

ROCKINGHAM SELECTBOARD REGULAR MEETING

Tuesday, September 6, 2016

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

Also Present: Willis Stearns, II, Municipal Manager; Kerry Bennett, Recording Clerk; Attorney Laurie Rowell; Louise Luring; N. Lincoln Divoll; Don Cenate; Sanford Martin; Deborah Wright; Susan Hammond; Charles Hunter; David Stern; Bill Lockwood; Jean Levesque; Joel Love; Amy Robillard; Robert McBride; Margot Ghia; Anne Guyon; Susan MacNeil; Rick Angers, Opera House Manager

Press: FACT8; Joel Slutsky, The Shopper; 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:

- Stearns advised the Board that the State Liquor Board has stated that the local Board of Liquor Commissioners should have approved the application for Rockingham Trading d/b/a Cambridgeport General Store at its last meeting. Barnett stated that this will be added under Agenda items.

Approve Minutes of August 9, 2016: *Ann DiBernardo made the motion to approve the minutes of August 9, 2016 as printed. Motion was seconded by Peter Golec. Motion passed.*

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

- Deborah Wright announced that the Bellows Falls Historical Society will be holding a picnic at the Riverfront Park on Saturday, September 17 at 10:00 am to 4:00 pm. Music & food will be provided. Donations accepted.

Manager's Report

- The Downtown Designation Renewal Application is available in the Manager's Office if anyone would like to look at it.
- Attorney Ankuda is in the process of negotiations with Green Lantern on the solar lease for the gravel pit.
- Attorney Ankuda is also completing the lease for the TLR with a purchase option between the Town and the Bellows Falls Historical Society.
- There will be a ribbon cutting tomorrow morning at 8:00 am for the new sidewalk in Saxtons River. Stearns stated that he will attend as will Selectboard member Peter Golec.
- Stearns stated that he will be attending a meeting tomorrow evening at 6:00 pm along with the Highway Superintendent, representatives from Reed & Reed, and VTrans with residents of Golden Hill Road on the I-91 bridge construction and the use of Golden Hill Road.

Barnett stated that lease negotiations with Green Lantern are incurring legal expenses and asked if the Board wished to continue to move forward. Stearns stated that he has been in communication with Mike Obuchowski, Building & Grounds Commissioner for the State, in reference to the recently vacated State Police Barracks adjacent to the gravel pit. It was the consensus of the Board to hold off on negotiations with Green Lantern at this time.

Agenda:

Board of Liquor Commissioners: Meeting of the Board of Liquor Commissioners was called to order at 6:10 p.m. As noted above, the State licensing commissioner has requested that the Board approve the application for Rockingham Trading Company d/b/a Cambridgeport Country Store, so when the transfer of the property occurs the license will be in place. *Peter Golec made the motion to approve the 2nd Class Liquor License and Tobacco License for Rockingham Trading Company, d/b/a Cambridgeport Country Store. Motion was seconded by Ann DiBernardo. Motion passed with Hearne abstaining.*

1. Lease of Land: Linc Divoll was present and is requesting that the lease for the land adjacent to the Rockingham Meeting House be continued for another 3 years and that Donald Cenate be added to the lease agreement. This lease will expire March 31, 2017. *Peter Golec made the motion to renew the lease between the Town of Rockingham and N. Lincoln Divoll, III for the land adjacent to the Rockingham Meeting House and to add Donald Cenate to the lease agreement. Motion was seconded by Joshua Hearne. Motion passed.*
2. Application for Use of Alcohol on Municipal Property
 - Friends of the Rockingham Library: Polly Montgomery was present representing the Friends of the Library. *Peter Golec made the motion to approve the application for use of alcohol at the Rockingham Free Public Library on Saturday, October 22, 2016. Motion was seconded by Ann DiBernardo. Motion passed with Hearne abstaining.*
 - Southern Vermont Running: Jenn Moore was present representing Southern Vermont Running and noted that this is the 3rd Annual Front Porch Marathon and liquor is served by Saxtons River Inn at the end of the race. *Stefan Golec made the motion to approve the request for use of alcohol at the Waypoint Center on Saturday, October 1, 2016. Motion was seconded by Ann DiBernardo. Motion passed with Hearne abstaining.*
3. Request for Use of Bellows Falls Opera House: David Stern from Main Street Arts was present to request that the Selectboard reconsider a decision made by the Municipal Manager for use of the Bellows Falls Opera House. Stern stated that the proposal from Main Street Arts is to do 6 shows on March 16, 17 & 18 and March 23, 24, & 25 (Thursday/Friday/Saturday). Stern noted that they would require the use of the space for rehearsals and for set assembly during non-movie hours during all of January, February and 2 weeks in March. All sets would be constructed and painted off site and assembled on the stage. DiBernardo asked if there would be anything nailed into the floor. The set would be mounted onto the stage floor and would require attaching 4 fasteners into the floor.

Stern then stated that there are 2 proposals he would like the Board to consider. The first is from Main Street Arts which is a profit sharing proposal, stating that the first \$1,000 is the Town's, the amount after this to cover their expenses and then share all profit beyond that 50/50. The second proposal is from Charlie Hunter with a flat fee of \$6,570.00 making sure that the Town was secure and fair from the beginning and the existing policies in place.

The estimate from the Manager totaled \$17,025.00 which was a total of all that was requested in the Main Street Arts proposal. This amount followed the Theater Use Policy exactly. Stern stated that Main Street Arts is asking for a dispensation from the written policy. Hunter's policy waived the cost of the facility for rehearsals and for use of the lower theater. Stern also hoped that to save additional money by using a part-time theater employee, who is also a member of the cast, as the Town representative. Hunter stated that the proposal he has suggested would compensate the town at the standard rates for all 6 performance nights and the 5 displaced classic film Wednesdays (\$3450.00). The Town would make the use of the Opera House available to Main Street Arts when it is not in use for rehearsals at no cost but any necessary staffing would be paid for (\$3,120.00). The proposal also waives the fees for use of the lower theater and the kitchen. Hunter also stated that he believes strongly that the Town needs to be protected and the revenues were calculated that the base rate of \$525.00 for a Friday or Saturday is low for theaters in the area. Hunter also noted that the policy also states that the Town would receive \$1.00 per ticket sold over 200 tickets so if the show does well the Town would receive additional funds. Hunter also suggested that if there are concerns about the impact this will have on the Town noting that the Opera House currently operates at a deficit that it be incumbent to not damage the Town revenue stream further. Hunter suggested also that the Theater Committee be reactivated noting that he had served on this committee before and would be happy to serve on it again.

Barnett stated that the only issue would be if the part time theater employee could be the Town representative. Stern stated he had spoken with this person and she has stated that she would do this. Municipal Manager Stearns stated that this employee is very part time and is not a key holder employee and is not familiar with the open and shut down process, not familiar with lighting, sound, etc. Pat Fowler stated that the part time theater employee is here when the Opera House Manager isn't and has locked up the building before. Rick Angers, Opera House Manager, disagreed with this. Angers stated that this employee has no interest in closing down a place at midnight when in the past there have been issues with people lurking in the building. Peter Golec expressed his concern about the impact this would have on the Opera House and may impact the Town's ability to show first-run movies. Peter Golec noted that should the Town be forced to decline to have a first-run movie this may result in first-run movies no longer being offered to the Town which will result in a significant loss of revenue for the theater. Hunter stated that the Town rep should be adequately trained and felt that this was getting into a slippery slope and that Main Street Arts should be able to fund this cost. Hunter also stated that he would underwrite \$1,000 to assist with the cost of the Town rep fees. Hearne stated that he liked the idea of live shows in the Opera House and agreed with Hunter that the Town rep fees should remain as in Hunter's proposal.

Joshua Hearne made the motion that the Board approve the use of the Bellows Falls Opera House by Main Street Arts at a cost of \$6,570 with the \$1.00 per ticket over 200 sold to the Town, plus additional charges for cleaning and/or use of the lower theater if necessary. Motion as seconded by Stefan Golec.

Others present spoke in support of Main Street Arts' use of the Opera House. Robert McBride of the Rockingham Arts & Museum Project offered \$500.00 to add to Hunter's offer for the Town rep costs.

Barnett called for a vote on the motion. Motion passed with Peter Golec voting no.

4. Bartonsville Bridge Debris Discussion: Peter Golec noted that a letter was read at the last meeting from Susan Hammond and asked that Ms. Hammond read her follow up letter. Golec also stated that he provided a timeline of board actions from January 2013 to present regarding the bridge debris. Hammond read her 2nd letter and noted that the debris is now stored in Bartonsville with projects being discussed for its use. Hammond stated that some of the debris has been moved to Lower Bartonsville. Hammond noted that 20 of the lattice beams, 8' in length' with rot in the middle, some of the pressure treated beams, and some of the creosol beams have been moved to Lower Bartonsville. Hammond stated that there were numerous meetings between the time that Stearns got the information from VLCT to dispose of these and felt that he should have informed the Board. Barnett stated that he is unclear about the amount of material that was in the pit, what went to Tim Andrews, and what has come back. Hammond stated that Andrews took two 40' sections of the lattice truss. Hammond noted that Andrews took these apart and found that these were so compromised that they would not work for what he was intending to do. Hammond noted that Andrews sent back to us about 60% of the 40' sections and about 20 of the lattice. Hammond noted that this was about half of the lattice section and this was because the person hauling felt he could not fit it on the truck safely to carry it back. Barnett asked if there was other material other than what went to Andrews. Hammond stated that there were other beams that went to a project in New Hampshire. Hammond stated that she believed there were 70 of those that went and 10 pressure treated and 10 creosol came back. DiBernardo asked what did not come back. Hammond noted that the 40' sections that Andrews took were cut out of 60' sections so there were two 20' sections plus two 35' lattice sections and 300' of the bottom cord that was what was reconstructed in the 1980's, so that was mostly newer material. DiBernardo stated that she recalls counting the beams and there were 100 beams between 16 and 19' long. Hammond stated that some of these were the 70 pressure treated that was part of the flooring that was renovated in the 1980's and 20 out of the 100 were the creosol beams from the original bridge. DiBernardo asked if these could have been repurposed in the Town. Hammond stated that they could if the Town had a purpose for them. Hammond stated that these had been stored in the town pit on cribbing but the original wood from the lattice over 5 years of sitting out was compromised and if these could have been made available a year after the flood there would have been much more. Hammond also noted that the insurance company really thought they could sell this at the time but they were mistaken.

Barnett noted that Stefan Golec had indicated at the last meeting that he would do some research on this and asked if he had discovered anything. Golec stated that he had not been authorized by the Board to do this and so had not.

Barnett noted that VLCT had instructed the Town to dispose of the remains that were in the pit and this was buried. The Agency of Natural Resources had informed the Town that this could not be done. Stearns stated that all debris that was buried was exhumed and he asked VLCT if Hammond could have this. VLCT responded that she could and arrangements were made to take these to Bartonsville. The remaining debris was sorted and disposed of properly by Ruggiero. Stefan Golec asked if there was any determination from ANR. Stearns stated that he has not received any official notice or fines. Stearns also stated that he has submitted a bill to VLCT for the cost of disposal. Joel Love asked why there was not more transparency from the Manager. At this time Barnett stated he was uncomfortable continuing with this conversation without seeking counsel and asked the Board if they wanted to proceed with an investigation or move on. DiBernardo stated she wanted to investigate because there were too many unanswered questions. Stearns noted that there was a motion at the last meeting to investigate this issue and when the vote was called 1 board member voted yes and 1 no and the other 3 did not vote. *Ann DiBernardo made the motion to continue with an investigation of the Bartonsville Bridge debris and authorize the Selectboard Chair to contact Town Counsel. Motion was seconded by Joshua Hearne. The vote was Hearne & DiBernardo voting in favor of the motion; Peter Golec and Stefan Golec opposed. Barnett voted yes and the motion passed.*

5. Rec Center Building Recommendation: Stearns distributed a letter from Jeff Ingram of Ingram Construction with an opinion of probable cost estimate for the exterior wall repair of the building of \$176,937. Stearns is requesting the Board's authorization to have Jeff Ingram be the construction manager with all subs contracting directly with the Town. Stearns stated that the construction manager will oversee the subcontractors but will not have the authority to make decisions. Sanford Martin noted that having a construction manager is a good idea as overseeing subs is an ominous burden. Martin also suggested that lien releases be part of the contracts. Deborah Wright asked what Ingram's costs would be. Stearns stated that this would be \$0 as this would be Ingram's contribution for a project gone south. *Peter Golec made the motion to approve Jeff Ingram as the construction manager to work directly with the Municipal Manager to facilitate the repair of the Rec Building at a cost of \$176,937. Motion was seconded by Joshua Hearne. Motion passed.*
6. Highway Department Access Permit – 268 Mandigo Road: *Ann DiBernardo made the motion to approve the access permit for 268 Mandigo Road as presented. Motion was seconded by Peter Golec. Motion passed.*
7. Town-Owned Property Update
 - a) 34 Old Terrace: No change, no activity. Stearns will come back to the Board with costs for asbestos testing and demolition.
 - b) 42 Hyde Street: Stearns stated that this building would likewise need asbestos testing and is very unstable.
 - c) 456 Rockingham Road: Stearns noted that the first notice of eviction was ignored and the Town Agent is proceeding with the eviction process.

- d) 38 Green Street: Laurie Rowell, attorney for Amy Robillard, was present and informed the Board that progress has been made, the yard has been cleaned up and the truck has been removed from the property. Rowell did state that there are a lot of items that Robillard wishes to keep but has no place to put them. Rowell also noted that no one is allowed in the building and there are items that Robillard wishes to remove from the interior and is requesting that Robillard be allowed to enter the building and someone from the town accompany her. Rowell is also requesting that the Town pay for a storage unit for Robillard for 2 years to store her belongings at a cost of \$3,200. Barnett stated that a financial offer was made at the last meeting that was rejected. Barnett also noted that the Board will not authorize any town employee to enter the building as it is unsafe. Rowell asked that the Town consider allowing Robillard and whoever she wishes to sign releases and remove the items Robillard wishes to retain. Stearns suggested that the Town place a 30 yard dumpster on the property for debris that the Town will most likely have to clean up eventually anyway. *Ann DiBernardo made the motion to place in an escrow account the sum of \$2,100 to be used for a storage unit including taxes and insurance of the storage unit, only and that all personal property be removed from the 38 Green Street property by September 30, 2016 by Amy Robillard, at which time the Town will take ownership of all remains and no further claims will be placed on the Town. In addition, Ms. Robillard will sign all releases to enter the building and remove personal items until September 30, 2016. Motion was seconded by Joshua Hearne. Motion passed.* Barnett again stated that no highway personnel will be utilized at all during this process.
8. FY2016 & FY2017 YTD Budget Status: Stearns noted that the auditors from RHR Smith were here last week and actually completed their work a day early. Stearns stated that the unrestricted fund balance at this time is \$993,285.00. Stearns also noted that we are now about 15 to 16% into this fiscal year and there is nothing outstanding at this time.
9. Selectboard Items:
- a) Revolving Loan Fund Committee Appointment: Barnett stated that a letter has been received from Sanford Martin requesting that he be appointed to this committee. *Ann DiBernardo made the motion to appoint Sanford Martin to the Revolving Loan Fund Committee. Motion was seconded by Peter Golec. Motion passed.*
- b) Vilas Bridge – Discuss Legal Action: Stearns noted that included in the Board packets was a letter sent to the Attorney General’s office requesting an investigation into the MOA regarding the Vilas Bridge. Stearns did receive a call back from that office that neither the Town nor the State was a party to that agreement. However, they will discuss this with the VTrans attorney. Stearns stated that he hasn’t heard anything further. The Board decided to wait until Stearns hears back before proceeding further.
- c) Bridge Street Parking Lot: Stearns noted that TransCanada owns the lot and asked if the Board wished to proceed with contacting TransCanada regarding a parking lot. The Board indicated that they would like to move forward.

- d) Appoint Rockingham Christmas Fund Coordinator : *Joshua Hearne made the motion to appoint Barb Joy as the Rockingham Christmas Fund Coordinator. Motion was seconded by Peter Golec. Motion passed.*
- e) Appointment to Waypoint Committee: Stearns noted that the Bellows Falls Trustees are recommending that Evelyn Weeks be appointed to the Waypoint Committee to replace Colin James. *Stefan Golec made the motion that the Selectboard appoint Evelyn Weeks as the Bellows Falls Trustee to the Waypoint Committee. Motion was seconded by Ann DiBernardo. Motion passed.*
- f) Appoint Selectboard Member to Bid on Tax Sale Properties: *Ann DiBernardo made the motion to authorize Lamont Barnett to bid on tax sale properties on behalf of the Town. Motion was seconded by Stefan Golec. Motion passed.*
- g) Appoint Selectboard Member as Voting Rep to VLCT Annual Meeting: Barnett stated that he would be attending the Town Fair on Thursday, October 6 but would not be attending the meeting the day before. Hearne stated that he would be available to attend the Wednesday, October 5 meeting. *Stefan Golec made the motion to appoint Joshua Hearne as the Town of Rockingham representative to the VLCT Annual Meeting. Motion was seconded by Ann DiBernardo. Motion passed.*

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

Review & Update Task List – 1st meeting of the month:

- Park & Ride: Stearns reported that work began this morning and the Town would be doing the fill, grading, laying the conduit and drainage pipe as the Town's required contribution to the project.

Review Agenda Items for Next Meeting – September 20, 2016 (Rockingham Meeting House):

- Green Lantern solar proposal discussion

Review Agenda Items for Joint Board Meeting - November 29, 2016: Nothing at this time.

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:

- Peter Golec noted that he would like to correct a comment he made at a previous meeting that Boccaccio's was closing. Golec stated that he has apologized to the owner and would like to publically apologize stating that this was incorrect and that Boccaccio's was not closing or moving.
- Peter Golec stated that he would be attending the ribbon cutting tomorrow morning for the new Saxtons River sidewalk.

- Stearns reminded the Board that he will be on vacation starting this Friday, September 9, and return on Monday, September 19 and will be unreachable during that time. Stearns noted that Kerry Bennett would be acting manager while he was on vacation.
- Deborah Wright stated that the “Save the Vilas Bridge” contest winners would be announced in the Windham Ballroom on October 29.

Executive Session: No executive session was necessary.

Adjourn: *Stefan Golec made the motion to adjourn the meeting at 9:47 p.m. Motion was seconded by Ann DiBernardo. Motion passed.*

Attest: _____
Kerry Bennett, Recording Clerk