

JOINT BOARD SPECIAL MEETING  
Rockingham Selectboard & Bellows Falls Village Trustees  
Tuesday, September 29, 2015

Present:

Rockingham Selectboard: Thomas MacPhee, Susan Hammond, Joshua Hearne, Ann DiBernardo, Peter Golec

Bellows Falls Trustees: Stefan Golec, Colin James, Evelyn Weeks

Absent: Nancy McAuliffe, Sanford Martin

Also Present: Willis Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Attorney Ray Massucco; Mary Helen Hawthorne, BFDDA Executive Director; Denis Jeffrey, Rockingham Fire Chief; Art Smith, Saxtons River Fire Chief; Ronald Lake, Bellows Falls Administrative Fire Chief; Philip Tirrell, SWNH Chief; Rockingham Firefighters Kevin Kingsbury & Wade Masure; Andrew Smith; Marjorie & Dennis Ladd; Catherine Bergmann; Deborah Wright

Press: Joey Powers, FACT8

Call to Order: Meeting was called to order at 5:30 p.m. by Selectboard Chair Thomas MacPhee.

Executive Session – Confidential attorney-client communications made for the purpose of providing professional legal services to the body (1 V.S.A. §313(a)(1):

*Peter Golec made the motion to find that premature general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the Rockingham Selectboard (1 V.S.A. § 313(a)(1) will clearly place the municipality at a substantial disadvantage by disclosing confidential communications. 1 V.S.A. § 313(a)( 3). Motion was seconded by Ann DiBernardo. Motion passed unanimously.*

*Peter Golec made the motion that the Rockingham Selectboard enter executive session at 5:32 pm to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the Board, Title 1, Section 313(a)(1) under provisions of Title 1, Section 313 (a) (3) of the Vermont Statutes and invite Attorney Ray Massucco, Municipal Manager Willis Stearns, II, and Village Clerk Kerry Bennett to attend. Motion was seconded by Ann DiBernardo. Motion passed unanimously.*

*Stefan Golec made the motion to find that premature general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the Bellows Falls Village Trustees (1 V.S.A. § 313(a)(1) will clearly place the municipality at a substantial disadvantage by disclosing confidential communications. 1 V.S.A. § 313(a)( 3). Motion was seconded by Evelyn Weeks. Motion passed unanimously.*

*Stefan Golec made the motion that the Bellows Falls Village Trustees enter executive session at 5:32 pm to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the Board, Title 1, Section 313(a)(1) under provisions of*

*Title 1, Section 313 (a) (3) of the Vermont Statutes and invite Attorney Ray Massucco, Municipal Manager Willis Stearns, II, and Village Clerk Kerry Bennett to attend. Motion was seconded by Evelyn Weeks. Motion passed unanimously.*

The Board came out of executive session at 6:00 p.m. Bennett read the document titled “Public Access to Warned Meetings”.

*Peter Golec made the motion that the Rockingham Selectboard adopts the Public Access to Warned Meetings Policy as read and that this vote be ratified at the November 3, 2015 Selectboard Meeting. Motion was seconded by Ann DiBernardo. Motion passed unanimously.*

*Colin James made the motion that the Bellows Falls Village Trustees adopts the Public Access to Warned Meetings Policy as read and that this vote be ratified at the November 10, 2015 Trustees Meeting. Motion was seconded by Evelyn Weeks. Motion passed unanimously.*

*Peter Golec made the motion that Willis D. Stearns, II be appointed as the ADA Coordinator for the Town of Rockingham. Motion was seconded by Ann DiBernardo. Motion passed unanimously.*

*Colin James made the motion that Willis D. Stearns, II be appointed as the ADA Coordinator for the Bellows Falls Village Corporation. Motion was seconded by Evelyn Weeks. Motion passed unanimously.*

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 30 & July 28, 2015: *Colin James made the motion to approve the minutes of June 30, 2015 and July 28, 2015 as printed. Motion was seconded by Evelyn Weeks. Motion passed unanimously.*

Public Comment on items not on the Agenda – 3 minutes per person:

- Marjorie Ladd asked when Henry Street would be finished. Stearns stated that they are awaiting the final structures, which are on order, and hopefully this will be done in 7 to 10 days weather permitting. Catherine Bergmann asked if Henry Street would be paved the same way as School Street. Stearns stated that it would not.
- DiBernardo asked if the crosswalk near the Miss Bellows Falls Diner has been painted. Hearne stated that he was 100% positive that it is.
- Police Chief Ron Lake noted that a lot of heavy rain is expected to hit this area over the next few days and urged everyone to drive slowly, especially with the raised structures on Atkinson Street.
- Stefan Golec asked when the sidewalk would be put back in the Morgan’s Field area. Stearns stated that it was unlikely this would happen before winter as there are no available contractors to do this work.

Agenda:

1. BFDDA Update: Mary Helen Hawthorne, Executive Director, was present and gave the Board an update on BFDDA activities. Hawthorne distributed the BFDDA Annual Report and Work Plan 2015-2016, and statistical information on the Downtown Designation Program in the State of Vermont. The Board thanked Hawthorne for attending and her update.
2. Overnight Parking Lot Permit Policy: Stearns stated that this item was placed on the agenda at the request of Trustee Sanford Martin. Martin had requested that consideration be given to allowing a non-resident the option to purchase a year round permit instead of having to pay \$10 for a 1-month guest permit. A draft policy was presented to the Board that included a non-resident year permit for \$60.00, ½ of the \$120 fee if an individual was to purchase a guest permit each month. This was discussed at length and many board members felt that the fee was too small and felt that \$80.00 was a fair price.

*Joshua Hearne made the motion that the Rockingham Selectboard approve the Overnight Parking Permit Policy and set the rate for non-resident one year permit at \$80.00 and authorize the Selectboard Chair to sign the policy. Motion was seconded by Peter Golec. Motion passed unanimously.*

*Evelyn Weeks made the motion that the Bellows Falls Village Trustees approve the Overnight Parking Permit Policy and set the rate for a non-resident one year permit at \$80.00 and authorize the Village President to sign the policy. Motion was seconded by Colin James. Motion failed with James & Weeks voting in favor of the motion, Golec opposed. This will be placed on the Bellows Falls Trustees October 10 agenda for further discussion.*

3. Board Items
  - a) Intermunicipal Agreement – Finance: Stearns noted that during the annual audit, the auditors asked that an Interlocal Contract be made between the Town and the Village to formalize the use of one checkbook for the municipalities. Stearns stated that Attorney Paul Guliani wrote this contract.

*Peter Golec made the motion that the Rockingham Selectboard approve the Interlocal Contract as presented and authorize the Selectboard Chair and the Town Treasurer to sign the contract. Motion was seconded by Ann DiBernardo.*

Catherine Bergmann asked what name would appear on the checks. Stearns stated that nothing will change and the checks say Town of Rockingham/Bellows Falls Village Corporation.

Deborah Wright asked if this contract would be available on the website. Stearns stated that it would.

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

*Colin James made the motion that the Bellows Falls Village Trustees approve the Interlocal Contract as presented and authorize the Village President and the Village Treasurer to sign the document. Motion was seconded by Evelyn Weeks. Motion passed unanimously.*

- b) Mutual Aid Agreements (Town & Village) with Charlestown, NH: Rockingham Fire Chief Denis Jeffrey, Saxtons River Fire Chief Art Smith, Bellows Falls Administrative Chief Ron Lake, and South Western New Hampshire Mutual Aid Chief were present to discuss these proposed agreements. Stefan Golec asked if an attorney had reviewed the documents. Stearns stated that both Town & Village attorneys had seen these. Stefan Golec stated that he had some issues with #5 Liability and #7 Compensation. MacPhee asked Stearns to give a quick update on this item. Stearns stated that Charlestown, NH has opted out of SWNH Mutual Aid and have updated and created its own dispatch and are seeking mutual aid agreements with surrounding departments. Chief Jeffrey stated that while he doesn't have a particular problem with the agreement, he did point out that with Charlestown's exit from the system, the costs would rise for the remaining departments. Chief Smith agreed and did note that whether or not an agreement is in place, if Charlestown put out a call for help they would all respond. Administrative Chief Lake stated that he has reviewed the document with Deputy Chief Cenate and they have no problem with the agreement. Hearne asked Chief Tirrell if any other departments had signed this agreement. Tirrell stated that North Walpole has signed while Walpole stated they would respond but would charge for services. Kristi Morris, Springfield Selectboard Chair, was present and stated that Springfield has some of these same concerns and is in discussions with Charlestown. Rockingham Firefighter Masure stated that he would not agree with this agreement unless the departments can charge to recoup the costs associated with Charlestown's withdrawal from SWNH. Hammond stated she would like to hear what Charlestown has to say on the subject before she could make a decision. Hearne asked what the Town's liability would be if the agreement was not signed and a major event occurred. Stearns stated that the Good Samaritan Policy is in effect both in New Hampshire and Vermont and we would have no liability. Tirrell also noted that a hold had been placed by former Bellows Falls Chief Weston to not respond to a call from Charlestown. Lake was clearly surprised and stated he was not aware of this. Rockingham Firefighter Kevin Kingsbury asked if SWNH has other mutual aid agreements. Chief Tirrell stated that there are 11 organized systems and they have agreements with all of these.

*Joshua Hearne made the motion to table this item at this time. Motion was seconded by Peter Golec. Motion passed unanimously.*

*Colin James made the motion to table this item at this time. Motion was seconded by Evelyn Weeks. Motion passed unanimously.*

- c) Appoint E911 Coordinator: Stearns noted that this position was previously held by Ellen Howard. It is also the recommendation of E911 that the same person be appointed by each board. Stearns stated that Chuck Wise, Zoning Administrator, has agreed to be appointed to this position.

*Peter Golec made the motion that the Rockingham Selectboard appoints Charles Wise, Jr. as the E911 Coordinator for the Town of Rockingham. Motion was seconded by Joshua Hearne. Motion passed unanimously.*

*Stefan Golec made the motion that the Bellows Falls Trustees appoints Charles Wise, Jr. as the E911 Coordinator for the Bellows Falls Village Corporation. Motion was seconded by Evelyn Weeks. Motion passed unanimously.*

- d) Discuss Playground Equipment Ownership: Stearns stated that a request has been made by Stewart Read on behalf of the Bellows Falls Historical Society that the merry-go-round recently removed from the Bellows Falls Recreation Center be gifted to them. Stearns stated that it is unclear who actually owns this piece of equipment, Town or Village? After discussion it was determined that the Town should make this decision. *Joshua Hearne made the motion that the Selectboard gift the merry-go-round to the Bellows Falls Historical Society. Motion was seconded by Peter Golec. Golec then asked what the Town's liability would be if this was a gift. It was decided to sell the item for \$1.00. Hearne rescinded his motion and Golec rescinded his second. Joshua Hearne made the motion that the Selectboard sell the merry-go-round to the Bellows Falls Historical Society for \$1.00. Motion was seconded by Peter Golec. Motion passed unanimously.* Marjorie Ladd paid the \$1.00 on behalf of the Historical Society.

Other Business:

- DiBernardo noted that this morning a crane was being utilized during construction on the Saxtons River bridge and asked that a request be made to the contractor to not use this equipment during the early morning commute.
- Peter Golec thanked Stearns for getting the pot hole on George Street filled.
- Hearne announced to the public that the Board members are listening about the streets & sidewalks and this will be on the Selectboard agenda next week.

Adjourn: *Ann DiBernardo made the motion to adjourn the meeting at 7:05 p.m. Motion was seconded by Joshua Hearne. Motion passed unanimously.*

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