

Rockingham Select Board - Regular Meeting
Tuesday, April 16, 2024, 6:00 pm in the Lower Theatre

Present: Chair Rick Cowan, Vice-Chair Bonnie North, Peter Golec, Elijah Zimmer, and John Dunbar, Selectboard; Scott Pickup, Municipal Manager; Gary Fox, Development Director; Diana Jones, Historic Preservation Commission; Tad Dedrick, Rockingham Lister; Bonnie Anderson, Stan Talstra, Walk Bike Committee; Laurel Green, Rockingham Conservation Committee; Ginger Driscoll, Steve Crofter, Colleen Lawlor, Residents.

Zoom: Kyle, Jamey Berrick, Residents

Press: FACT TV, Alex Stradling, Brattleboro Reformer Susan Smallheer

AGENDA

Call To Order- Chair Cowan called the Meeting to order at 6:13 p.m.

Approve Minutes of April 2, 2024: Cowan moved to approve minutes of 4/2//24, Zimmer seconded. Motion carried. **DRAFT until approved**

Additions to the Agenda for Routine Administrative Matters and/or Pressing Matters that will require ratification at a future meeting: Zimmer asked to add discussion on the Waypoint use application and consider reviewing and updating the application.

Public Comment on Items Not on the Agenda (3 minutes per person): Zimmer mentioned the flag at Hetty Green Park was faded and torn and needed to be replaced.

Manager's Report- Pickup said bid approvals were being accepted for Downtown crosswalk painting, painted sidewalk on Rockingham Street, and covered bridge repairs (one paid by Fema, one paid by Town) and hoped to award them in May. He said bids will impact Highway Department budget. Residents can pick up clear bags for leaf pickup. Pickup said sidewalk work has resumed on Pine St. and Saxtons River asphalt sidewalks will be coordinated with Springfield Paving.

1. Committee Appointments-

Cowan thanked Golec, Meghan O'Connor and Pickup for their efforts.

Animal Control Officer- Zimmer moved to appoint **Diana Jones**, North seconded and motion carried.

BF Area Development Corporation- (BFADC)- Golec moved to appoint **John Dunbar** and reappoint **Zimmer** to BFADC, seconded by Zimmer, motion carried.

Cemetery Committee- Jones confirmed Caitlin Clark was stepping down. And **Simon Spartalian** was added- appointed by committee and approved prior.

Cemetery Sexton- Golec nominated **Malcolm Potter and Manager Pickup**, North seconded, motion carried.

CT River Joint Commission (CRJC)- Golec nominated **Hayden Smith, Jeffrey Bryan to the CRJC**, Dunbar seconded, motion carried.

Conservation Commission (RCC)- Golec nominated to reappoint **Laurel Green and Peter Bergstrom**, Dunbar seconded, motion carried.

(Constable)- Golec said according to Statute this was not required.

Design Review Board (DRB)- Golec moved to reappoint **Archie Gleason, Travis Kemp and Patrick Moyna** to DRB, North seconded, motion carried.

Energy Commission (REC) North move to appoint **Peter Bergstrom** as Chair, Dunbar seconded, motion carried.

E 911 Coordinator- North moved to appoint **Gary Fox** as E911 Coordinator, Zimmer seconded. Golec said Fox was appointed as Interim last year after Chuck Wise left. Pickup said since Fox is full-time, he should stay as coordinator, current Planning and Zoning Admin are part-time, Fox agreed. Motion carried.

Emergency Mgmt Director- Golec moved to appoint **Chief David Bemis and Chief Shaun McGinnis**, North seconded, motion carried.

Fire Equipment Committee- no changes

GF Regional Chamber of Commerce (GFRCC)- Golec moved to appoint **Elijah Zimmer** as Board liaison to GFRCC, North seconded, motion carried.

Green Up Chair- North moved to reappoint **Margo Ghia and remove Amy Howlett**, Golec seconded, motion carried.

(Opera House)-North moved to **sunset Opera House Committee**, Golec seconded, motion carried.

Personnel Rules Committee- North moved to **keep Peter Golec** on for the personnel rules and union negotiations, Zimmer seconded, motion carried.

Planning Commission- North moved to reappoint **Jana Bryan, Remy Walker, and Guy Payne**, Golec seconded, motion carried.

(Pound Keeper) Golec moved to continue working with Windham County Humane Society, North seconded, motion carried.

Recreation Committee- Cowan said **Susan Hammond** has agreed to remain.

Revolving Loan Fund Committee (RLF)- Cowan said Susan Hammond has agreed and Cowan will remain. Fox said there must be two Selectboard members. North moved to appoint **John Dunbar** to the RLF Committee, Golec seconded, motion carried.

Historic Preservation Commission (HPC)- *North moved to reappoint **John Leppman, Zimmer, Annette Spaulding, Walter Wallace, Fox** to RHPC, seconded by Cowan, motion carried.*

Review Committee BF Area Senior Center (BFASC)- *Dunbar move to appoint **Hugh Haggerty**, North seconded, motion carried.*

(Solid Waste Mgmt) *Dunbar move to reappoint **Pickup and Larry White**, seconded by Golec, motion carried.*

(Town Fire Warden) *5 year appointments through 2028.*

Town Service Officer- *There have not been any volunteers. Pickup said the Police often work with folks and will confirm with PD.*

Tree Warden- *Golec nominated **Ray Perry** as Tree Warden, North seconded, motion carried.*

Tax Stabilization Committee- *Remains the same*

Walk Bike Committee (WBC)- *Bonnie Anderson, Stan Talstra, Marsha Stern, Rick Cowan and alternate Doug MacPhee appointed will replace by resignation.*

Windham Regional Commission (WRC)- *Dunbar moved to **remove Susan Hammond**, reappoint North, Zimmer seconded and motion carried.*

Berrick asked why there was no call to join these positions. Pickup said a press release went out in The Shopper for two weeks looking for interest on committees. Zimmer said some of these are Selectboard appointments only. Cowan asked the Board how they can improve public participation.

2. Designate Paper of Record for Local Advertising- *Golec moved to continue with The Shopper as the official paper for local advertising, and approve as alternate, The Brattleboro Reformer. North seconded, motion carried.* Fox said the challenges to advertising permits in The Shopper, is the week they lose in submission and for DRB permits they advertised in the Brattleboro Reformer.
3. Waypoint Center Use Application (Senior Solutions Council on Aging) and request for fee reduction- Pickup said this was in September, secondary request for fee reduction. Golec said the base fee of \$50 is not reduced, but suggested based on past reductions of \$125, with a total request of \$175. *Golec moved to approve the application use and reduced fee of \$175. North seconded and motion carried.*
4. Waypoint Center Use Application (Vermont Arts Council)- Pickup said this was a Conference on June 6. The Board determined \$50 base fee, \$5 media, and interior use of \$250, for a total of \$330. *Golec moved to approve the application and use of Waypoint Center on Juen 6th for a fee of \$330, Zimmer seconded and motion*

carried. Zimmer recommended updating the form to charge the same amount and said it did not make a lot of sense. Dunbar suggested smaller events could be under 150 people, current range went from 50-500 people. Zimmer and Dunbar agreed to review and edit the application and make recommendations to the Board.

5. Review Comments for Federal Energy Regulatory Commission (FERC)

Re-licensing BF Hydro Project #1855- Pickup said they had extended the public comment period through May 22. Fox said since the 2013 Island Revitalization study there were requests to mitigate recreation and land use issues on the island. Fox said Town has commenter status and CT River Conservancy submitted as an intervener which required a hearing process. Pickup said anyone can comment. Cowan mentioned the comment received by Cat Abbott and Colleen Lawlor on the Upper Meadows. Lawlor who lives on Darby Hill, said she is a local bird advocate and since 2018 has studied grassland nesting birds at the Upper Meadows. Pickup said they would hear from VTrans and VHB on their discussion with GRH and NE ISO for infrastructure comments. Fox referred to the Area Wide Plan and said comments should refer to the impact to Downtown Bellows Falls. Comments included granting temporary use for activities at the grassed area adjacent to the Canal on Bridge St. Cowan said that GRH owns 12 dams, many of which are in rural locations. Bellows Falls is surrounded, and there is a need for access. Zimmer agreed that GRH controls nearly all of the Rockingham's access to the CT river, and the canal divides the Designated Downtown in half. Cowan suggested folks submit to the Development Office, and suggested they share TOR comments with the Tri-board. Cowan said GRH has been very cooperative in many ways, but the application states there is no intention on updating changes for recreation use. He reminded everyone this relicensing happens once every 40 years. Golec asked if it was appropriate to address the canal walls. Pickup said yes, and added the complications with contracts with ISO are two years in advance. There are three bridges that impact operations and involve coordination. Board agreed to add maintenance of the canal wall to the comment. Cowan asked Lawlor to discuss Upper Meadows request. She said since 2018, Abbott and she had worked with GRH and the Farmer on delayed mowing, due to the huge decline in population of grassland birds. She said the State of VT identified the birds who nest at Upper Meadows: Bobolink, Eastern Meadowlarks, as Species of Special Concern, and the delayed mow would expire in 2025, the money for the farmer had been paid for by a grant. The request was to **ask that 80 acres stay in delayed mow for the 40 years of the contract** -and GRH would pay the farmer for the delay. This

request would enable nesting birds to complete cycle, one year, early mowing resulted in a total loss of babies that year. Lawlor stated the importance of maintaining the understory/foilage, which is primarily honeysuckle for birds. She said the Audubon report stated Herrick's Cove was the 4th most important birding spot in VT, and the Cove was important for bird migration, as a stopover for warblers, and other migratory birds. Fox explained that the current license was granted in 1979, but in 1986, an amendment was made requiring 'consideration to enhanced protection and mitigation of the damage to: fish and wildlife, recreation and other aspects of environment' and he said everything should be in the license agreement, including the 24 miles of recreational opportunities. Fox said they requested the Area Wide Plan be incorporated with GRH contribution to: canal walkways, aesthetics of canal walls and the coordination of maintenance activities. In GRH plan, maintenance of the walls occurred every 50 years. He said they own much of the land on the Island, which is restricted by the hydro operations. Fox said the intent of 1986 law provides adjacent Villages other means to generate economic and recreation development. We are doing what the law says. Berrick asked how the request for public comment was advertised to avoid duplicating efforts. Cowan suggested Cathy Urffer's presentation be added to the website, and anticipated RCC would comment. Dunbar suggested adding the comment link to the website. Anderson said she heard from a friend who lived at Exner Block that they spray the canal wall with something to kill the growth, is something that should be added? North referred her to Matt Cole, who the Historical Society works with. Send your comments to developmentassist@rockbf.org and development@rockbf.org or visit www.rockinghamvt.org

6. Adopt Town Highway Annual Financial Plan and Certificate of Compliance for Town Road and Bridge Standards- Pickup said this was required to receive grants and aid. The TA60 form required the signature of elected officials and tells the State Highway budget for next year's maintenance. The State uses these numbers to determine eligibility for State funds. *Golec moved to adopt the Town Highway annual plan and certificate of compliance with Board to sign, North seconded, motion carried.*
7. Award Bid for 2024 Paving- The Town had applied for and received VTrans TAP funding for the sidewalk project at School/Atkinson St. Central Elementary work will take place in 2025. The Town had received multiple bidders for 2024 paving, and recommended Springfield Paving. *North moved to award bid to Springfield*

Paving for \$645,287, seconded by Golec. Golec asked if chip seal was a separate RFP. Pickup said yes, and there were separate bids for painting and bridge work. Motion carried.

8. Award Bid for Saxtons River Sidewalks- Pickup said they only received one bid, and had additional funds for the additional work from last year. *Golec moved to award bid for \$33,600 to Springfield Paving, seconded by Zimmer, motion carried.* Dunbar asked about the length of life of asphalt vs. concrete from a maintenance perspective. Pickup said with asphalt when done correctly, it costs more money, but lasts longer, it's a trade of quantity for quality. Cowan asked about the sidewalk survey. Pickup said WRC, Colin Bratton did a survey of missing items like ADA, or sections that needed replacing but there was no condition report. Dunbar suggested identifying critical portions that were high priority and critical, such as Pleasant St. and to the SR Rec Center. Pickup said Pleasant Valley Rd. is complicated because of Right of Way (ROW) substantially more involved. Zimmer agreed that the sidewalk work seemed random and they should look at high priority locations. Pickup said recent projects usually coordinated with drainage issues like Central St. which connected Town recreation areas. He said the work on Rte 121 was substantial to rebuild, even with collaboration with Westminster. There are resource restraints, Cowan suggested the WBC might help identify high priorities, they meet on April 25.
9. Award Bid for Cemetery Maintenance- Pickup found two quality bids, with help from Listers. *Zimmer recommended AJ Landscaping & Maintenance's bid for cemetery maintenance for calendar year 2024, North seconded.* Golec said the numbers do not match up and was concerned about quality. Golec reminded the Board they had received complaints in the past. Pickup said the bid for \$3,060 was for the estimated 12-15 mowing rotations, but last season it needed to be mowed 20 times. *All in favor of hiring AJ Landscaping for cemetery maintenance, 4-1, Golec opposed.*
10. Adopt Notice and Warning for Special Town Meeting- June 22nd -Limited Agenda. *North moved that the SB agree to call for a special meeting and send a warning, meeting to be held on June 22 at 2 pm at BF Middle School. There will be two articles.* Article 1. Shall the voters of Rockingham hereafter start their annual meeting on the Saturday immediately preceding the first Tuesday in March and transact at that time any business not involving voting by Australian ballot ro

voting required by law to be held on the first Tuesday in March. A meeting so started shall be adjourned until the first Tuesday in March. Article 2. To transact any other business that does not bind municipal action. *Golec seconded for discussion.* Golec suggested changing the verbiage, remove ‘hereafter’. Town starting year 2025 (next Town Meeting). Crofter liked Golec’s suggestion, should apply to all future meetings. Cowan said that business was concluded at 11 pm, which is too late for many people. Business is conducted on one day, elected officials and school budget on Tuesday. Golec said the reason the meeting went to 11 pm, was the extra articles which are reviewed every 5 years, plus the paper ballot on the budget, when half in attendance left. He said 170 people checked in Monday and 800 people voted on the school budget, and said educated voters were the best voters. Berrick agreed on the special meeting and asked if we moved the located to not impact merchants, should that be a discussion for Saturday meetings. Zimmer said that would be something to raise at the special meeting, but there was extensive side street parking. Crofter said the Secretary of State could not find where the meeting must be in Town limits. Dunbar said an afternoon meeting would promote walking. North said it would be a good test hosting the special meeting on a Saturday at the BF Middle School. Golec said in the past they voted there. Remove Hereafter, voters in 2025 start their annual meeting on Saturday, and “thereafter”. Pickup said if the Board adopted the warning, the revision would be presented on May 7. *Motion carried.*

11. Real Estate Purchase Option Agreement and land lease for BF Train Station-

Pickup said this P&A would unlock \$10K earnest money and puts the Town in six month window to finalize interviews, complete NEPA and the 30% design, and release the final document with closing and lease execution for the Town to own the station building. He requested authorization for the option to purchase and begin the six-month window. As owner, the Town could unlock the Consolidated Rail Infrastructure Safety Improvements (CRISI) grant funds and phase 3 funding. Dunbar referred to a clause that if the Train is late they can fine, and Pg. 2 that they will charge rent and adjust it every 5 years. *North move to approve real estate option, Zimmer seconded. Discussion.* Berrick said \$10K was approved on January 2, but now the Town is spending more, referring to the Reformer. Pickup said \$10K was design ROW and additional work to NEPA building. Zimmer said the \$10K was discussed previously. Fox clarified that from the minutes of January 16, 2024, “North authorized \$10K for purchase option, Cowan seconded motion carried”, and said the timing did not work to sign the option. *Motion carried.*

Pickup cautioned that even simple changes in the agreement would cause delays of 6-8 weeks. Fox said the Attorney indicated that this was the VTrans Rail Division standard lease, and was mostly irrelevant for the Town. Pickup gave an example of the request for outside seating which would have required 10 foot fencing and this conversation went on for months. Fox said when a tenant is applying for liquor license with seating outside, permits and safety issues on the platform could be better approved then. Dunbar read the clause that the Town is paying rent, and for all improvements, the lease was \$2415/year and the Town must pay for everything including fencing. Pickup anticipated the tenant would cover those costs. Fox said Amtrak pays a lease fee which covers the Town's lease fee. Anderson asked why they will not sell the land. Pickup said they are exempt from cleanup costs, otherwise the Town must pay. Berrick said he asked on March 19, he asked what the lease would be, and was told it was typically \$1 transaction, now we are looking at \$2500/year. He asked how much Amtrak pays? Fox said lease is with State of VT and Rail System. Berrick said the Town was denied protection through the Brownfields Reuse Environmental Liability Limitation Act (BRELLA) protection, and if we are digging and uncover contaminants the taxpayers will be liable. Fox said this was why the Town was waiting for additional air sampling before the final purchase occurred. He said the reason BRELLA was denied is because it is protection of liability of contamination in the land, but the Town will not own the land, so its the State's liability. Fox said the investigation for air sampling, once Town closed on building, the RR will have all of their chemicals out of the building, while in there any air sampling will be contaminated with solvents and and any air sampling would be contaminated and tremendous amount of time and cost for environmental engineers to inventory and do the analysis of what is contaminated of inventory of material owned by RR to determine vapor contamination. Once RR clears building sampling will be cleaner, less costly adnstraight forward process and testing for remediation will be more accurate. Berrick said under program brownfields may be completed by release of hazardous material, digging and distrubing it becomes our responsibility. Pickup said State will be doing the platform upgrades at the Station, and they will have to dig to replace the platform. *Motion Carried.*

12. Review Updated Rules of Procedure for Select Board Meetings- Cowan said this was homework, they can customize time to speak, how motions are composed.
13. BF Community Bike Project Revolving Loan Fund recommendation for action- Pickup said a memo from Chair of RLF specified terms and technical aspects of

this loan which included collateral Town named as lienholder, COI and Phase I closing. Cowan said Chair Katie Dearborn is thorough and noted the contribution BF Bike Project makes for our community. *North moved to approve the loan as recommended by the RLF Committee for the Bike Project, Golec seconded for discussion. Motion carried.*

14. HPC Sole Source Agreement- Pickup said because of the significant time, he asked Board for approval to remain compliant with purchasing policy. Zimmer said they had this vendor in the past, this would produce a mapsized trifold similar to the Neighborhood Walking Tour for a cost of \$5,000. *Golec moved to approve and the sole source for \$5,000 Mary Lynch Design Services for sole source, seconded by Dunbar motion approved. North abstained. Zimmer said this was paid for by a grant. Motion carried 4-1.*

Review & Approve Orders, Bills & Warrants- *Golec moved to review and approve orders, bills and warrants. Dunbar seconded. Motion carried.*

Review Agenda Items for next SB meeting on Tuesday, May 7, 2024 at 6:00 pm

- Rules of Procedure
- Tree Grant
- Updated FERC comments
- Financials
- Updated Warning for Special Meeting on June 22, 2024

Review Agenda Items for Tri-Board Meeting- Tuesday, April 30, 2024

- Fire Feasibility Report- AP Triton
- Tax Sale
- Local plan
- VHB, VTrans presentation updates on Depot St Bridge Project
- Saxtons River sidewalks
- Public Hearing on Atkinson- final presentation #1 on Agenda

Dunbar announced Town Plan public meeting prior to the Tri Board meeting at 5 pm.

Other Business- Berrick asked for clarification that AP Triton would be on Zoom. Golec said Route 121 closed (through May 3).

Executive Session- *None needed*

Adjourn- At 9:13 pm *North moved to adjourn at pm, seconded by Zimmer, motion carried.*

Attest: _____ Recording Clerk Betsy M. Thurston_____

Betsy Thurston, Recording Clerk

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