

ROCKINGHAM SELECTBOARD SPECIAL MEETING
Monday, March 7, 2016

Present: Lamont Barnett, Joshua Hearne, Peter Golec, Ann DiBernardo, Stefan Golec

Also Present: Willis Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Windham County Sheriff Keith Clark; Bellows Falls Police Chief Ron Lake; Colin James; Charles Hunter; Mike & Julie Nauceder; Marty Gallagher; Deborah Wright; Sanford & Kathy Martin; Evelyn & Brad Weeks; Whit Blauvelt; Judy Lidie; Kristin Fehrenbach; Bonnie North, James Sawtelle; Maryann McArdle; Mark Batchelder; Ellen Krackmyer; Leslie Marston; Kathleen Govotski; Tom Hennon; Brattleboro Senator Becca Balint; Bob Davison; Virginia Driscoll; Eric Johansen; Sue Hernandez; Mary Narkiewicz; Attorney Steve Ankuda

Press: Joey Powers, FACT8; Nancy Cavanaugh, Eagle Times; Susan Smallheer, Rutland Herald; Joel Slutsky, The Shopper; Howard Weiss-Tissman, VPR

Call to Order: Meeting was called to order at 7:00 p.m. by Chairman Lamont Barnett

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

Approve Minutes of March 1, 2016: *Peter Golec made the motion to approve the minutes of March 1, 2016 as printed. Motion was seconded by Ann DiBernardo. Motion passed unanimously.*

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

- Charles Hunter asked the Selectboard to consider the following as a ballot article for the Special Town Meeting scheduled for May 17, 2016 and realizes that it would be a non-binding article. "Shall the voters of the Town allow the placement of a detention center within the legal boundaries of the Town of Rockingham?"
- Hunter also stated that at the January 5, 2016 Selectboard Meeting he had requested that a performance audit of the Development Office over the last 8 years be done and make a list of projects undertaken vs. projects completed by the Development Office and is reiterating that request. Hunter stated that he hopes the current Selectboard will immediately see to much needed changes in the Development Office.
- Deborah Wright stated that as is listed in statute, 5% of the voters are typically required to petition the Board for an article and there is a petition being circulated now.
- Kristen Fehrenbach read a letter on behalf of Merritt Schnipper, Rockingham resident, who was not able to attend this meeting. The letter requested that the Selectboard consider his thoughts in choosing a local resident to be appointed to the committee for the Justice Center being proposed. The letter was not presented to the Board.

Manager's Report: None

Agenda:

1. WCSD Appointment to Advisory Committee – Sheriff Keith Clark was present and is requesting an individual be appointed by the Rockingham Selectboard to serve on the advisory committee for the Justice Center. Clark stated that he understands that this cannot be a member of the Selectboard but is requesting that an individual be appointed who could bring input to the committee and take information back to the Selectboard. Clark stated that he is also forming a second group that will review the location, scope of the project, finances and operations of the facility and asks that anyone interested in being on this committee contact him directly. Clark stated that he will not be a member of this committee.

Barnett opened the discussion up to the public and reminded individuals to address either the Chair or the Board members and not to directly speak to either Chief Clark or other members of the audience. Barnett also reminded those present that this is not a municipal project and is not under the direction of the Board. P. Golec reminded the Board that the board has been advised by legal counsel to not take a position as a board as should the zoning application submitted be rejected the Selectboard would be the next step for an appeal and taking a position would compromise the process.

Questions and comments were asked by many individuals and most were answered by Sheriff Clark regarding the number of individuals on the committee and the voting impact of the committee. Clark stated that the number is between 9 and 12, the committee meetings were not public meetings and it is not a yes/no committee. The second committee number is not set yet. Clark did state that he would like a board appointment by April 1.

Barnett also stated that the only information that the Town has is the zoning application and that is a public record. Barnett stated that other information would be available from Sheriff Clark.

Tom Herson noted that this isn't the first contentious issue as other projects, namely a prison, a landfill and a dam were all issues which the Selectboard did have a role in and that the people look to the Selectboard for guidance. Barnett explained that those projects were different – the dam issue resulted from a tax appeal by TransCanada; in the landfill issue the Selectboard is responsible for solid waste within the Town; and the prison was a State project and the State requested a town vote. Herson also asked if this project is funded with federal grant money. Clark stated that it was not.

An individual from Westminster asked the Selectboard to schedule another public forum. Barnett stated that the previous forum was not a Selectboard forum but was a Sheriff's forum. Stearns stated that the Selectboard was not involved and that he, as Manager, provided the space for Clark to hold his forum and he would do so again if requested by Sheriff Clark. Hearne asked that if another forum were to take place that a moderator be used and asked Clark if he would be agreeable to that. Clark stated that he would.

Barnett reiterated again that this is a Selectboard meeting and not a public hearing and the Board is bound by Rules of Procedure and that questions are directed to the Chair or the Board and not to individuals.

Marty Gallagher from FACT8 TV informed the group that the previous forum was available on FACT8 and other shows with Sheriff Clark were also available.

Senator Becca Balint from Brattleboro asked if the sites would qualify for new market tax credits and if that is one of the reasons that these sites are being considered. Barnett stated that he believed they were and asked the Municipal Manager. Stearns stated that they were but he does not know if that was a factor in these sites.

DiBernardo stated that she felt the Board's appointment to this committee should be done sooner rather than later as Sheriff Clark plans on closing on the property on April 15. Barnett asked that anyone interested in being the appointee should send a letter of interest to the Municipal Manager and the Board could make an appointment at the April 5 Selectboard meeting.

Sanford Martin asked what the property on Route 5 was zoned. Barnett stated that it is zoned commercial and has the ability to hook on to Bellows Falls Village water and wastewater.

The discussion then turned to Act 250, environmental concerns, endangered birds and the new market tax credits.

At the end of the discussion Barnett again reminded those present to contact the Municipal Manager if they were interested in this appointment.

2. Response to Open Meeting Law Violation: *Peter Golec made the motion that finding that premature general public knowledge will clearly place the municipality at a substantial disadvantage the Board enter executive session at 8:30 pm to discuss confidential attorney client communications and that Attorney Steve Ankuda be invited to attend. Motion was seconded by Joshua Hearne. Motion passed unanimously.*

The Board came out of executive session at 9:10 p.m. Barnett stated that the Board would be responding to 2 open meeting law violations filed by Deborah Wright and Thomas MacPhee. Barnett stated that the Board had entered executive session on March 1, 2016 for the purpose of discussing personnel and the discussion had inadvertently drifted into a budget discussion, which is not allowed in executive session. The Board is required to comment on how it will "fix" this violation and Barnett stated that the Board had now met with town counsel and would be attending a seminar on Open Meeting Law being held by the Vermont League of Cities and Towns. Barnett noted that no action was taken at the March 1 meeting.

Peter Golec made the motion that the Selectboard put into record that it responded to the Open Meeting Law violations filed by stating that the Board did indeed violate the Open Meeting Law and corrective action was taken by meeting with town counsel and by attending a seminar on Open Meeting Law to be held on Saturday, March 12, 2016 in Montpelier. Motion was seconded by Ann DiBernardo.

Barnett did apologize to the other board members stating that he had run for the Board on a particular platform and was over-anxious to get this started. Barnett then called for a vote on the motion. *Motion passed unanimously.*

Other Business: None

Executive Session: No further executive session was necessary.

Adjourn: *Peter Golec made the motion to adjourn the meeting at 9:12 p.m. Motion was seconded by Stefan Golec. Motion passed unanimously.*

Attest: _____
Kerry Bennett, Recording Clerk