

Rockingham Selectboard Regular Meeting  
Tuesday, November 15, 2016

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

Also Present: Shane O'Keefe, Interim Municipal Manager; Kerry Bennett, Recording Clerk; BFDDA Executive Director Mary Helen Hawthorne; Green Lantern Project Ralph Meima; Douglas MacPhee; Jim Mitchell; Gary Fox, Destination Bellows Falls; Pat Fowler

Press: KMO, FACT8; Joel Slutsky, The Shopper; Susan Smallheer, Rutland Herald

Call to Order: Meeting was called to order at 6:30 p.m. by Chairman Lamont Barnett. Barnett stated he would like to make a couple of announcements.

- Barnett congratulated the Bellows Falls Union High School Varsity Field Hockey Team and Football Team for their recent State Championships.
- Barnett introduced Interim Municipal Manager Shane O'Keefe noting that O'Keefe had worked for the municipality approximately 10 years ago and has been contracted to work on an interim basis for 6 months.
- Barnett then stated that Board member Hearne had an announcement to make. Hearne stated that effective this evening, he is resigning from the Rockingham Selectboard. Hearne noted that the reason for his resignation is that he is moving to Grafton and will no longer be a resident of Rockingham. Hearne thanked everyone for voting for him and stated that he has enjoyed his tenure on the Board. Hearne received a round of applause from those present and the Board thanked Hearne for his years of service.

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

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

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

- Douglas MacPhee noted that he had left the meeting of November 8, 2016 very disturbed with the process of the previous Manager's separation from the municipality and has a few questions he would like to ask. MacPhee also stated that he has had no contact with any of the Selectboard members, the Trustee members or Stearns. MacPhee noted that the Joint Board went into executive session on 11/3/2016 for evaluation of the Manager and asked if the Manager had been evaluated. There was no comment from the Board. MacPhee then stated that he heard from a reliable source that the Selectboard Chair had, during executive session, threatened the Bellows Falls Trustees. The Board had no comment. MacPhee noted that prior to the November 3 Joint Board Meeting there had been contact made with at least one individual to be an interim manager at the time when Stearns was still legally hired and no process had begun. Barnett stated that there was the possibility that there may be a vacancy and any Board member is doing their job if they are thinking ahead. MacPhee stated that until the 2<sup>nd</sup> executive session on November 8, the Bellows Falls Trustees, as they stated to Ms. Wright and to him that they had no knowledge of any interim manager and therefore

went into an executive session with the Selectboard and that the Selectboard had information about Mr. O'Keefe with no work history for him. Barnett stated that the Village President corrected that statement when they came out of executive session, stating that it was an oversight. MacPhee stated that this was a serious oversight. MacPhee then asked what the gross amount of pay that Stearns has or will receive. Barnett stated that he does not know the amount but it is a public document. MacPhee asked if he had been paid yet. Barnett stated that he did not believe so but did not know for sure. MacPhee noted that it was 6 months of pay plus what he is owed for vacation and comp time, which is a sizeable amount. MacPhee stated that as a Village taxpayer he is amazed that these things occurred and is angry. MacPhee asked if anyone else on the Board wanted to comment. There were no Board comments.

- Deborah Wright stated that it was her intent to file another open meeting law violation complaint after the meeting of November 8. However, the only ratification that was done was an addition to the agenda to move the executive session from the end of the meeting to the beginning, secondly there were 3 items on the agenda and none of those agenda items were actually a warning to the public of what was actually touched stating that you could not call a separation agreement part of a manager's contract unless you say it is a termination of that contract so the Board did not get proper warning to the citizens of the Village and the selection of Mr. O'Keefe, although he may be an appropriate selection, was not done in an appropriate manner in which all the Selectboard members and all Trustee members had an opportunity to engage, discuss and select. Wright stated that Mr. O'Keefe was simply brought here and there were no other options in the Board's second executive session, which by the way, according to the warning, was not supposed to be there. Wright asked that the Board ratify the vote but that can't be done unless you have the Board together in a Joint Board Meeting. Wright stated that her problem with the entire events is the process noting that every Board has had problems with removing a manager at different times because proper process is not followed also noting that the Vermont League of Cities & Towns has policies that cover how a board should handle an employee concerning documentation, reprimand, conversations to repair and fix problems and none of those have been done by this Board or the last Board. Wright stated that these are tax dollars that the Board is burning because it does not follow the process. Wright noted that the policies and procedures are available to every official to read and follow.
- Gary Fox, Destination Bellows Falls, wanted to remind everyone that the Annual Santa Express is this Sunday, November 20 at 10:00 am and 2:00 pm and the funds raised from this event send the Bellows Falls Middle School Band to play at the Memorials in Washington, D.C.
- Pat Fowler, Village Square Booksellers, reminded the public that the Shop Local Program has started noting that there are over 60 businesses participating this year.
- James Mitchell stated like Mr. Doug MacPhee, he also has impeccable sources and noted that the Board was put in an awkward position when Mr. Stearns prematurely reported to the Town Hall staff that he had been fired. Mitchell stated that the boards then had to scramble to find someone when he announced his firing, not his separation agreement, his firing.

Mitchell also noted that he has filed a criminal complaint with the Vermont State Police about the bridge materials noting that the Vermont League of Cities & Towns had put a value of \$16,000 on the very good timbers that got shipped to Stearns' sister's property stating that this is grand theft. Mitchell noted that bankers have come in from out of state saying how wonderful it was to work with Stearns and that is very nice but he doubts that these bankers would tolerate \$16,000 being taken from their banks. Mitchell stated that Stearns did not work for the Vermont League of Cities & Towns, he worked for the Town of Rockingham and the Village of Bellows Falls and he failed to do his duty to inform and it was not his right to take that material and give it to his family, no more than it is right for certain employees of this Village and Town to have their car serviced at the Town of Rockingham's garage free of charge.

- MacPhee asked why the minutes of November 1 do not reflect all of what Mitchell had said. Barnett stated that minutes are not a word for word recording but is an overview.

#### Manager's Report:

- O'Keefe thanked Barnett for the kind words and stated he does know many people in this area and has fond memories of working here roughly 10 years ago. O'Keefe informed the Board that he has spent the last 2 days meeting with Department Heads, attending meetings on various projects and visiting project sites.
- O'Keefe noted that the Selectboard Chair stole his thunder regarding the 2 State Championship teams and extended his congratulations to both the BFUHS Field Hockey and Football teams and they should be very proud of themselves.
- Leaf & lawn debris is ongoing until the end of November on Mondays and Fridays only. Debris should be placed in clear bags. Leaves and lawn debris is accepted at the Recycling Center as well.
- Parking ban is now in effect – no overnight parking on the streets of Bellows Falls and Saxtons River midnight to 7:00 a.m. Vehicles will be towed.
- Parking permits are available for overnight parking in the municipal lots at \$40.00 per year for residents, \$80.00 for non-residents, and \$200.00 for commercial vehicles.
- O'Keefe noted at the Joint Board meeting an employment agreement with the interim manager was discussed and noted that the agreement has been delivered to the Town & Village attorneys. O'Keefe noted that there will be documents that need to be signed soon and recommends that the Selectboard, if it so chooses, vote to authorize one of its members to execute the employment agreement based on information that has already been discussed. Barnett agreed noting that O'Keefe has already been working 2 days without statutory authority. *Stefan Golec made the motion that the Rockingham Selectboard authorizes the Selectboard Chair to sign the Employment Agreement with the Interim Municipal Manager Shane O'Keefe. Motion was seconded by Ann DiBernardo.* Wright asked if that meant that O'Keefe would not be able to handle any Village issues until the Trustees have done this also. Barnett stated that the vote taken on November 8 would suffice but this motion is to make sure. O'Keefe stated that he is here for 6 months to make sure that all the projects are handled, that all the balls are kept up in the air and to help out with the hiring of the next

Municipal Manager and wants to make sure it is all done correctly and will not sign any documents until it is done right. *Barnett called for a vote on the motion. Motion passed.*

Agenda:

1. **Manager Appointments & Authorization:** Barnett referred to a memo included in the Board packets with a suggested motion for appointments and authorizations previously approved by this Board. *Ann DiBernardo made the motion that the Rockingham Selectboard authorizes the Interim Municipal Manager Shane O'Keefe to sign any and all documents necessary relating to any agreements or contracts previously approved by the Rockingham Selectboard and to appoint Shane O'Keefe as the authorized representative to any boards, commissions or appointments held by the previous Municipal Manager. Motion was seconded by Joshua Hearne. Motion passed.*

Barnett noted that the previous manager was on the Southeast Vermont Transit board and stated that DiBernardo, who was on this board previously, has agreed to be reappointed. *Joshua Hearne made the motion to appoint Ann DiBernardo to the SEVT Board. Motion was seconded by Stefan Golec. Motion passed.*

2. **Green Lantern Land Purchase Proposal:** Ralph Meima, Director of Project Development, was present to answer any questions and discuss this proposal. It was noted that this item was tabled pending a value by the Listers Office of the 5 acres of land in the Rockingham gravel pit. O'Keefe stated that a value of \$125,000 was given by the Listers Office. Meima stated that when the company buys land for a solar array they usually do not spend more than \$10,000 per acre and this amount would be outside the budget. Barnett stated that there is still the question of whether the Town will be able to purchase the property owned by the State where the State Police barracks was previously stationed, which may be a source of additional gravel. Hearne asked Meima if hypothetically the Board agreed to this transaction and asked what impact that would have on the array if the Town was harvesting gravel. Meima stated that the parcel in question was at the north end and didn't believe there would be much of an impact. Barnett stated he did get a sense from the Board members that they were not in favor of selling this parcel at this time but would take a poll of the Board members to see where to go from here.
  - Stefan Golec stated that he is interested in hearing what Green Lantern has to say but at this point feels that the Town has a lot on its plate and feels that the Board should deal with these issues and if there is time and an interest by the Board that this can be revisited.
  - DiBernardo stated that she feels there are a lot of unknowns at this time and is hesitant to commit to this and feels that the Board is really undecided.
  - Hearne noted that if the proposal was taking more of the northern portion and if there was not a section that would intrude on the development of any other piece of the property he would be more open to it but at this point sees more potential for a commercial spot for development than as a solar field.

- Peter Golec stated that he agreed with Hearne and the only benefit he could see was that this area would not be visible to the public. He also stated that if anyone interested in purchasing the property for development would most likely want that north section as well.
- Barnett asked that Meima send a memo occasionally to see if the Board had changed its mind but for now it appears that they would not be interested in a sale. Barnett thanked Meima for his time.

Mitchell asked if Meima had looked at any alternative sites and suggested an area on Route 121 known as “Dump Corner”. Hearne also stated that he knows of a possible site near the Town’s gravel pit that may be available as well and asked that Meima leave his email and he will get the information to the property owner.

3. Recreation Center Repair Update: O’Keefe stated that he visited the Rec last Friday and again today. Peter Golec distributed photos taken at the Rec Center of the progress. Golec did state that Golec noted that framing around the windows will also need to be replaced. DiBernardo asked if this has been sprayed. Golec stated that he had discussed this with O’Keefe and the contractor suggests this also before it is closed in. O’Keefe will contact Paul’s Pest Control for a quote. Golec did note that the windows on either side of the entrance door may need to be replaced due to the length of these windows. Golec also noted that the contractor has reported that it appears that there are people disturbing the blocks that they have at the site. O’Keefe will discuss this with the Police Chief.
4. Finance Office
  - a) Review & Sign Financing Documents approved at 11/1/2016 meeting: *Peter Golec made the motion that the Board sign the documents for People’s United Bank for \$250,000 for improvements to the Town Hall and Recreation Center, and for \$500,000 for the purchase of fire apparatus for the Rockingham Volunteer Fire Department and the Saxtons River Fire Department, and from Merchant’s Bank for \$165,000 for highway equipment. Motion was seconded by Joshua Hearne. Motion passed.*
5. Selectboard Items
  - a) MOU’s with BFDDA & BFADC: Barnett noted that these 2 MOU’s were suspended in February 2015 and encourages the Board to re-activate these. *Peter Golec made the motion to reinstitute the MOU for both the Bellows Falls Downtown Development Alliance and the Bellows Falls Area Development Corporation. Motion was seconded by Joshua Hearne. Mary Helen Hawthorne, Executive Director of BFDDA, was present and noted that the MOU with BFDDA was now 10 years old and questioned whether this is actually necessary pointing out that with the exception of 2 items the rest of the document is not valid. Pat Fowler noted that she feels this should be reviewed to define what the relationship between BFDDA and the Town should be and also noted that the Development Director now has limited hours. Barnett stated that the Board was not prepared to renegotiate these documents at this time but to just reinstate them. Fox asked*

if not having an agreement would affect the tax credits. Hawthorne noted that most designated downtowns do not have these types of agreements and it will not affect tax credits. Wright noted that the agreement now states that the Town will give \$5,000 each year to BFDDA but is also supposed to provide space for the executive director, clerical support from the Development Office as well as photocopying, mailing, etc. Wright asked that the motion include the re-evaluation and possible changes to the MOU's. Barnett asked if the maker and second to the motion would like to amend the motion to include the re-evaluation and possible changes to the existing MOU's with the BFADC and BFDDA. Peter Golec and Hearne both agreed to the amendment. *Barnett called for a vote on the motion. Motion passed.*

6. FY2018 Budget Discussion: Barnett noted that the Board had originally decided to dedicate 2 hours to budget discussion following the regular meeting on Tuesdays. However, in light of the recent changes it may be worth it to schedule an initial budget meeting this Saturday. After discussion it was decided to warn a Selectboard Special Meeting for this Saturday, November 19, 2016 at 8:00 a.m. in the Rockingham Town Hall Finance Office (2<sup>nd</sup> Floor) with Department Heads.

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

Review Agenda Items for Next Meeting – December 6, 2016:

- FY2018 Budget
- Selectboard Appointment – Mitchell encouraged the Board to appoint Wright. Barnett stated that this vacancy would be posted and interested parties should send a letter of interest to the Manager.

Peter Golec stated that during a recent BFADC meeting the issue came up of the need for a Public Hearing for the BFADC and Windham Regional Commission regarding the Robertson Paper property. This would not directly involve the Town and this will be looked into.

Golec then noted that in the BFADC meeting the availability of federal funds was discussed and that there may be money out there available for repair of the Depot Street Bridge. O'Keefe stated that he felt the Town should get an engineer on board to see exactly what we are dealing with. O'Keefe noted that he was informed that the weight load has been reduced. Hearne noted the inability of the local police department to enforce weight limits was discussed. Hearne stated that on the side of a bus an empty weight is displayed and asked that the bridges be placed on the task list. Mitchell noted that busses cross this bridge daily. Gary Fox noted that the busses run 2 times a day/365 days a year and suggested that the Rockingham representatives to the Windham Regional Commission look into this. Peter Golec noted that Larry Slason, BFADC member, would like to see the bridge reports.

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

- BFDDA & Chamber Updates
- Sidewalk Discussion
- Fixed Asset Disposition Policy
- Board Appointments for Mediation

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

Other Business:

- Hearne again thanked everyone for voting for him for 3 terms. Hearne also requested that he be allowed to make the motion to adjourn the meeting tonight as his final business.
- Peter Golec noted that a memo was included in the Information Packet for the Board regarding the Municipal Manager Evaluation Form. Golec also distributed a form that has been developed from the St. Johnsbury form for the Board's review. This will be discussed at the Joint Board Meeting on November 29.
- Barnett stated that he was concerned about the status of 38 Green Street. Barnett stated that he had briefly discussed this with the Health Officer and Wise will be spending some time on this and asked O'Keefe to discuss this further with Wise to make sure that project moves forward.
- Wright announced the winners of the "Save the Vilas Bridge" competition that her company sponsored. 1<sup>st</sup> place went to the Bellows Falls Historical Society for its booklet put together on the entire history of the bridge. Wright stated that a link for this will be available soon and encouraged everyone to look at it. 2<sup>nd</sup> & 3<sup>rd</sup> places went to Bare Bone Pictures for posters and videos.
- Wright also noted that she has been in contact with the Federal Historic Preservation Agency to inquire why there has been no response to date. In this discussion the person she spoke to stated that they were advised that there was supposed to be an offer from Vermont to assist New Hampshire with this repair. Wright informed them that a full price offer was made by Vermont with some conditions and New Hampshire had rejected this. Wright stated she heard back from them yesterday and that they were not aware of this and will be checking with the Federal Highway Administration and will then give her a response. Stefan Golec noted that the Walpole Selectboard has been discussing re-routing the sewer lines currently under the Vilas Bridge to tie into the line by the old Arch Bridge on the New Hampshire side.

Executive Session: No executive session was necessary.

Adjourn: *Joshua Hearne made the motion to adjourn the meeting at 8:10 p.m. Motion was seconded by Peter Golec. Motion passed.*

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