

Selectboard Meeting Minutes

August 14, 2023

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

Guests Present: Kristen LaPell, Julie Smith, Terry Severy, Rob Gardner, Nancy Woolley, Orca Media, Kathryn Schenkman

Guests Present on Zoom: Orca, Martha Slater

Doon called the meeting at 6:16 p.m.

Doon confirmed the open meeting law conformity.

Doon moved to approve the July 24, meeting minutes with a typo correction. Pat seconded. All in favor. So, approved.

Sign Amended Consulting Agreement with Two Rivers: Doon moved to approve the agreement with Two Rivers to finish the Planning and Zoning By-laws. Pat seconded. All in favor. So, approved.

Board signature for response to Reappraisal Order: Doon shared the Vermont Department of Taxes sent a letter explaining the Town of Rochester will need to hire a firm for reappraisal for the town. Doon moved to approve signing the order for a town wide reappraisal. Pat seconded. All in favor. So, approved.

High School Repurposing Committee update: Kathryn shared with the selectboard the status of the environmental testing currently. The school was going to cover the cost of removing the underground tank so the consultants could complete the soil testing paid for by BRELLA. The school was responsible for paying for the cost of installing the interim above ground tank. The quotes came in around \$175,000. After lengthy discussion, Kathryn shared it was decided to wave the removal of the underground tank at this point. Sarah Wraight from Two Rivers said there could be an exclusion of the underground tank and if the town votes to acquire the building, the school would be responsible for the removal and any leakage in the sales agreement. Kathryn spoke with Charlie from CV Oil, who had a possible solution for a fraction of the cost for an indoor system. Kathryn asked Charlie if he could attend the next Heat Task Force meeting. Kathryn shared the information coming from DuBoise and King on the engineered flood plain and flood gate mitigation. Pat said she read the report and said they tested the school walls to hold back the water. She said it comes down to the doors. She said DuBois and King provided between \$5,000 and \$25,000 in options for holding back the flood waters. They had a manual option with someone having to put something onto the doors and the more expensive option was to install an actual flood door. The engineers would register whichever option is used with the feds as a flood proof building. The High School Committee is establishing a 501(c) 3 for managing the building. The committee would like to see the town vote happen soon for the acquisition of the building. Kathryn shared the school is not eligible for any grant money, only

the municipality could be awarded the USDA Community Facilities Grant. Rob Gardner asked if the committee could hold a couple informational meetings prior to the vote with more valuable information.

Board to approve and sign Engagement Letter for Vermont State Retirement Audit: Doon moved to approve and sign the engagement letter for the audit process on Vermont State Retirement Audit. Rochester was a chosen town to engage in the audit process. Pat seconded. All in favor. So, approved.

RVFD Fall Softball Tournament: Kristen spoke on behalf of Katelyn Bowen as a member of the Rochester Fire Department asking the board about using the field once again for a fall tournament held on Sunday, September 10 beginning at 9am. Doon moved to approve. Pat seconded. All in favor. So, approved.

Request to use the Town Office parking lot for Household Hazardous Waste Day, September 30th: Doon moved to approve hosting the Household Hazardous Waste Day on Saturday, September 30 from 8-12. Pat seconded. All in favor. So, approved.

Utilities Updates: Doon asked about the delinquent utility bills. Terry shared a list of unpaid utility bills. Doon asked that we send out a formal certified letter to each resident who is delinquent to bring them current. Terry shared no one has come forward with a wet basement. He will need to coordinate going door to door. He said there is still more water running through the wastewater system 3 & 4 than the normal amount. He shared he is more interested in helping someone who might need a solution to basement water than for it to be drained into the system. Terry said he would like to have the town take care of Cody Bowen and Trever Mears receive the 3-shot series. He said he would like to use Trever more to help Cody in assisting with the water and sewer systems. Terry shared how Trever has experience with fire hydrant installation. He praised his work and would like to use him more.

Grant Updates: Kristen shared with the board that she had reached out to FEMA and opened up an initial claim. She said the town was assigned the FEMA delivery manager today. She said there will be an initial exploratory call set up for some time this week to go over the basics of our damages and location. She said this was to determine if Rochester will need to claim with FEMA or not. Kristen said if we do pursuit, then we will have an onsite visit within the next 21 days after the call.

Pat shared she will be meeting on Thursday with the Natural Resources Conservation Services, a federal program related to waterflow and rivers. She said they are reviewing two properties, Dean Mendell and Tabitha Haynes, who have been affected by high water. Both properties are located south on Route 100.

Doon moved to adjourn at 7:11 pm

Respectfully submitted,
Julie Smith

Dear Editor,

I would like to correct and further clarify information included in the report of the August 14 Rochester Select Board meeting, published in the August 17 edition of *The White River Valley Herald*, concerning updates from the Rochester High School (RHS) Repurposing Committee.

Superintendent Jamie Kinnarney called a meeting on July 14 with members of the Committee to discuss estimates for an *above* ground interim fuel tank installation quoted at \$175,000, reported by Lyall Smith, which is currently cost prohibitive for the RSUD. Participants in that meeting were Sarah Wraight of TRORC, Lyall Smith, and Jamie Kinnarney, Kathryn Schenkman and Vic Ribaudó.

Smith cited reasons for the high cost as follows: the need for a large double walled tank with sensors built on a concrete pad, and the need for a heater for above ground oil line to building. A discussion ensued examining the practicality of this investment, which could be temporary, as we do not expect to be heating the repurposed building primarily with oil.

Schenkman stated her concern re the Phase II BRELLA requirement to test the soil underneath the tank in order to get a Certificate of Completion; without that COC the Town is likely be discouraged to acquire the building.

Wraight responded that if the tank were not removed now and the sub-tank soil is not examined, then the state could issue a Certificate of Completion with an exclusion of possible tank leakage. She also confirmed that the state determined TRORC can use their funds to cover the cost of tank removal at this time, but can't guarantee these funds will be available at a later date when we are "ready" to remove the tank.

If the removal of the underground tank is delayed until such time as a new heating system is being installed in the repurposed building, and oil is found to have leaked from the HS tank, the state will force the owner to clean it up. Therefore the current or any future property owner would be liable for cleanup of oil. Therefore, if the Town votes to acquire the HS building, there should be a clause in the purchase and sale agreement that RSUD would be responsible for tank removal and any required cleanup.

Jamie reported that on 3 recent tank removals in the district, including the Rochester Elementary School, no oil leak was found, and the elementary school building is older than the high school. So Jamie states there is reason for optimism that the HS tank is not leaking.

The group consensus agreed to a common sense approach, that the Phase 2 soil examination now planned should proceed without the installation of an interim above ground oil tank; that removal of the underground tank currently in use will be delayed until a new heating system is in place, contingent on input from the Town of Rochester SB.

If no Phase 2 contamination is found, then the issuance of a Certificate of Completion, with the oil tank exclusion, would be an acceptable outcome provided RSUD retains the responsibility for tank removal and potential future cleanup, which would be documented in any purchase and sale agreement with the Town. Schenkman and Ribaudó stated that they are not authorized to make decisions on behalf of the Town re this matter, and stated they will convey information to the Rochester Select Board.

In the interim, a conversation occurred between Schenkman and Charlie Martin of C.V.Oil, in which Schenkman asked Martin his opinion of the \$175,000 quote for the installation of an interim above ground fuel tank. He responded that it seemed high, but recommended a different approach, the installation in an interior tank, or tanks, that would be filled more often, but would be a fraction of the cost of an exterior above ground tank. He stated his willingness to discuss his ideas with the members of the Committee and RSUD. Schenkman passed that info on to Amy Wildt, Chair of the Heat Task Force, Jamie Kinnarney, and the Rochester SB.

Kathryn Schenkman, Co-Chair
RHS Repurposing Committee
Submitted 9/2/2023