

**TOWN OF ROCKINGHAM
BELLOWS FALLS VILLAGE CORPORATION**

**Merger Committee Regular Meeting
Tuesday, July 28, 2015**

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

Also Present: Kristi Morris, Facilitator; Willis D. Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Wade Masure; Kevin Kingsbury; Barry Johnson; Andrew Smith; Deborah Wright; Catherine Bergmann; Margery Ladd; James McAuliffe

Press: Joey Powers, FACT8; Joel Slutsky, The Shopper; Allan Stein, Eagle Times

Call to Order: Meeting was called to order at 6:00 p.m. by Facilitator Kirsti Morris. Morris again reminded those present of the rules of procedure.

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

Approve Minutes of June 23, 2015: *Peter Golec made the motion to approve the minutes of June 23, 2015 as printed. Motion was seconded by Nancy McAuliffe. Motion passed with James, P. Golec, Martin, MacPhee, McAuliffe, S. Golec and Weeks voting in favor of the motion. Hearne, DiBernardo and Hammond abstained.*

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

- Andrew Smith made the statement that he felt the Village was not dying, that the Town and Village work well together now and urged the Committee to be mindful of the language in a charter especially any plan that would hand over the Village assets to the Town.
- Catherine Bergmann asked what the reason was for the Manager's survey and what the results of that survey were and asked for an answer. Morris stated that public comment was for public comment and not for questions or debate. Bergmann asked when she would receive an answer. Stearns stated that copies of the results of the survey were available on the table along with the packet for tonight's meeting.
- Margery Ladd asked if the public was told that if the charter is voted that this would mean a vote for the merger. Morris again went over the procedure stating that after a document is adopted by this committee then it would go back to each Board and two public hearings each would have to be held prior to a vote. Ladd asked if the Charter is accepted then that is the vote. Morris stated that was correct. Wright asked if this new charter is accepted will this vote dissolve the Village charter. Morris stated that it would.

Agenda:

1. Continue with Review of Draft Document – 2 hour time limit
 - a) Chapter Ten – Merger (24 V.S.A. Chapter 49)
 - 10.1 – General: Morris read 10.1 in its entirety.

10.2 – Special Service Areas: Morris read 10.2 in its entirety. Peter Golec asked how the tax bills would reflect the service areas. Stearns stated that the bills would reflect rates specific to that geographical location. Stefan Golec asked about the current agreement that the Town of Rockingham purchases major fire equipment for the three fire departments. Stearns stated that all agreements and ordinances would stay as they are until changed by the Board.

Peter Golec noted that in 10.2 C, there was no language to allow abolishing a special service area completely. Stearns stated that the language was a safeguard that would not allow a town-wide vote to abolish a special service area. Hearne stated that he was concerned about this also. Stefan Golec asked about water/sewer. Stearns stated that this was an entirely different issue as that is user fee based and not taxed.

The Committee then decided to go back and vote on each section separately as has been the practice in other chapters.

a) Chapter Ten – Merger (24 V.S.A. Chapter 49)

10.1 – Morris had previously read 10.1 General in its entirety. *Joshua Hearne made the motion to adopt 10.1 A, B & C as read. Motion was seconded by Peter Golec.*

- James McAuliffe noted that if the Selectboard decided to have town-wide policing, for example, they could bring this to the voters now. McAuliffe stated that he acknowledged Hearne's concern, and he is not saying that the Board would do that option is already there. McAuliffe also stated that he felt 10.1B was redundant.
- Andrew Smith asked who had penned the charter document that the Board is using. Stearns stated that it came from a 2009 merger committee and that some changes had been made to reflect current status.
- Deborah Wright asked what part of 24 V.S.A. would dissolve the Bellows Falls Village Charter. Morris read the applicable part of the statute and stated that a new charter would supersede the old one. Morris stated that a definitive answer would be sought for Wright's question.

Morris called for a vote on the motion to adopt 10.1 A,B and C. Motion passed unanimously.

10.2A – *Thomas MacPhee made the motion that the Committee adopts 10.2A as printed. Motion was seconded by Nancy McAuliffe. Kevin Kingsbury and Wade Masure, members of the Rockingham Volunteer Fire Department, noted the service area for the Department. Masure also stated that Rockingham Volunteer Fire is the first responder for this area. Morris called for a vote on the motion. Motion passed unanimously.*

10.2B – Morris read 10.2B in its entirety. *Peter Golec made the motion that the Committee adopts 10.2B as read. Motion was seconded by Thomas MacPhee.*

Martin stated that he didn't feel the last sentence of this paragraph was clear. Stearns stated that the intent of this paragraph seems to relate to the Bellows Falls Fire Department and the Bellows Falls Police Department. Stearns suggested that the first sentence and the beginning of the last sentence be removed. *Sanford Martin made the motion to amend paragraph 10.2B by removing the first sentence. Motion was seconded by Ann DiBernardo. Motion passed unanimously.*

Wright noted that the new first sentence states "shall" but the last sentence starts with "if". *Nancy McAuliffe made the motion to amend the amended motion to remove "If the costs are to be paid by a tax" and the sentence to start "Such tax ...". Motion was seconded by Sanford Martin. Motion passed unanimously.*

Morris then read the motion as amended. *All costs required to support a given special service shall be paid for by the taxpayers receiving said service, by a tax on the grand list in the special service area involved, to be assessed annually by the Selectboard, or in such other manner as the Selectboard determines. Such tax shall be paid and collected in the same manner as other taxes, and such tax assessed on any part of the grand list shall be a lien thereon.* Morris called for a vote on the amended motion. *Motion passed unanimously.*

10.2C – Morris read 10.2C in its entirety. *Thomas MacPhee made the motion that the Committee adopts 10.2C as read. Motion was seconded by Peter Golec.* Hearne asked if the only special service areas were in Bellows Falls. Stearns stated that the service areas defined in this document appear to be BF Fire and BF Police. Stearns noted that Rockingham Fire has a defined town-wide budget now and Saxtons River Fire is assessed in the Saxtons River budget. The Committee discussed this section at length and took the following action.

Peter Golec made the motion to amend the motion to strike the words of the second paragraph "in favor of making" and insert "or make" in its place. Motion was seconded by Joshua Hearne. Motion passed unanimously.

Susan Hammond made the motion to amend the amended motion and add the word "or abolished to the end of the first sentence in the first paragraph of 10.2C. Motion was seconded by Nancy McAuliffe. Motion to amend failed with 3 in favor and 6 opposed.

Morris then called for a vote on the amended motion which would now read "*Said special service area may be modified with the separate approval of both the voters residing within said district as existing and the voters residing within any area proposed to be enlarged or diminished. Such respective approvals shall be expressed by the affirmative vote of a majority of such voters present and voting at special meetings thereof.*

However, the voters of the Town of Rockingham at an annual or special town meeting warned for that purpose may vote to abolish said special service areas or make the service a town wide service whose cost will become a part of the general budget expense of the town." Amended motion failed with 1 in favor and 9 opposed.

Susan Hammond made the motion to approve 10.3A with the words “or abolished” in the first paragraph. Motion would now read - “ Said special service area may be modified with the separate approval of both the voters residing within said district as existing and the voters residing within any area proposed to be enlarged, diminished, or abolished. Such respective approvals shall be expressed by the affirmative vote of a majority of such voters present and voting at special meetings thereof.

However, the voters of the Town of Rockingham at an annual or special town meeting warned for that purpose may vote to abolish said special service areas in favor of making the service a town wide service whose cost will become a part of the general budget expense of the town.” Motion passed with 9 in favor and 1 opposed.

10.3 - Bellows Falls Police Special Service Area

10.4 – Bellows Falls Fire Special Service Area (20 V.S.A. §2481)

Set Agenda Items for August 25, 2015: Morris noted that the 2 hour time limit for the meeting had been reached and the Committee should set the agenda for the August 25, 2015 meeting. It was the consensus of the Committee to add 10.5 for rural Rockingham and 10.6 for Saxtons River and renumber sections in Chapter Ten accordingly. The Committee also requested that draft text be included for 10.5 and 10.6 in the draft document for review. The agenda for August 25, 2015 will be as follows:

- 10.2 D, E, F
- 10.3 Bellows Falls Police Special Service
- 10.4 Bellows Falls Fire Special Service Area
- 10.5 Rural Rockingham Special Service Area
- 10.6 Saxtons River Special Service Area

Other Business:

- Stearns did announce that the construction work on Route 5 (Atkinson/Rockingham Streets) will begin tomorrow morning and motorists should expect delays. This is a State of Vermont project and Stearns did inform the State of the Old Home Days celebration this weekend.

Adjourn: *Thomas MacPhee made the motion to adjourn the meeting at 8:03 p.m. Motion was seconded by Nancy McAuliffe. Motion passed unanimously.*

Attest: _____
Kerry Bennett, Recording Clerk