

**ROCKINGHAM SELECTBOARD REGULAR MEETING**  
**Tuesday, February 2, 2016**

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

Also Present: Willis Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Ron Smith, RHR Smith; Francis Walsh, Development Director; Ryan Stoodley, BFHS Alumni President; Colin James, Deborah & Cass Wright; Catherine Bergmann; Marjorie Ladd; Gary Fox, Sustainable Valley Group; Frank Snarski; Jim Snarski; Steve Hearne

Press: Joey Powers, FACT8; Nancy Cavanaugh, Eagle Times

**MEETING OF THE ROCKINGHAM BOARD OF LIQUOR COMMISSIONERS**

Meeting of the Board of Liquor Commissioners was called to order at 6:00 p.m. by Chairman Thomas MacPhee. *Peter Golec made the motion to approve the liquor renewal applications for the following:*

1. Cumberland Farms of Vermont, Inc. d/b/a Cumberland Farms #8000 – 2<sup>nd</sup> Class
2. J.W. Sandri, Inc. d/b/a Sandri #210 – 2<sup>nd</sup> Class
3. Halladay's Greenhouse & Florist, LLC d/b/a Halladay's Greenhouse & Florist – 2<sup>nd</sup> Class
4. Bellows Falls Country Club, Inc. – 1<sup>st</sup> Class for Club
5. Joy Wah, Inc. – 1<sup>st</sup> Class Restaurant/Bar
6. Vermont Country Store, Inc. – 2<sup>nd</sup> Class
7. Penguin Market 2, LLC – 2<sup>nd</sup> Class

*Motion was seconded by Ann DiBernardo. Motion passed with MacPhee, DiBernardo, Golec and Hammond voting in favor of the motion. Hearne recused himself from the vote.*

**AGENDA**

Call to Order: Meeting of the Rockingham Selectboard was called to order at 6:01 p.m. by Chairman Thomas MacPhee.

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

Approve Minutes of January 19, 2016: *Ann DiBernardo made the motion to approve the minutes of January 19, 2016 as printed. Motion was seconded by Peter Golec. Motion passed unanimously.*

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

- Gary Fox, Sustainable Valley Group, was present to announce that there will be a public meeting on February 22, 2016 at 7:00 p.m. at Windham Antiques to discuss potential use of historic buildings, specifically the TLR buildings and the Town Plan.

Manager's Report: None

Agenda:

1. FY2015 Audit – Ron Smith, CPA, CFE of RHR Smith & Company, was present to present the FY2015 audit to the Board and answer any questions. Smith noted that his firm audits approximately 300 government agencies in Vermont, New Hampshire and Maine and noted that he is originally from St. Johnsbury, VT. Smith stated that he spent a great deal of time with Stearns as well as talking with all department heads and staff. Smith stated that in reviewing the Town's finances he could see the struggle years ago between the Town and the Village of Bellows Falls and that over the past several years this situation has improved dramatically since comingling the cash. Smith noted that the Town policy recommends that a fund balance of between 5 & 10% be on hand but feels this should be around 16%. Smith stated that the Town finances are "rock solid" and in great financial shape. The Board thanked Smith for his presentation.
2. BFHS Alumni Association – Ryan Stoodley, Alumni President, was present to request a reduced fee for the use of the Waypoint Center, a reduced fee for the Theater & Entertainment Permit and permission to serve alcohol on town owned property for Alumni Weekend, June 17, 18 & 19, 2016. MacPhee noted that the Municipal Manager approves the reduction in fee for the Waypoint Center and Stearns stated that he will do this.

*Peter Golec made the motion that the Board approves a reduction in the fee for the Theater & Entertainment Permit as requested. Motion was seconded by Susan Hammond. Motion passed unanimously.*

*Peter Golec made the motion that the Board approves the request from the BFHS Alumni Association to serve alcohol on town property on June 17, 2016 at the Bellows Falls Waypoint Center. Motion was seconded by Susan Hammond. Motion passed with Golec, MacPhee, Hammond and DiBernardo voting in favor of the motion. Hearne abstained as he will be the server of alcohol through Donovan's.*

DiBernardo then asked that the Alumni Association request that people marching in the parade do not bring dogs with them as the roadway tends to get very hot. Stoodley stated that he will bring this up at the meeting next week.

3. Development Office
  - a) TLR information on RFQ: DiBernardo noted at the last Selectboard meeting she asked if it would be possible to go into the building and felt she did not get an answer. Stearns stated again that he felt it was not safe and that he and Walsh, as employees, would be insured and could take photos. DiBernardo stated that she would like to go into the building as would other board members along with FACT8 TV. Stearns stated that he would contact the Town attorney about a waiver. Walsh also stated that this is not a safe place. Hammond asked if there was an estimate as to how much demolition of these buildings would cost. Stearns stated that this is unknown at this time. Walsh stated that more testing and analysis needs to be done before demolition can occur.

Catherine Bergmann stated that she had a bound document with pictures and previous studies of the facility. Bergmann also stated that she understood the weight of the building was keeping the historic canal wall stable. Stearns noted that while these studies show options for the buildings, no financial resources are available. Walsh stated that an RFQ had been sent out and it was hoped to get some real proposals. However, out of the 6 firms who visited the site only 1 submitted intent to submit a proposal. When contacting the other firms they all stated that the building was inaccessible and there would be no return on an investment. Bergmann stated that the Historical Society was interested in leasing the building for \$1 for a year and a plan would be formulated in that time. Bergmann also stated that she would like to address a comment made by a board member at the last meeting on the Wyman-Flint building currently owned by the Historical Society. Bergmann stated that the building was stabilized and there was no plan to revitalize that building as the Society has been working on the riverfront trail for over 10 years.

4. Highway Department

- a) Tuttle Road – letter from D. Lillie: Stearns gave the Board a quick update on this situation noting that this is a Class 4 road and has been being maintained by the Petraskas who live at the end of this road. However, it is the Town’s responsibility to maintain the drainage on a Class 4 road. Stearns stated that he and the Highway Superintendent had visited the road and it was obvious that maintenance has been done with culverts, drainage, surepak etc. It was noted that no Work in the Highway Right of Way permit has been given for maintenance on this road since 2009. The Lillie’s are requesting that the Town issue a cease and desist to the Petraskas. *Peter Golec made the motion that the Board authorizes the Municipal Manager to issue a cease and desist order to the Petraskas for work performed on Tuttle Road without a Work in the Highway Right of Way permit for work performed in the highway right of way. Motion was seconded by Joshua Hearne. Motion passed unanimously.* The Board also requested that Stearns contact the Petraskas prior to the cease and desist order to let them know this was coming.
- b) Certificate of Highway Mileage: *Peter Golec made the motion to approve the Certificate of Highway Mileage for the year ending February 10, 2016 as presented. Motion was seconded by Joshua Hearne. Motion passed unanimously.*
- c) Certificate of Compliance for Town Road and Bridge Standards: *Peter Golec made the motion that the Board approve and sign the Certification of Compliance for Town Road and Bridge Standards and Network Inventory. Motion was seconded by Susan Hammond. Motion passed unanimously.*

5. Finance Office

- a) FY2016 YTD Budget Status Report: Stearns reminded everyone that 3<sup>rd</sup> quarter taxes are due next Wednesday, February 10, 2016. Stearns stated that there is nothing new to report since the last meeting. The Board had no questions.

6. Selectboard Items

- a) Update on work in alley: Stearns stated that he is awaiting a temporary easement from People's United Bank, which he was told could take up to 3 months. However, the representative who met with the Town is trying to fast track this. Stearns did note that he received an estimate from Stevens & Associates for engineering services of \$12,500. Harper Environmental is also awaiting the easement to perform measurements for removal of the tank. Stearns noted that the Bellows Falls Wastewater Department used its video camera and it was discovered that there is approximately 16.5" of fuel and 4" of water remaining in the tank. The water is from condensation. Stearns reported that the tank is approximately 10' in diameter and 28' long. DiBernardo asked if the water was from a leak. Stearns stated that it was not, that there was no water last year prior to the removal of 9,638 gallons of fuel and the water now is from condensation due to the fuel being removed.
  
- b) Discuss & Approve Plan of Merger Document/Sign Warnings: *Ann DiBernardo made the motion to approve the Plan of Merger document as presented and to sign the warnings for public hearings and a vote. Motion was seconded by Susan Hammond.* Hammond asked why this timeline was being proposed and thought that the Merger Committee had discussed having this vote with another scheduled vote to save money. Stearns stated that there is a timeline process that goes forward from when the warning is signed. Stearns did note that there was discussion about combining this vote with the Village Annual Meeting in May. Golec stated that he felt the timeline presented was too quick and that there is no harm in waiting to have this vote in June and the hearings in April. Stearns stated that the public hearings are part of the timeline process and hearings in April would need a vote either in April or May. Golec also felt that it may be necessary to reconvene the Merger Committee if any changes are made. DiBernardo stated that she did not feel waiting until June would be a good idea as many people are on vacation at that time and a better turnout would be now. DiBernardo also noted that there would be an increase in taxes for Rockingham taxpayers and a decrease for Bellows Falls Village taxpayers and the voters should decide if they want this or not. MacPhee agreed that the people should make the decision. Hammond felt that a meeting in April would be better than one in March.

DiBernardo withdrew her original motion and Hammond withdrew her second to that motion. *Ann DiBernardo made the motion that the Board approves the Plan of Merger document as presented and the warnings and timeline be done for a vote in April 2016. Motion was seconded by Susan Hammond.* Hammond asked if the public can make changes. Golec stated that changes can only be made at the 1<sup>st</sup> public hearing. Bergmann asked how these public hearings would be held and how much time would be allowed for each person to speak. Stearns stated that he thought the Town Moderator would be running the public hearings. Steve Hearne asked if this was the same question that had been voted down twice before. MacPhee stated that it was but noted that many other communities have merged over the past several years. Deborah Wright stated that it appeared that there was no positive support from the public and didn't feel the Board should be moving forward with something that the voters do not want.

MacPhee called for a vote on the motion. *Motion passed with DiBernardo, Hammond and MacPhee voting in favor of the motion. Hearne and Golec opposed.*

Review Overtime & Comp Time Report: No comments or concerns.

Review & Update Task List:

- Park & Ride – no change.
- TransCanada Negotiations – no change.
- Vilas Bridge – Frank Snarski urged the Board to do everything they could to get this bridge open. MacPhee stated that the Town has sent multiple letters and talked to many individuals in both Vermont and New Hampshire. Walsh stated that he has spoken with NH DOT and this is going to be revisited in 2 years. Walsh also stated that he has testified twice in New Hampshire regarding this bridge. Snarski stated that the Town should not take the sewage from New Hampshire from the line that runs under this bridge. Stearns stated that is a Bellows Falls Village issue and is not under the control of the Selectboard.
- SMP case – no change

Review Agenda Items for Next Meeting – February 18, 2016:

- Manager Review
- Bridge Inspection Reports
- Town Meeting Warning
- Merger Warnings

Review Agenda Items for Joint Board Meeting - March 29, 2016:

- Charlestown Mutual Aid Agreement

Review & Approve Orders, Bills & Warrants: *Peter Golec made the motion to approve the orders, bills and warrants as presented. Motion was seconded by Susan Hammond. Motion passed unanimously.*

Other Business:

- Golec noted that surveyors were seen on Hall Bridge Road and when he asked what they were doing they said the power company was going to move poles again. Golec asked that the Board think hard about authorizing pole relocation as the last time this was done people in Saxtons River were without power for 3 days.
- Stearns stated that it has come to his attention that Articles 9 & 10 on the Town Meeting Warning are to borrow money for a 10 year period and anything over 5 years would have to be a bond. Stearns contacted Paul Giuliani, the bond attorney, who suggested that these 2 articles be amended at Town Meeting to borrow for 5 years with a balloon payment and that the Board then refinance for an additional 5 years.
- Stearns stated that a meeting was held today with Ingram Construction regarding the damage to the Recreation Center building. The estimate for repair of the building is \$178,750. This is to cut out the damaged bottom portion of the building and put in the proper foundation.

Golec asked who designed the building. Walsh stated that the building was designed by Cotton & Belaski and was built to the specs. Stearns noted that the concrete sidewalk and decking was put in up against the building and this is what has caused the issue. The entire perimeter of the building has been compromised.

- Deborah Wright noted that the Voices of Rockingham Residents would be meeting on February 24, 2016 at 7:00 pm at Windham Antiques. Wright also noted that Sustainable Valley Group is hosting a meeting on February 22, 2016 at 7:00 pm at Windham Antiques to discuss the TLR buildings.

Executive Session: If necessary: No executive session was necessary.

Adjourn: *Peter Golec made the motion to adjourn the meeting at 7:50 p.m. Motion was seconded by Joshua Hearne. Motion passed unanimously.*

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