

ROCKINGHAM SELECTBOARD REGULAR MEETING  
Tuesday, August 2, 2016

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

Also Present: Willis Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Bellows Falls Bike Project - Bonnie Anderson, Executive Director; Fred Tipton, Shop Manager; Gary Fox, Treasurer, and Bonnie North, President; Matt Mann, Windham Regional Commission; Paul Petraska, Margaret Perry, Jim Kolodziej; Jim Mitchell; Deborah Wright; BFDDA Executive Director Mary Helen Hawthorne; Joel Love; Amy Robillard

Press: Matt Farkus, FACT8; Maddi Shaw, Brattleboro Reformer; Tory Jones Bonenfant, Eagle Times; Susan Smallheer, Rutland Herald

Call to Order: Meeting was called to order at 6:30 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 July 19, 2016: *Peter Golec made the motion to approve the minutes of July 19, 2016 as printed. Motion was seconded by Joshua Hearne. Motion passed.*

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

- James Mitchell asked that the issue of the Bartonsville Bridge debris that was buried in the Town gravel pit be addressed. Mitchell also stated that he had filed a complaint with Attorney Tracy Shriver. Stearns noted that if an investigation has been filed then the Board should not speak on the issue. Bartonsville resident Paul Petraska stated that the residents of Bartonsville are upset and asked if the buried debris was contaminated. Stearns stated that the pressure treated and creosote debris was not buried. DiBernardo stated that she had a letter written by Susan Hammond that she would like read into the minutes. Deborah Wright read the letter as follows:

*Chip Stearns  
Rockingham Town Manager  
Cc: Rockingham Select board  
31 July 2016*

*Chip,*

*It is without question that so many of the residents of Bartonsville, the town of Rockingham and beyond were angered by the complete disregard you had for us and the select board in your actions in the disposal of the remains of the Bartonsville Covered Bridge. The remains of the bridge were not just any pile of timbers, but had a great deal of sentimental value to so many of us. While the insurance company could not 'sell' them that does not mean they were worthless and could be quietly buried under a mound of fill.*

*For nearly five years, the residents of Rockingham had their hands tied about what could be done with the large amount of trusses, chords, siding, and timbers that were recovered at great expense after Irene. They sat in town pit in limbo and sadly rotting away. Over the past five years I have been asked many times from people who were interested in using the remains for various projects how they could obtain them. I had to tell them they were owned by the insurance company and until they released their hold on them there was nothing that could be done with them.*

*We were all shocked to find out that the insurance company had given you instructions weeks ago to 'get rid of them' We were even more shocked to learn that you chose to tell no one about this directive and took it upon yourself to instruct the highway department to bury what was left in the pit. If the question about the remains of the bridge was not raised during the July 23 joint board tour of Rockingham would this information had ever been released to the residents of Rockingham?*

*I have so many questions about this incredible lapse of judgement and irresponsible act on your part that I am not sure where to start. But I think we all have the right to know at least the following:*

- 1. Why did not you not inform the select board and the residents of Rockingham about the decision of the insurance company to release their hold on the bridge remains? You had several opportunities at the manager updates at select board meetings in June and July to make this announcement.*
- 2. What exactly did the VLCT insurance company tell you that could be done with the remains once they relinquished their hold on them? Were you instructed to destroy them? If so why and how did some of them end up in the hand of private parties to build things on their properties? Including, I have been told, your own which is another issue altogether that I trust the select board will address.*
- 3. Why did you not consult with the select board or any of the residents of Rockingham about what would be a fitting way to get rid of the remains that had both some financial value and a great deal of sentimental value. There were likely many more options available than the method you chose.*
- 4. Why did not you not update the select board or for that matter anyone in Rockingham and Bartonsville that two 40 foot sections of the remaining trusses were sent to Tim Andrew's for his project. Tim has now informed me that he is done with them and they need to be cleaned up from the test site soon. If we had known Tim had sections of the bridge, those of us who cared about the Bartonsville bridge remains could have raised funds to have them returned to Rockingham. We are now rushing to raise funds and find a place to store the remains safely before Tim gets rid of them.*

5. *What exactly has happened to all the remains? We know Tim took 80 feet of trusses and that someone has pressure treated and creosote treated sections in their private property in NH. There were a lot of other sections as per the inventory attached done by Wade Masure. Was all of this buried at the pit? Many of the pieces were very useful and had some financial value even if the insurance company was unable to sell them.*
6. *Are you certain that all pressure treated and creosote treated sections were kept out of their burial ground. If not this seems to an illegal dumping of environmental hazards. Even if only the non-hazardous wood was buried it does not seem very wise to bury wood debris on the bottom of tons of fill. What happens when the wood disintegrates? It does not seem to me they would make a stable base for the bank behind Hanson Savage's land. If the pit is sold, doesn't the town need to disclose that there is potential environmental hazards buried in the pit and liable to address it?*
7. *What happened to all of the huge steel bolts that held the trusses and chords together? Were they also buried? At the very least they should have been appropriately recycled or sold for scrap.*
8. *I cannot help but wonder what other decisions have you unilaterally made during your tenure as manager that should have had involved consultation from the governing board of Rockingham. Or at the very least should have been made public as part of your manager's update. This incident seems to me to be yet another example of your lack of communication with the boards and your disregard for the views of the residents of Rockingham and their right to know.*

*I am sorry that I cannot be at the select board meeting this week to ask these questions in person. Please have this letter read and submitted into the minutes. I and many others look forward to hearing your explanation for this absolutely incredible lack of judgement on your part.*

*Susan Hammond  
Bartonsville, VT*

Barnett asked Stearns if he wished to respond to this issue. Stearns began with the minutes of September 2, 2014 at which time Selectboard member Susan Hammond stated that the Bartonsville Bridge Committee had indicated that they were no longer interested in the bridge debris. Selectboard Chair Thomas MacPhee then directed Manager Chip Stearns to inform the Vermont League of Cities & Towns that the Town of Rockingham was not interested in purchasing the debris. Stearns continued with emails between him and VLCT Kelley Kindestin and Barns & Bridges Tim Andrews. In September 2014 VLCT released some of the debris to Andrews for testing. In the spring 2016 Stearns communicated to Kindestin that there was an individual interested in some timbers for a small bridge on private property. Kindestin approved this as well. VLCT then asked that Stearns "get rid of" the remaining debris. Stearns stated that all metal that could be removed was removed and

was put in the Town's scrap metal pile and the remainder was buried. Stearns stated that he did not feel that he did anything wrong and the bridge debris was not owned by the Town but by VLCT. DiBernardo asked Stearns why he chose not to communicate this information to the Board. Stearns stated the debris was not owned by the Town.

Barnett asked if it was the desire of the Board to pursue an investigation. Stefan Golec stated that he recalls a discussion about the Bridge and a \$14,000 number and would like to further investigate this before any action is taken.

Barnett again asked the Board members if they wanted to pursue an investigation. *Ann DiBernardo made the motion to call the Town attorney to investigate what happened to the Bartonsville Bridge debris. Motion was seconded by Joshua Hearne.*

Stefan Golec again stated that he felt that the Manager should be given the benefit of the doubt and he would like the opportunity to review the information on this and that it could be as simple as a misunderstanding. Joel Love suggested that although the minutes are the official record that the videos of the meetings be looked at. Stearns stated that he felt that the question of ownership be established. Stearns also stated that Tim Andrews does have some of the trusses and he would be willing to retrieve these.

*Barnett called for a vote on the motion. There was one vote in favor and one opposed. Motion failed.*

Peter Golec suggested that a representative from VLCT be asked to attend the next meeting. Hearne noted that Stearns has offered to retrieve the bridge debris that Tim Andrews has and asked if this would resolve the issue. DiBernardo stated that Andrews has given these to Susan Hammond. Hearne stated that this again brings up the question of ownership.

DiBernardo left the meeting at 7:25 p.m.

*Josh Hearne made the motion that this item be tabled. Motion was seconded by Peter Golec. Peter Golec had further discussion and Barnett noted that a motion to table was non-debatable. Hearne rescinded his motion and Golec his second.*

Peter Golec stated that he felt that someone other than a board member look into the information provided. *Joshua Hearne made the motion to continue discussion on this item at the September 6, 2016 meeting. Motion was seconded by Peter Golec. Motion passed.*

Manager's Report:

- Chip sealing on Brockways Mill Road and Parker Hill will start August 18.
- A thank you picture signed by the players of the State Championship 10 & Under Cal Ripken team was received. Stearns again congratulated the team.

- Shona Grill is again attempting to break the Guinness Book of World Record for longest continuing grilling will take place this weekend and they are in need of witnesses for various time periods.
- The reclaiming and paving will take place on Pleasant, King & Lockwood beginning August 22. Stearns did note that when Pleasant Street was dug up there was already an 8” main and due to this discovery is no longer eligible for the project. Stearns stated that it will cost the Town \$11,500 to reclaim & pave and stated that this would save 45% of cost if it is done now. Stearns noted that this amount was within his authority to approve and the Board agreed.
- The TLR agreement with the BF Historical Society and the solar project in the Town gravel pit are now in the hands of the Town attorney for drafting.
- The Rockingham Free Public Library Board approved the request from the Town for reimbursement of funds from the Library renovation project.
- The paving of Cherry Hill from School Street will not happen until after school is in session.
- Auditors will be here the week of August 22.
- The Waypoint Center parking lot will be closed all day Friday & Saturday and the Centennial Lot will be closed all day Saturday for Old Home Days activities.
- The “Carnival” will be held at the Rec Center on Friday and the Rec staff will be at the Waypoint to hold Bingo during Old Home Days.
- Birch Street and Cedar Crest Road will be closed all day tomorrow for water system improvements.

Agenda:

1. Revolving Loan Fund – Eric Clark: RLF Committee member Peter Golec reported that the Committee has met on this request from Eric Clark. All questions have been answered, all permits are in place and the Committee is recommending that this loan be approved. *Peter Golec made the motion that the Selectboard approves the \$20,000.00 loan at 4% interest for 4 years and authorizes the Municipal Manager to sign any and all documents necessary. Motion was seconded by Joshua Hearne.* Stefan Golec asked what the loan was for. Peter Golec stated that Clark plans are to buy the property on Atkinson Street presently owned by People’s United Bank and the building will be renovated into a hair salon which will be operated by his wife. *Barnett called for a vote on the motion. Motion passed.*

Peter Golec also noted that committee member Peter Stolley has stated that he no longer wishes to serve on the Committee. The position has been posted and advertised and will be on the next agenda for an appointment.

2. Town Plan Revisions: Barnett noted that there are 5 minor changes specifically addressing the Downtown District and Village Center Designation maps. *Joshua Hearne made the motion that the Rockingham Selectboard approves the changes as presented. Motion was seconded by Peter Golec. Motion passed.*
3. BFADC Agreement: Stearns noted that the suspended agreement between the Town and BFADC will be up in August and the Board will need to decide what action it wished to take.

Stearns also informed the Board that no revisions had been made to \$90,000 loan from the Town to BFADC.

4. **Bike Project Road Marking Request:** A memo was included in the Board packets outlining the cost for this project should the Board approve the request. Stearns reminded the Board that should this be approved the markings would be a highway infrastructure item that will need to be maintained. The project is requesting 14 sharrows around the Bellows Falls Village. Hearne stated that these should be placed at the major intersections and entrances to the Village. Bonnie Anderson, Executive Director, noted that there is a demonstration available with pop-ups that the Board could view if interested. Bonnie North, President, stated that the mission is to promote bike safety. Matt Mann from Windham Regional Commission, was present noting that WRC is working with the Bike Project and noted that the demonstration is done in real time and the streets are chalked. Barnett stated that the bike safety goes both ways and noted he recently witnessed a cyclist riding in the middle of the road in front of a vehicle. After discussion, it was the consensus of the Board to proceed with the sharrows. Stearns also noted that the bollards that were approved at the last meeting will not need to be purchased as the Town already owns several that are not in use and these will be placed around the Village.
5. **Vilas Bridge:** Barnett asked if the Board was interested in obtaining an opinion from an attorney if the Town has any legal standing regarding the 1992 agreement on maintenance of the bridge. *Joshua Hearne made the motion to authorize the Municipal Manager to make an inquiry to an attorney with an expertise in interstate municipal law on the Town's position regarding the Vilas Bridge as discussed. Motion was seconded by Stefan Golec. Motion passed.*
6. **Discuss Possible Bridge Street Parking Lot:** Barnett noted that a number of years ago there was legislation passed to remove the substation across from the Post Office, which was accomplished. Barnett asked what the Board's feeling was on possibly inquiring on a purchase or lease of that space for 7 parking spaces. Stefan Golec stated that he thought the plan of years ago was for 27 spaces. Barnett stated that this involved substantially more space and expense. Stearns reminded the Board that the Bridge Street Bridge project, which is due to begin soon, includes a sidewalk with granite curving along this area. It was the consensus of the Board that the Manager get information on ownership of this property and if there was the possibility of a purchase or lease, and that this information be brought to the next meeting.
7. **Town-Owned Property Update**
  - a) **34 Old Terrace:** Foundation is crumbling, asbestos testing and abatement will need to be done prior to demolition. Also, there is the possibility of elimination of the sidewalk to allow on-street parking along this section of the road.
  - b) **42 Hyde Street:** Really bad shape. Also will need asbestos testing and abatement. Abutter may be interested in land purchase following demolition.

- c) 456 Rockingham Road: Town Agent is preparing to serve eviction notice. There has been no contact by previous owner.
  - d) 38 Green Street: Ruggiero will be giving an estimate for clean out of this property. Health Officer has stated that no employee of the Town or Village is to enter the building. Amy Robillard, former owner, was present and is requesting additional access to retrieve books and a video tape. Barnett stated that the building is not safe and she cannot have access but it may be possible to have Ruggiero retrieve this property. Joel Love suggested a live feed camera to help retrieve her property. Stefan Golec asked if there was any financial assistance available to Robillard. Stearns stated that there was no financial consideration upon transfer of the property to the Town. *Stefan Golec made the motion that the Town provide Amy Robillard a payment of \$1,000.00 to assist with her financial issues. Motion was seconded by Joshua Hearne.* Barnett asked Robillard if this financial payment and the retrieval of her books and video would suffice and she walks away from the remainder of the contents of the property. Robillard stated that \$1,000 would not touch the replacement of the contents, particularly her tools. *Golec withdrew his motion.* Stearns will request that Ruggiero or the Highway Department retrieve the books and video if possible.
8. FY2016 & FY2017 YTD Budget Status: Stearns noted that FY2016 has a \$1,100,000.00 fund balance as of today. FY2017 is only 1 month into the fiscal year. Stearns reminded the Board that the auditors will be here the week of August 22.
9. Selectboard Items
- a) Establish Criteria for Manager Review: Barnett stated that he had written down the following:
    - o Set goals ASAP following the March election
    - o Review of the previous Board's review
    - o Joint review occur in January/February each year

Peter Golec also commented that the review form be revised. Stearns suggested that HR compile a form and take a look at other community's forms such as Waterbury, St. Johnsbury and Lyndonville.

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

Review & Update Task List – 1<sup>st</sup> meeting of the month:

- Park & Ride: Permit issued by Planning Commission for 47 spaces with evergreen plantings along the road.
- TransCanada Negotiations: No change
- Vilas Bridge – was agenda item, see above.
- Railroad Tunnel in Square – no change since repair – nothing has moved.

Review Agenda Items for Next Meeting – September 6, 2016 (Rockingham Meeting House):

- Revolving loan fund appointment
- Continue Bartonsville Bridge debris construction
- FY2016 & FY2017 Budget Status
  
- Tax Sale
- VHFA loan program

Review Agenda Items for Joint Board Meeting - August 30, 2016:

- Downtown Parking Enforcement

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

Other Business:

- Stefan Golec reminded everyone that Old Home Days is this weekend.
- Stefan Golec also noted that taxes are due August 10.
- Hearne asked what the outcome was of the sand bid. Stearns stated that the sand was tested for all 3 bidders and that the bid was awarded to Butch Wilson and will be delivered.
- Peter Golec asked Barnett for an update on the VHFA program. Barnett stated that an email had been forwarded to the Board with a document. Stearns did state that he had one issue about the \$5,000 amount to be forgiven and would like further discussion on this. VHFA also suggested working with Windham Windsor Housing Trust. This will be put on the next agenda for discussion.

Executive Session: No executive session was necessary.

Adjourn: *Peter Golec made the motion to adjourn the meeting at 9:10 p.m. Motion was seconded by Joshua Hearne. Motion passed.*

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