

JOINT BOARD MEETING
Rockingham Selectboard & Bellows Falls Village Trustees
Tuesday, March 29, 2016

Present:

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

Rockingham Selectboard: Stefan Golec, Lamont Barnett, Joshua Hearne, Ann DiBernardo, Peter Golec

Also Present: Willis Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Attorney Brian Monaghan; Kelly Kindestin, VLCT Manager Property & Casualty Claims; Department Heads – Charles Wise, Jr; Francis Walsh; Kathleen Neathawk; Rick Angers; Ron Lake; Farmers Market Representatives Daniel Hartigan & Gary Fox; BFDDA Executive Director Mary Helen Hawthorne; Charlestown Police Chief Patrick Connors; Charlestown Fire Chief Charles Baraly; Charlestown Selectboard Chair Steve Neill; Charlestown Deputy Chief Mark LaFlam; Rockingham Fire Representative Kevin Kingsbury; Deborah Wright; Hope Brissette; Pat Fowler

Press: Joey Powers, FACT8; Susan Smallheer, Rutland Herald; Nancy Cavanaugh, Eagle Times; Maddi Shaw, Brattleboro Reformer

Stearns stated that this meeting is to be chaired by the Bellows Falls Trustees and the Village President is not present. Stearns asked that the Trustees appoint a board member to chair the meeting. *Evelyn Weeks made the motion to appoint Colin James as Chair for tonight's meeting. Motion was seconded by Sanford Martin. Motion passed unanimously.*

Call to Order: Meeting was called to order at 6:01 by Bellows Falls Trustee Colin James.

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

Executive Session: James stated that the Board would be going into executive session for the purpose of confidential attorney-client communications and asked that each board make the required motions:

Sanford Martin 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 VSA §313(a)(1) would clearly place the municipality at a substantial disadvantage by disclosing confidential communications. Motion was seconded by Evelyn Weeks. Motion passed unanimously.

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 VSA §313(a)(1) would clearly place the municipality at a substantial disadvantage by disclosing confidential communications. Motion was seconded by Joshua Hearne. Motion passed unanimously.

Sanford Martin made the motion that the Bellows Falls Trustees enter executive session to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the Board under provisions of Title 1, Section 313 (a)(3) of the Vermont Statutes and invite Attorney Brian Monaghan, Kelly Kindestin, VLCT, Municipal

Manager Willis Stearns, II and HR Coordinator Kerry Bennett to attend. Motion was seconded by Stefan Golec. Motion passed unanimously.

Peter Golec made the motion that the Rockingham Selectboard enter executive session to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the Board under provisions of Title 1, Section 313 (a)(3) of the Vermont Statutes and invite Attorney Brian Monaghan, Kelly Kindestin, VLCT, Municipal Manager Willis Stearns, II and HR Coordinator Kerry Bennett to attend. Motion was seconded by Stefan Golec. Motion passed unanimously.

The Board entered executive session at 6:08 p.m. The Board came out of executive session at 6:30 p.m. and took the following action:

Stefan Golec made the motion to authorize the Municipal Manager to sign the Reservation of Rights document as presented on behalf of the Bellows Falls Village Trustees. Motion was seconded by Sanford Martin. Motion passed unanimously.

Peter Golec made the motion to authorize the Municipal Manager to sign the Reservation of Rights document as presented on behalf of the Rockingham Selectboard. Motion was seconded by Joshua Hearne. Motion passed unanimously.

Approve Minutes of November 24, 2015: *Stefan Golec made the motion to approve the minutes of November 24, 2015 as printed. Motion was seconded by Evelyn Weeks. Motion passed with one abstention from Barnett.*

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

- Charles Wise, Planning/Zoning Office, read an open letter signed by Town & Village Department Heads expressing their support for the Municipal Manager. Copies of the letter were distributed to the Board. Barnett stated that he felt this letter opened the municipality up for a harassment lawsuit. The department heads present stated that they did not feel anyone felt harassed and just wanted to relay to the Board the support of the staff for Stearns.
- Gary Fox, Executive Director of Sustainable Valley Group, noted that the business incubator at 30 Island Street run by SVG is now an empty business incubator except for the Farmers Market and SVG offices and reports that they are working with USDA and local partners to develop a local food hub in the space. Fox noted that one business is now self-sustaining and has gone out on its own, one is on hold, and one has closed. Fox stated that SVG will be coming back to the Board with more detailed proposals and asking for support.
- Christopher Pratt, resident, stated that he works with the Bellows Falls Community Watch and has a couple of concerns. One is that a child cut his hand on the fencing along the Depot Street Bridge and would like this addressed. Also, would like the Board to consider additional lighting at the Wells Street Playground.

Agenda:

1. BFDDA Update: Executive Director Mary Helen Hawthorne was present to update the Board on the BFDDA activities and thanked the Boards for their support. Hawthorne distributed a list of activities and statistics for 2015. Hawthorne noted that directional signs

have been placed for parking areas and asked that the use of the “P” signs be considered as well. Hawthorne stated that BFDDA will be working on the Downtown Designation renewal which is due in early June.

James stated he would move item #5a – Farmers Market Request – to this point on the agenda due to the number of individuals present for this item.

5. Trustee Item

a) Farmers Market Request to use Hetty Green: Daniel Hartigan, Market Manager, was present to request the use of the Hetty Green Park and Parking Lot for the Farmers Market this season. Hartigan stated that the Market Board has met with abutters of the space and has received positive support. DiBernardo asked about bathroom facilities. Hartigan stated that there are none at this time and further stated that most farmers markets do not have public bathroom facilities. Martin asked Chief Lake to express his thoughts on traffic. Lake stated that no traffic study has been done that he is aware of. Lake further stated that he does not think this location is ideal but will help in any way he can if the Trustees approve this request. Weeks stated that she felt the Waypoint was a much better site. Stefan Golec expressed some concerns about the individuals who hold current overnight parking permits that are paid for. Hartigan stated that the Market Board is prepared to educate the public and flyers have already been made up to distribute and put on cars in the parking lot. After lengthy discussion the following action was taken. *Sanford Martin made the motion to grant the Bellows Falls Farmers Market request for use of the Hetty Green Park and Parking Lot as outlined for a 2 month trial period. Motion was seconded by Stefan Golec. Motion passed with Martin, Golec and James voting in favor of the motion. Weeks opposed.*

2. Mutual Aid Agreement with Charlestown, NH: Charlestown Police Chief Patrick Connors was present as well as Fire Chief Charles Baraly, Charlestown Deputy Chief Mark LaFlam and Charlestown Selectboard Chair Steven Neill to answer questions regarding this agreement. Connors and Baraly explained the request resulting from Charlestown’s decision to leave the Keene Mutual Aid system and remain a non-dispatch member of that organization. However, Keene did not allow them to remain a member. James asked Chief Lake what his opinion was on this agreement. Lake stated that he was good with it and the Board should sign it. Kevin Kingsbury, Rockingham Fire Department, also was present and noted that Rockingham was also OK with the agreement.

Stefan Golec made the motion that the Bellows Falls Village Corporation enter into the Emergency Response Mutual Aid Agreement with the Town of Charlestown as presented. Motion was seconded by Evelyn Weeks. Motion passed unanimously.

Stefan Golec made the motion that the Rockingham Selectboard enter into the Emergency Response Mutual Aid Agreement with the Town of Charlestown as presented. Motion was seconded by Joshua Hearne. Motion passed unanimously.

3. Town of Rockingham/Bellows Falls Village Corp. Policies

- a) Social Media Policy: Stearns noted that this policy is a recommendation from VLCT. After lengthy discussion it was decided to table this item to the next regular board meetings and the following action was taken.

Peter Golec made the motion to table the Social Media Policy to the next regular Selectboard Meeting for discussion. Motion was seconded by Joshua Hearne. Motion passed with Stefan Golec, Lamont Barnett, Joshua Hearne and Peter Golec voting in favor of the motion. DiBernardo opposed.

Sanford Martin made the motion to table the Social Media Policy to the next regular Trustees meeting for discussion. Motion was seconded by Evelyn Weeks. Motion passed with Sanford Martin, Colin James and Evelyn Weeks voting in favor of the motion. Stefan Golec opposed.

- b) Fund Balance Policy: Stearns noted that this revised policy reflects the recommendation from the auditor to increase the fund balance from 5 to 10% to 16 to 20%.

Sanford Martin made the motion that the Bellows Falls Trustees adopt the Fund Balance Policy as presented. Motion was seconded by Evelyn Weeks. Motion passed unanimously.

Ann DiBernardo made the motion that the Rockingham Selectboard adopt the Fund Balance Policy as presented. Motion was seconded by Joshua Hearne. Motion passed unanimously.

- c) Conflict of Interest Policy: Stearns stated that the changes to the current Conflict of Interest Policy were due to a federal grant audit and the present policy was missing some key components.

Peter Golec made the motion that the Rockingham Selectboard adopt the Conflict of Interest Policy as presented. Motion was seconded by Ann DiBernardo. Motion passed unanimously.

Evelyn Weeks made the motion that the Bellows Falls Trustees adopt the Conflict of Interest Policy as presented. Motion was seconded by Sanford Martin. Motion passed unanimously.

- d) Purchasing Policy: Stearns stated that this policy, like the Conflict of Interest Policy, also had missing components required by the federal grant audit.

Evelyn Weeks made the motion that the Bellows Falls Trustees adopts the Purchasing Policy as presented. Motion was seconded by Sanford Martin. Motion passed unanimously.

Ann DiBernardo made the motion that the Rockingham Selectboard adopts the Purchasing Policy as presented. Motion was seconded by Peter Golec. Motion passed unanimously.

4. Board Items

- a) Review Accessibility Evaluation of Town Hall, Library & Fire/Police Facility: Stearns noted that this evaluation is one of the requirements of the Human Rights Commission Conciliatory Agreement signed by the Town & Village. One of the criteria is that a self-evaluation be done by the ADA Coordinator. Stearns stated that he, as ADA Coordinator, did not feel that he was qualified to perform this task and Andrew Crane of Vermont Accessible Environments was hired to do this evaluation. Stearns noted that many items were identified and the most urgent was the accessibility to Town Hall through the alley between the Town Hall and People's United Bank. Construction of this project will begin on Monday. It is likely that meetings will have to be held elsewhere during this project. Stearns also noted that the handicap parking space in front of People's United Bank is not sufficient and the parking space next to it will have to be utilized as well to be compliant. Stearns stated that the Board should review this evaluation and decisions will have to be made in the future of accommodations to be made.

5. Trustee Item

- a) Farmers Market Request to use Hetty Green Park – see above.
- b) Appointments to WCSO Advisory Committee: No action was taken.

Other Business:

- Hearne asked the status of the sink hole over the railroad tunnel. Stearns stated that the railroad line foreman and staff from ECI have been taking measurements. In addition, Matt Mann from Windham Regional Commission is working on this.
- Barnett noted that an anonymous donor had in the past donated funds to have the brush cleared from the bank across from the library and asked if there was any way to get an excavator in to remove some of the debris. Stearns stated that this belongs to the railroad and we would be working in the railroad right of way with railroad flaggers and is not sure that our excavator would work. Stearns stated he will look into this.
- Stefan Golec noted that it was announced that TransCanada may possibly be selling the dams. Golec also asked about the possibility of an email policy.
- Deborah Wright announced that the group, Voices of Rockingham, would be meeting on Thursday, March 31 at 7:00 pm at the Windham Antique Center.

Adjourn: *Peter Golec made the motion to adjourn the meeting at 8:40 p.m. Motion was seconded by Joshua Hearne. Motion passed unanimously.*

Attest: _____
Kerry Bennett, Recording Clerk