

**Merger Committee Special Meeting
(Rockingham Selectboard & Bellows Falls Village Trustees)**

Wednesday, May 27, 2015

Present: Peter Golec, Joshua Hearne, Ann DiBernardo, Evelyn Weeks, Stefan Golec, Thomas MacPhee, Sanford Martin, Susan Hammond

Also Present: Kristi Morris, Facilitator; Willis Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Ellen Howard; Catherine Bergmann, Mary Barber, Andrew Smith, Deborah Wright, Eleanor Landry

Press: Joey Powers, FACT8; Joel Slutsky, The Shopper; Dominic Poli, Brattleboro Reformer

Call to Order: Meeting was called to order at 6:00 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 April 28, 2015: *Stefan Golec made the motion to approve the minutes of April 28, 2015 as printed. Motion was seconded by Sanford Martin. Motion passed with 7 members in favor of the motion. Peter Golec abstained as he was not present at the 4/28 meeting.*

Public Comment on Items Not on the Agenda (3 minutes per person): Morris read Section F of the adopted Rules of Procedure for this Committee referencing public participation and reminding those present that this is a meeting of the Committee in the public not of the public.

- Andrew Smith stated he would like to address the Committee as a whole stating that he had a serious concern about the survey that was available at the polls at Village Meeting. Smith stated he felt this was inappropriate and does not believe this was authorized by this Committee and felt it was a “push poll”. Smith also stated that he has never seen a committee on any topic working toward a foregone conclusion rather than an objective study of the implications of what they are looking at.
- Catherine Bergmann asked when the results of the survey taken at Village Meeting would be available. Bergmann also stated that in reference to the rules read by Morris that as the meetings progress forward in discussion and other issues are brought up that an individual may have additional comments. Morris stated that as the facilitator he would make that judgment call.
- Deborah Wright stated that she felt it important to remind the Committee of a few points. Wright stated on January 7, 2014 the Village Board voted at a Joint Board Meeting not to resume merger conversations unless by majority vote of the Trustees. In May 2014 a majority vote was taken. January 23, 2014 over 5%, more than 250 residents of Rockingham signed a petition to cease and desist from further merger conversations for the next 3 years and were denied the opportunity by the Rockingham Selectboard to ask this question of the voters by ballot article. The Trustees of Bellows Falls have shown that they can find at least \$300,000 in savings by their own efforts without the necessity of merger and the strategies of this Committee will need to come up with at least a half million dollars in foreseeable budget reductions to impress the voters of Bellows Falls and satisfy the voters of Rockingham.

Wright stated that she feels that feat is an impossible task as there are no redundant services provided other than administrative and the voters are aware of a tiny figure as supplied by the ad hoc merger group of 2014 of \$28,000. Wright further stated that the handing over of Village vital assets, most importantly the water resources, in this merger will greatly hamstring the Village which will continue to pay whatever price the Board sets, which will be the Selectboard as the Village board will disappear. This Committee has already discussed the forming of commissioners to properly control the resources as set forth in 24 V.S.A. Chapter 89 and this has not gone well. Wright noted that there is little or no support for merger by either Village residents or Town, a tiny handful of applicants are all that exist and even they will not come forward to cheer you on as what you see at these meetings are the larger sampling of those opposed and yet the Committee continues to ignore its constituents. Wright stated that the Committee was never charged with this task by the voters and therefore the actions are solely its own, which in itself constitutes a conflict of interest. Wright stated that she feels the Committee is wasting the time of everyone affected, that administrative dollars are oozing out of a sore spot that the Committee continues to pick at despite repeated requests to stop from the public and some of the Committee's own members. Wright urged the Boards to dissolve the Merger Committee forthwith.

Agenda:

1. Continue with Review of Draft Document – 2 hour time limit: Morris noted that the applicable State Statute numbers are now included in the draft document.
 - a) Chapter Nine – Water and Wastewater Utilities: Morris read Chapter 9 in its entirety.
 - Peter Golec stated that he felt that this chapter was vague and there is nothing included about setting rates, wastewater specifics, or agreements with other communities.

Morris asked if there were any recommendations from the Committee on this Chapter, or to adopt it as read.

- Peter Golec again stated that a lot needed to be added to this chapter.
- Stearns noted that the Bellows Falls Village Ordinances, Chapter 7 & 8, address the Water and Wastewater Departments and ordinances can be changed by the governing board, whereas if these specifics are put into the Charter document then a Charter change would be necessary to make any changes.

Thomas MacPhee made the motion to adopt Chapter Nine as read. Motion was seconded by Ann DiBernardo.

- Stefan Golec noted that both Bellows Falls and Saxtons River had wastewater systems and asked if there were any plans by Saxtons River to turn this over to the Town. Stearns stated that there were not.
- Stearns noted that the users of the systems pay fees and these are not just Bellows Falls users but also include other communities such as Westminster, Saxtons River, Walpole and Rockingham.

- Hammond asked if language should be added to cover wastewater.
- Martin asked if there was any item unique to wastewater as Minard's Pond is to water. Stearns stated that there was not and wastewater plants are restricted by state regulations.
- Stefan Golec noted that years ago the Village went through a stormwater separation and asked if Saxtons River had done the same. Stearns stated that they had.
- Andrew Smith stated that again he is concerned with the way this is progressing and there has been no mention of compensation to the rate payers who have contributed to these systems over many years.
- Mary Barber noted that enterprise funds consist of users and noted that other towns have commissioners who set rates. Barber noted that it is conceivable that these systems could be turned over to a board consisting of no users and stated that the Village should consider commissioners. Martin noted that he is a resident of Springfield, which has a water/wastewater system and the current board consists of 3 non-users and 2 users so this can occur. Stearns noted that users of the system are not just Bellows Falls users but also Walpole and Westminster. Stearns stated that the concept bears consideration but isn't sure how a board of commissioners would be elected when users are outside the Town. Barber stated that the specific community could appoint someone to sit on this board. Stearns asked what this board of commissioners would do. Barber stated they would set the rates. Stearns stated that typically commissioners have no authority to collect funds, borrow money or write checks.
- Deborah Wright noted that the document also had no provisions for the maintenance of these departments nor does it state where money goes as in the current Village Charter it is stated that bonds are paid first.
- Stefan Golec asked if the system was to expand would the users pay. Stearns stated that they would.
- Stearns also noted that bonds are voted on by the voters not by the users and the ultimate responsibility for the bond falls back on the grand list. Stearns gave an example that if Minard's Pond should break and be not functioning, the bond payments due would be the responsibility of the Village, not the water department.
- Peter Golec noted that if a merger was to be voted in then the entire Town votes but only users pay. Stearns stated that this is correct.
- Evelyn Weeks suggested that to move forward the Committee consider adding item 9.3 to this chapter and language be taken from section 207-24 of the Village Charter regarding wastewater.
- Hearne asked for clarification of Minard's Pond failure and if no service was available then the entire Town would be paying. Stearns stated this was correct and true for all bonds.
- Peter Golec suggested adding 207-19, 207-20 and 201-21 from the Village Charter as well as the section Weeks suggested.
- Ellen Howard brought to the Committee's attention the revenue that is generated from the watershed including logging, cell tower rent, as well as the Industrial Park agreement. Howard noted that the Industrial Park sewer line is owned by the Town and there is an interlocal agreement and there are \$10,000 fees assessed to tie into the system that are used to pay down the bond. Howard noted that once the bond is

paid any fees would then go to the wastewater department. Stearns stated that he believes that this bond is now paid off and will check the agreement. Howard stated that the agreement specifies where the fees go.

Stearns thanked Weeks for her input and suggested that Chapter Nine be revised as follows and brought back to the Committee for discussion at the next meeting.

- 9.1 remain as written.
- 9.2 be expanded to 9.2-1, 9.2-2, etc. and language from the Village Charter in 207-19, 207-20, 207-21 and 207-22 be added.
- 9.3 be added to address wastewater and include the applicable sections from the Village Charter.

Morris reminded the Committee that there was a motion on the floor to adopt Chapter Nine and this can be either withdrawn or defeated. *MacPhee withdrew his motion and DiBernardo withdrew the second.*

Bergmann suggested that the Committee consider including revenue from Minard's Pond and making sure it goes back to the Water Plant.

Stearns noted that all revenue from enterprise funds remain in these funds.

MacPhee suggested that some language be included to honor existing agreements.

Set Agenda Items for June 23, 2015

1. Continue with Review of Draft Document – 2 hour time limit:
 - a) Chapter Nine – Water and Wastewater Utilities - Revised

Other Business:

- Peter Golec also noted that the Village Charter has sections on streets and sidewalks, parks and recreation, and refuse disposal that should be considered when the Committee gets to these sections.

Adjourn: *Thomas MacPhee made the motion to adjourn the meeting at 7:08 p.m. Motion was seconded by Joshua Hearne. Motion passed unanimously.*

Attest: _____
Kerry Bennett, Recording Clerk