selectboard members should be increased. Hunter stated he felt that most Boards are 3 to 5 members and would support a 5 member board. Peter Golec agreed with 5 members. Hammond stated she agreed with 5 but wanted to hear what other members felt. Wright asked that the Committee consider term limits to allow a regeneration of new blood over time and better representation of the Town than by people who have the seats year after year. Wright then noted that under 2.2.7, the Trustees of the Public Library are independent and this is not a Town library Wright stated that the building is owned by the Town but the governance of the Library is by a separate board of 9 and the voters of the Town of Rockingham many years ago determined that they would be separate governments and unless the voters determine otherwise it would not be appropriate to put this in the Charter without having first asked the voters to change the governance of the Library. Peter Golec asked how the Town would go about changing this to make the Library a Town department. Stearns did state that when the final Charter document gets to the State Legislature they will make the decision if this section is appropriate or not appropriate. Stearns also noted that this language exists in other charters where a separate library board exists. Stearns also noted that it is the Town's responsibility to put the election of Library trustees on the Australian ballot as that board does not have the authority to run elections. Stearns stated that the question of making the Library a Town

department would be a question for legislative counsel. Hearne asked Wright if she had a set amount of years for the suggested term limits. Wright stated her suggestion would be 6 years. Peter Golec noted that it was very difficult to get individuals to run now and term limits might be discouraging. Stearns also noted that someone could run for 4 terms of 1 year each, then run for a 3 year term and would be over the 6 year limit. Joe Brissette asked if there was any data that could be checked on term limits. Peter Golec reminded everyone that any item in this document can be revisited, reviewed and changed prior to being submitted to the Boards.

Morris called for a vote on the motion. *Motion passed unanimously.*

Morris proceeded with the reading of Chapter Two, Section 2.3 Appointed Town Officers. *Charles Hunter made the motion to adopt Section 2.3. Motion was seconded by Joshua Hearne. Motion passed unanimously.*

Morris read Chapter Two, Section 2.4 Optional Town Officers. *Charles Hunter made the motion to adopt Chapter Two, Section 2.4 - Optional Town Officers. Motion was seconded by Peter Golec. Motion passed unanimously.*

- b) Chapter Three – Selectboard: Morris read Chapter Three Selectboard in its entirety. *Charles Hunter made the motion to adopt Chapter Three – Selectboard. Motion was seconded by Nancy McAuliffe.* It was noted that there were two Section 3.3's. Section titled Powers and Duties will become 3.4. Wright also noted that the first paragraph of this section references the constitution and feels this should state Vermont Constitution.

The Committee then discussed briefly 3.4 *B Establish and maintain one or more fire department(s), with sub-stations as required.* Stearns explained briefly that all 3 departments – Rockingham, Bellows Falls and Saxtons River – were hose and reel companies but that the major apparatus is owned by the Town. The Rockingham Department raises some funds but is also included in the Town budget. The Bellows Falls Department's budget is part of the General Fund. The Saxtons River Department has its own external accounts.

Peter Golec felt that in Section 3.4 Powers and Duties – A. *Furnish all local public services, including but not limited to water systems, sewerage systems and solid waste disposal – the sentence be limited to "Furnish all local public services."*

Jim McAuliffe suggested that the Committee consider adding to subsection H that the budget would be voted by Australian Ballot.

Brissette asked about the governance of the water/sewer departments. Stearns stated that this would be under the control of the Selectboard. Brissette stated that this might be a concern in that some members of the Selectboard are not users and would be setting rates

for those who are. Jim McAuliffe stated that the users do not have a say now, that the rates are compiled by the Manager and presented to the Trustees for approval. Hunter stated that it may be possible to consider a Water Commission. Stearns noted that the Town of Bradford's Charter was a good reference for how this was handled in a merger.

Morris called for a vote on the motion. *Motion passed unanimously.*

Morris stated that since the Committee had exceeded the 2 hour time limit for meetings that the agenda for the next meeting should be set to include c, d & e below.

- c) Chapter Four – Town Manager
- d) Chapter Five – Town Meetings
- e) Chapter Six – Planning and Zoning

Set Agenda Items for April 28, 2015: *Charles Hunter made the motion to set the agenda for the April 28, 2015 meeting to include Chapter Four – Town Manager; Chapter Five – Town Meetings; Chapter Six – Planning and Zoning; Chapter Seven – Budget and Taxation; and Section Eight – General Provisions, time permitting. Motion was seconded by Stefan Golec. Motion passed unanimously.*

Other Business: None

Adjourn: *Peter Golec made the motion to adjourn the meeting at 8:09 p.m. Motion was seconded by Nancy McAuliffe. Motion passed unanimously.*

Attest: \_\_\_\_\_  
Kerry Bennett, Recording Clerk