

Selectboard Meeting Minutes

May 23, 2022

Present: Doon Hinderyckx, Frank Severy (Zoom), Pat Harvey

Guests Present: Kristen LaPell, Nancy Woolley, Cricket McCusker, Burleigh Griffith

Guests Present on Zoom: Orca, Martha Slater, Joan Allen, Dave Harvey, Todd Warnock, Troy LaPell, Kathryn Schenkman

Doon called the meeting at 6:15 p.m.

Doon confirmed the open meeting law conformity

Prior Meeting Minutes: Doon moved to approve May 9, 2022 selectboard minutes. Pat seconded. All in favor. So, approved.

Todd Warnock spoke to the board on behalf of the Vermont Gran Fondo event passing through Rochester traveling June 25th from Middlebury Gap through Hancock and Rochester over Brandon Gap. They are looking for a rest stop ideally on the right side of the road with two parking spaces and an area to set up two 10 x 10 tents and a bike rack. Doon explained that their will be an even happening on the main park on the 25th and the fire department will also have an event at the new park on the same day. Discussion ensued. A suggestion was made to ask the school about using their parking lot. Julie will forward Todd the school contact information.

Request to hook-up to the Town's sewer system: Burleigh spoke to the board asking if he could hook into the sewer system off from Eric and Teri Bowen's location. His leech field has failed and is very complicated to reinstall. Cricket spoke to the board with suggestions. Terry was not present to confirm information. Board will need to research more and get input from Terry.

Softball Tournament request for July 2nd: Kristen spoke on behalf of Mickaela Richardson. She is requesting to host a softball tournament for those 18 years or older to play at your own risk, July 2 at 9am down at the softball field. She requests a clean porta potty down by the tennis courts. She would like to suggest an entry fee for each team of \$150 to go towards the field maintenance to improve the safety of the field. She is also asking permission to do field upgrades. They would like to turn it all up and roll it out. The remainder of the funds would be used towards Skatespace. She also would like to ask food vendors to come down with food if allowed. If approved she will create a flyer with the rules and the entry form. Pat asked if the event could be named the Tim Pratt Memorial for this year. Doon made a motion to approve. Pat seconded. All in favor. So, approved.

Park Use Application for use of the New Park for the 100 on 100 relay race: This event will be held on August 13, 2022. Doon moved to approve. Pat seconded. All in favor. So, approved.

Park Use Application for Fire Dept. on June 25th: This event is for a fundraiser for Eric Belanger. They are asking to use the new park as overflow. Doon moved to approve. Pat seconded. All in favor. So, voted.

Windsor County Sheriff's Department Contract July1, 2022- June 30, 2023: New contract reflecting two 4-hour shifts. Doon moved to approve. Pat seconded. All in favor. So, approved.

Re-appointment for Town Forest Fire Warden: State of Vermont Forrest Parks and Recreation asking for the re-appointment of the Forrest Fire Warden. It will expire on June 30, 2022. This is for a 5-year appointment. Doon moved to re-appoint Ray Harvey. Pat seconded. All in favor. So, voted

Park Use Application-Library 6-03-22 through 10-07-2022, Fridays 3:30-4:30: This is for stories, games, and crafts for children. This is the second year for this event. Doon moved to approve. Pat seconded. All in favor. So, approved.

Approve Liquor License for White River Golf Club: Doon announced Tony Paige is the applicant. The license is for the golf club house and attached deck and for use out on the course. Opening day on Memorial weekend. Doon moved to approve. Frank seconded. All in favor. So, approved.

Park Use Application for the Farmer's Market, Fridays May 27-Oct 7: Doon moved to approve if they keep the format they previously used last year. Pat seconded. All in favor. So, approved.

Authorize Building Reserve expenditure: Doon noted this is to transfer funds from the building reserve into the general fund to pay James Harvey \$931.59 for rotting clapboards replaced in preparation of painting and installing the generator. Doon moved to approve. Pat seconded. All in favor. So, approved

Sidewalk Paving discussion: The board discussed sidewalk work to be constructed from the old fire station to School Street. The current contractor working for VTrans dislodged some of the granite curbing and one granite piece would not set flush because the newly installed catch basin is larger than the original one. The contractor was willing to give a quote to reset the curbing, excavate the old sidewalk, put down new gravel, tamp it, and repave. The selectboard will need to execute a contract outside the procurement. There will be other sections that will go out to bid for sidewalk work soon. The new contract will be a set price and is in the best interest of the town to conduct at this time while the contractor is onsite. Doon said ARPA funds could be used for this work for the public to move safely. Doon moved to approve. Pat seconded. All in favor. So, approved

Park Use Application for Pierce Hall 4th of July Chicken BBQ & Raffle 7-4-22: Doon moved to approve. Pat seconded. All in favor. So, approved.

Park Use Application for Pierce Hall Ice Cream Social and Historic Car Show 6-26-22: Doon moved to approve. Pat seconded. All in favor. So, approved.

SB to approve going forward with and environmental study of the high school property in conjunction with the RSUD: Kathryn read attached document to board for the environmental assessment. This is through NEPA-National Environmental Proactive Act. Frank announced that he felt it was important that the work not fall on the selectboard in this process. Pat said the environmental study will take us through another winter and the costs to heating. Frank said in

the future he is not in support of Rochester paying for the school heating costs. He felt the school owns the building and it is their responsibility to pay for it. Doon moved to make the request to move forward with the environmental study. Pat commented it is in the best interest of having this study done. She seconded the motion. Pat and Doon in favor. Frank abstained.

Joan Updates: She discussed discontinuing of a section of Bingo Road beyond the gate. Frank asked her to research what that would involve. She said she read the state statutes for instructions. She said the town will need to petition with 5% of the voters to take that action or selectboard can take that action to discontinue a section of a road. They will need to set a time and date to examine the premises and discuss and agree where to start the discontinuance of the road, also if there are landowners and condition of the road so forth. If the selectboard decide to go ahead they will need to give notice to the planning board, town clerks office and publish a notice in the paper no less than 10 days before a time and date for a public hearing. A notice will need to be sent by certified mail to any property owner who might be affected by this discontinuance. She noted the only landowner affected by this discontinuance is the National Forest Service. The selectboards decision essentially, is charged with determining whether a discontinuance would serve the public good, a necessity or convenience of the town to throw out a section of town. There would need to be records to meet the metes and bounds or if not available, the town would need to have it surveyed. She said within 60 days of the completion of the examination and hearing having been held, the selectboard reports findings to public and all interested parties will vote to decided what to do and that decision would be recorded in the town records. If the road that is discontinued happens to be the sole access to the persons property is closed, the town would have to find a way to compensate for their loss or what generally happens is the town would allow them a permanent right-of-way to give them access. She is unaware of any landowners beyond that point.

Frank explained that he met with Chris Mattrick, and they put a gate near the end on our part of the Bingo Road. He said there is 9/10's of a mile up there and there is only one landowner, the National Forest Service. He said we will need to maintain it for the next 5 years while they are logging up there. He said the road will need to be re-graveled, ditched and probably stone lined in places. He said there are about 12-15 culverts up there and a bridge. He said the road doesn't service anyone. He said in the past 50 years we haven't had to do anything with it since there hasn't been any logging up there. He thought this would be in the best interest of the town. Pat asked how much state funding would be lost by giving up that section. Frank said when he spoke with Cooter, he thought it would be around \$1,000. Pat said since the road is hydro logically connected, we would receive funding from the clean water act to fund the maintenance on the ditching and culverts. Frank agreed. Frank was waiting to hear from the National Forest Service for their advice. Doon thought it was good to look at and continue further discussion after more research.

Joan announced we have received the funds from FEMA for the 2019 storm. She is now compiling her time for the administration work she completed starting April 2019 through today for final Category Z which can be reimbursed as well. She said FEMA would allow up to \$25,000 for those costs.

Doon made an announcement to set a meeting to invite the public to comment on their thoughts on how to spend the ARPA money. The board decided to meet on Monday, June 6th at 6 pm. The warning will include the list of ideas and also the items already spent.

Meeting adjourned at 7:51 pm

Respectfully submitted,

Julie Smith

May 23, 2022

Read by Kathryn at SB Meeting

1. Environmental Assessment

FRIDAY 5/19, Vic and Kathryn had a Zoom meeting with Sarah Wraight of 2-Rivers and Erika Hoffman-Keiss of the Green Mountain Economic Development Corporation to review what needs to happen in order to meet state and federal environmental requirements in order to be eligible for government grants to develop the property and to avoid legal liability for existing environmental contamination of the property.

When property changes ownership the responsibility and liability for mitigation of environmental contaminants transfers with ownership.

There are separate state and federal liabilities that go with contamination. There are also separate state and federal processes to assess contamination and to absolve state and federal liability, respectively.

The federal program is the set of requirements under the National Environmental Proaction Act (NEPA). The state program is the Brownfields Reuse and Environmental Liability Limitation (BRELLA) program. The assessment processes are different in some ways and can run in parallel.

2-Rivers is qualified and prepared to assist projects like ours with meeting the BRELLA requirements and at least part of the NEPA program. Once the potential buyer, the Rochester Select Board in this case, advises 2-Rivers of its desire to participate in BRELLA, 2-Rivers staff, Sarah in this case, will file an application on the town's behalf to receive state approval that the site is eligible for eventual enrollment in the BRELLA program. The current owner, i.e., the School Board, must give permission for the site to be assessed for contamination. Once the application is submitted, it typically takes 3-4 weeks for a state decision on eligibility.

Following an affirmative state decision on site eligibility, the next step is for the Town to ask 2-Rivers to undertake a Phase 1 brownfield assessment. This is a "desk audit" in which a search is conducted for any existing documentation of contamination or potential contamination of the property, whether the documents are in the possession of the owner or governmental agencies.

This will cost approximately \$3,500, for which 2-Rivers has grant funds available. This process takes about a month to complete and to produce a report, which is submitted to the Vermont Agency of Natural Resources (ANR). It then takes about another month to receive state acknowledgment that the report has been completed.

When completed, Phase 1 provides relief from federal legal liability for contamination. Phase 1 must be completed within 6 months prior to property acquisition. If acquisition is delayed and occurs more than 6 months after Phase 1, then Phase 1 can be repeated and updated at a later date. Upon completion of Phase 1, the Town can apply for participation in the BRELLA program and enter into Phase 2 of the brownfield assessment.

Step 1 of Phase 2 is creation of a work plan for the on-site physical assessment for contamination, e.g., where to drill holes in the building, how many, pressure testing the underground oil tank, where to drill holes in the ground and other sampling methods to find and quantify contaminants.

2-Rivers can assist with selection of a qualified consultant to do this work, which would cost \$4,000-5,000 and take about 2 months. 2-Rivers can probably obtain funding for it. Step 2 of Phase 2 is the actual physical sampling, to be conducted by qualified contractors. Sarah advises that the time and cost required can vary depending on the specific site and level of contamination. Not knowing the HS that well, she guessed it might take 3-4 months to complete and cost \$30,000 - 35,000. The state will monitor this process and could require additional sampling beyond the work plan, which would add to the cost and time required. There are governmental grant funds available and would need to be applied for. The competition for contractors could also lengthen the timeline.

With completion of Phase 2, the buyer, i.e., the town, would have a clear picture of the property contamination and what it might cost to clean it up. The town could either proceed with acquisition or decline to buy the property at this point. If it acquires the property, it is required to clean it up. If it declines then the seller, i.e., the school board, would be required to clean up the site. There are government funds available to pay for clean up.

The NEPA process is similar to the BRELLA process in some ways but broader in scope, e.g., review for the presence of archeological and historic aspects to the site. This process may have been begun and/or partially completed by 2-Rivers staff for the Feasibility grant. Sarah will research this to find out.

Therefore, it will take about 9 months and maybe longer for the town to be able to make an informed decision about whether to acquire the property or not, as far as environmental contamination is concerned.

Two Rivers-Ottauquechee Brownfields

Site Assessment Program

**** OWNER PARTICIPATION and SITE ACCESS FORM ****

RE: _____ (site name and address)

I, _____ (print name), the undersigned owner(s), of the referenced property, agree to have my property assessed under the Two Rivers-Ottauquechee Brownfields Site Redevelopment Program (the Program). I understand that by being an active participant in this program, I am agreeing to the following conditions:

- Inclusion of my property (or interest therein) in the Two Rivers-Ottauquechee Regional Commission inventory of Brownfields sites;
- Sharing of documents and information relevant to assessment and redevelopment processes;
- Disclosing and sharing prior environmental assessment actions/records;
- Granting of Right of Access to the referenced property
- Permitting Two Rivers-Ottauquechee Regional Commission (TRORC) or its designees to share assessment information with the U.S. EPA and Vermont DEC.

I understand that:

- Information collected by the Two Rivers-Ottauquechee Regional Commission (TRORC) or its consultant(s) is public information and will be available for public review;
- The TRORC's consultant(s) is required under law to report imminent threats to human health or the environment, such as a tank that is visibly leaking fuel, to the State of Vermont;
- The environmental assessment may confirm that contamination is present on the property. Under Vermont law, the property owner is responsible for notifying the Vermont Agency of Natural Resources immediately regarding releases that have occurred. The State may require additional site assessment and/or cleanup work, which may not be funded by the Program depending on the circumstances;
- The TRORC is not responsible for the cost of any cleanup activities that may be needed at the property, and I may have to bear these cleanup costs as the current owner per existing state and federal regulations;
- Assessment funding under the Program is limited, and TRORC may elect to terminate assessment funding for this site if it deems necessary; and
- Funds for cleanup may be available separately from Vermont DEC and/or the U.S. EPA.

Subject to this permission/participation, the Two Rivers-Ottauquechee Regional Commission agrees to:

- Consider including property/site in the Program and provide access to Program benefits;
- Maintain confidentiality of owner's proprietary information (owner must specify this information);
- Consult, or have contractors consult, with owner prior to any on-site activities; and
- Provide the owner with a copy of draft and final assessment reports, which will identify whether a contaminant release occurred or is suspected to have occurred.

Property Owner

Executive Director

Date

Date

Phone: _____ - _____ - _____

Email: _____