

Middletown Springs Building Committee:

A Committee of the Middletown Springs Selectboard

**History and Progress Report -
January 2010 through May 2012
with Addendum**

Approved June 21, 2012

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Introduction:

On March 6, 2012, the voters of the Town of Middletown Springs authorized the purchase of the parcel of land upon which Parker's Service Station stood until it was consumed by fire in 2008. The wood framed shed building remains, as do the fuel tanks, concrete pad and island and other related objects.

The Selectboard is currently acting to purchase this property and has asked the Building Committee to reconvene and explore construction of a building on the site for use as a Town Office which is currently housed in the Historical Society building.

This report documents the history and actions of the Selectboard and Building Committee from 2006 to present so that the public and new members of the committee are clear about what has been done to date, the current status of the project, and anticipated actions going forward.

The need for a Town Office:

It has been widely known for a number of years that the current town office is inadequate and does not properly protect the records of the town as mandated by Vermont Law. In addition, deficiencies related to lack of space and security issues cause inconvenience to the public and elected officials.

Vermont State Statutes:

See a recap of pertinent statutes outlined in the Crane Report below.

The Crane Report:

Town office deficiencies were well outlined in a report entitled *Capital Facilities Master Plan for the Town of Middletown Springs*, dated January 25, 2006 by Crane Associates, LLC of Burlington, Vermont. This report, funded by a small municipal planning grant, was produced at the request of the Selectboard which was attempting to formulate a plan to improve the town's town office, transfer station, town garage and salt shed.

Page three of the Crane document states:

"The current municipal facilities for the Town of Middletown Springs are markedly insufficient. The town offices are now operating out of a single 400 square foot room that serves the space needs for the town clerk, treasurer, property lister, road commissioner, and Selectboard meeting room. This room also has an attached 8x10 closet that serves as the land records storage room. The entire space is rented from the Middletown Springs Historical Society and is in a wooden historic structure on the town green. Land records are at great risk of loss due to fire, water, and humidity. Records have also been stolen due to the difficulty in monitoring their use."

Page four notes the legal requirements surrounding records storage:

Chapter II, Sec. 62 of the Vermont Constitution requires all deeds and conveyances of land to be recorded in the municipal clerk's office in their respective towns. Municipal clerks, by statute and rule, must preserve, protect and maintain in an accessible manner, a wide range of records, including all those associated with the marketability of real estate, the minutes of municipal boards, grand lists and vital records. Vermont Statutes (24VSA Ch 35 1178) require Town Clerks to keep these records in a safe or vault:

"A town not already provided with a fireproof safe or vault of a sufficient size for the effectual preservation of the files and records now in the office of the town clerk, or that may hereafter accumulate there, shall forthwith procure such safe or vault."

The Summary Assessment, beginning on page six states:

The current condition of the office of Town Clerk, Town Treasurer and the remaining Town Hall is placing the Town of Middletown Springs in great liability. Two factors cause this liability to exist: storage and security.

The storage of the town records are inadequate and are likely in violation of the law. If the Town was in a civil suit with a plaintiff seeking damages due to the loss of one's property records, it would be difficult for the Town to prove they "preserved and protected" the land records that are associated with the marketability of real estate. Today, in the Town Hall, sitting unprotected on shelves are survey

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maps, land use maps, current use appraisal applications, municipal land use permits, and indices of vital records.

These records are held in wooden frame structures with exposed pipes and windows. The records are exposed to the threats of fire, humidity, water damage, mold, and theft. Some of these records, especially the survey maps, are required to be held in a vault or fireproof safe.

The security of these records and other transactions that occur in the Town Clerk's office is weak at best. Due to the quality of the windows and doors, the office can be easily broken into and records can be stolen. There is no more room in the vault, the fireproof safes are at about 95% capacity, and every year requires 2 new inches of shelf space. If another safe was bought it is difficult to see where it would be placed.

Another security threat is from the layout of the office and the type of furniture. The layout does not allow the Town Clerk to see into the room where the records are held. There have been reports of stolen records. On busy days, such as what was witnessed by the consultant on Saturday, January 14th, many people can be standing and waiting to be served, having full access to these records. On this day, some people waited approximately 20 minutes. In addition to the layout, the Town Clerk's desk poses a liability. When the Town Clerk is busy with many people there is not enough time, nor space, to conceal the paperwork sitting on her desk. People's vital records, proposed land transactions, and other confidential information are in eye's view. The Town Clerk works in a space of less than 100 square feet and there is no room to create a barrier between the public and private records.

The Crane report, limited in scope due to limited funding, made several recommendations, one of which was to build a new town office on the site of the current transfer station which was recommended to move to the town owned property on West Street. Since that time several factors including the economic collapse of 2008, two major road repair projects on Rt. 140, FEMA's revision of floodplain maps, and other issues have stalled progress on facilities upgrades.

Middletown Springs Town Plan:

The Middletown Springs Town Plan, Adopted September 25, 2007, was drafted by the Middletown Springs Planning Commission after conducting a town wide opinion survey about a variety of topics. The Plan addresses the Town Hall at line 896 as follows:

The resident survey addressed options for resolving the inadequacy of the current town office for storage of records. The largest response (37%) was the suggestion to use the former Parker's garage site at the four corners. It would provide two solutions- a way to rehabilitate the site and resolve the town office issue. Since the respondents support a village center, locating the town hall advances this goal and will make use of a key commercial parcel .

The most current Middletown Springs Town Plan, Adopted March 6, 2012, also prepared by the Middletown Springs Planning Commission, reflects the results of an updated opinion survey. It reiterates the risks associated with the current town office on page 29 and goes on to state:

The moving of the Town Office was rated by the residents in the 2011 survey as one of the top priorities. A building committee was formed in 2010 and surveyed various properties in Town, and made recommendations to the Select Board.

Formation of the Building Committee

On April 10, 2008 the Selectboard discussed forming a committee to examine options for a town office but no action was taken. The Selectboard posted a notice on August 26, 2009 seeking property suitable for a town office. The same notice was also printed several times in the Magnet. Little to no response was received. Late in 2009, several properties came on the market and the Selectboard began to evaluate them as possible sites for a town office or other municipal facility. On October 22, 2009 the Selectboard again discussed forming a committee and a notice seeking interested members was posted shortly thereafter. The Building Committee was officially formed by the Selectboard on January 28, 2010.

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Building Committee Meetings

The first meeting of the Building Committee was held on March 4, 2010. The committee met on a bi-weekly schedule between March and July of 2010. All meetings were warned and open to the public.

Accepted assumptions:

During those meetings, the committee discussed the 2006 report prepared by Crane Associates and the wisdom of accepting the priorities that had already been established by that report, namely 1) Town Office and preservation of records, 2) Town Garage, and 3) Transfer Station.

It also reviewed and acknowledged the recommendations outlined in the 2007 Middletown Springs Town Plan.

Funding:

Sources of funding were identified, researched, and discussed. Poultney Town Manager Jonas Rosenthal was interviewed regarding his success in obtaining grant funding. He suggested that funding for municipal projects was somewhat scarce, but that grants were available for library projects, historic preservation projects, handicap accessibility projects, visitors centers, and other such uses. Mr. Rosenthal's success with the \$1.25 million dollar renovation of the Stonebridge Inn using no town funds was due in part to implementing this shared use concept.

Mark McManus suggested that the USDA Rural Development program should be explored. A representative from USDA-RD met with the Selectboard on July 23, 2009 to discuss their grant and loan program as it relates to funding a new town office. Middletown Springs is eligible to receive 15% of total project cost with a cap of \$50K. Current loan term is 20 years at 4.375%. This would require a bond vote, architects plans and engineering. They will fund brownfields remediation & wastewater systems. Historic Society and Library may be eligible for funding as well.

Design Concepts

Over the years there have been a number of conceptual designs proposed to solve the problem of the town office.

Architect Mark McManus developed several concepts in response to various situations and discussions unrelated to the Building Committee. He brought them to a Building Committee meeting where they were reviewed. Various configurations and locations were proposed.

As previously mentioned, the 2006 Crane addressed the town office, transfer station and town garage. Within that report was a conceptual plan for a town office to be located where the transfer station is now. The Building Committee determined that changes to the FEMA floodplain status of the West St. property and the logistics of moving the transfer station before constructing a town office on the site made that concept less desirable.

During the last series of building committee meetings, Architect Michael Beattie prepared a conceptual design for the Parker lot that included a town office and library. This was in response to information provided by Jonas Rosenthal that grant money was available for building libraries. Despite rumors to the contrary, these were only PRELIMINARY CONCEPTUAL designs. There were NO FINAL DECISIONS made about design, style, size, layout, use, etc. since decisions of this kind result from a formal design process and such a process has not yet occurred.

Property Evaluation:

The committee proceeded to identify as many potential sites as could be found and evaluate them against a loosely defined set of criteria:

- Proximity to the center of the village
- Suitability of site (vehicle access, parking, wet/dry, slope, build-ability)
- Suitability of existing structure if applicable
- Accessibility
- Visibility

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Safety
Well and Septic
Cost

It should be noted that *proximity to the center of the village* was a high priority. A town office is in many ways the heart of a small community and should be centrally located and in close proximity to other services (post office, library, shopping) for the convenience of all who use it. Also, existing older buildings were not considered ideal due to the cost and work needed to convert them to use as a public office, make them energy efficient and handicap accessible.

Properties evaluated:

The following properties were discussed or evaluated in no particular order:

1. Town-owned property on West Street
2. Prindle property on West Street
3. Middletown Springs Public Library building including an addition to the rear of the existing building and/or purchase of the neighboring Holliman property
4. Property on the corner of West St. and Marcy Lane with a trailer home upon it
5. Middletown Springs Elementary School building or a separate structure on the property
6. David Wright rental property at South Street and Schoolhouse Lane currently containing a trailer home
7. David Wright rental property south of the above property containing a two story white house
8. House presently owned by Chris Larson
9. Barn owned by Dan McKeen, currently rented as the Town Garage
10. Town-owned old dump site on Coy Hill Road
11. Parker's Service Station property at the corner of South and East Streets

Brief overview of properties evaluated:

1. Town-owned West Street Property: FEMA's 2008 floodplain re-mapping shows the site fully in the floodplain but with no data to back up the change. Burden falls on the town to contract for engineering to determine the accuracy of the map. Location at the town's western boundary is not ideal for a town office.
2. Prindle Property - West St.: Two acres along West St. plus an additional eight acres upslope. A steeply sloped, wet site with springs and dug well may limit ability to site septic. Proximity to neighbor's well may be problematic for septic. A neighbor may have water rights from this property. Location on the edge of the village is not ideal for a town office.
3. Middletown Springs Public Library: Expansion to the rear is possible but may impact the existing septic system. Rear of the property is wet & may not be suitable for parking. Vehicle access from West St. to parking in rear is problematic due to shared driveway and lack of room for two lanes. Entry or exit at rear of property would require easement(s). Purchase of adjoining (Holliman) property would ease vehicle access issues, however the house would need renovation to be suitable for municipal use.
4. Trailer home at corner of West St and Marcy Lane: would need renovation to be suitable for municipal use. Possible parking issues.
5. Middletown Springs Elementary School - in the existing building or an addition or separate structure: Power, well and septic already in place. Laws prohibiting registered sex offenders from coming within a certain distance of a school would prevent those individuals from having access to a public building. Could be problems with possible future school consolidation. Obtaining permits to tie into school septic system and modifying the existing contract with Carl Haynes for septic system leach field may be problematic. Additions to the building may impact grant-funded playground and soccer field. An addition or separate structure at rear of building would be isolated and not visible from South St. raising possible safety concerns.

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6. David Wright property on South Street and Schoolhouse Lane (with trailer home): Slope could provide ground access on two levels, close to center of village, good visibility. Proximity to school is problematic due to sex offender restrictions.
7. David Wright rental property south of the above property: would need renovation to be suitable for municipal use. Parking and vehicle access issues.
8. House presently owned by Chris Larson: Costs for re-wiring, insulation, public safety, handicapped accessibility, and installation of a record vault made it less desirable.
9. Barn owned by Dan McKeen: Same issues as above plus lack of septic and parking space.
10. Town-owned property on Coy Hill Rd. (old dump): has a restrictive covenant.
11. Parker's Service Station: The committee determined that the Parker's Service Station property was the first choice for the following reasons: Proximity: The site is centrally located in the village and within walking distance to other services such as the post office, school, fire department, historical society, town garage, transfer station, town green and retail shops. Visibility and accessibility: A town office serves a vital role as a civic and social center in our small community and should be visible and easily accessible. Village Character: The site's location on a corner of Middletown's main intersection across from the town green has an enormous impact on the character of the village. Surveys have shown that residents place a high priority on improving the aesthetic character of the site and, indeed, on using it as a site for a town office. Acquiring the site as municipal property would eliminate the possibility that an unsympathetic use could occur there which would dramatically alter the character of the village center. Brownfields Cleanup: It was known that contamination existed on the site, but the extent of the contamination was not known. Rutland Regional Planning Commission would conduct testing to determine contamination levels and report on what measures would need to be taken to adequately clean up the site. Future Liability: Having the property move into public hands would trigger a limit on liability going forward after cleanup.

Committee Recommendations:

The committee recommended to the Selectboard that they pursue the purchase of the Parker's Service Station property.

Selectboard Action:

The Selectboard entered into discussions with Norm and Sylvia Parker and the Rutland Regional Planning Commission (RRPC). The RRPC had previously commissioned a *Phase I Environmental Assessment* which was completed by LGB, Inc. on April 2, 2007. The Parkers authorized the RRPC and LGB to perform an *Updated Phase I Environmental Assessment* which was completed on July 2, 2010 and a *Phase II Environmental Assessment* which was conducted in 2011 and early 2012. These assessments provided the information necessary for LGB to prepare a *Management Plan* for the site which was completed on March 5, 2012 and which will be used to guide cleanup and redevelopment activities on the site.

During the time that these assessments and reports were being prepared, the Selectboard and the Parkers remained in contact and subsequently arrived at an agreement for the town's purchase of the property.

The 2012 Town Meeting put the question to a vote with the ballot asking: "Shall the voters of the town of Middletown Springs authorize the Select Board to borrow an amount not to exceed \$77,300 to be financed over a period not to exceed three years for the purchase of the Parker property at the corner of South Street and East Street (purchase price of \$57,300 plus \$20,000 underground storage tank removal/site cleanup)?" On March 6, 2012 the article passed (281 yes, 144 no).

During the regular Selectboard meeting of March 8, 2012, the board noted that it would work with the Building Committee going forward. On May 10, 2012, the Selectboard officially appointed 13 interested individuals to serve on the Building Committee.

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Building Committee Reconvened:

The newly reconvened building committee held it's first meeting on April 17, 2012. Minutes of that meeting are available to the public at the Town Clerk's office.

Building Committee Responsibilities Going Forward

In it's meeting on May 3, 2012 the building committee agreed that it was acting as a subcommittee of the Selectboard and therefore had no authority to purchase, hire, contract or otherwise encumber the town unless specifically authorized to do so by the Selectboard. Therefore, the committee will act as an advisory committee which will engage in research and planning about topics including but not limited to use of the site, size, layout and style of building, site layout, funding options, professional consultants, contractors, etc. The results of this work will be presented as recommendations to the Selectboard which may choose to take action. It is the intent of this committee that it and the Selectboard will remain in close communication throughout this process so the Selectboard is able to make fully informed decisions upon receipt of the Building Committee's recommendations and understand the process used to arrive at those recommendations.

Upon making a recommendation (to hire a consultant for example) the Building Committee may, at the pleasure of the Selectboard, work with the consultant and oversee the work done, reporting back to the Selectboard along the way.

Building Committee Tasks

Short Term:

In the coming weeks, the committee will identify all the short term tasks that need to be done, assign those tasks to subcommittees, develop a scope of work and timeline and prepare a presentation for a public informational meeting, the purpose of which will be to bring town residents up to date on the actions outlined in this report, engage in a question and answer session, and gather input on the needs and desires of the community.

Long Term:

Budget, site and building design, funding options, additional town informational meetings, bond vote.

Building Committee Creed

We will proceed slowly and deliberately, yet with all due haste. We will follow a logical process of identifying the needs and desires of the community and develop a plan that addresses those. We will keep very clear, detailed records of our decisions. We will be transparent and inclusive. We will give town residents multiple opportunities to know what is happening, when it is happening, how it is happening, and to be a part of the process if they so desire. We will think carefully about what this building will be used for both now and in the future, planning ahead rather than focusing solely on solving today's problem. We will consider costs, where funding will come from and how we can get the maximum result while minimizing the amount of town tax dollars needed. We will give the residents and taxpayers of Middletown Springs a building which they will be proud of, which will serve the needs of the community for many years and which will be an asset to the village center.

Prepared by David Munyak
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Addendum 1 - Additional properties considered prior to January 2010

Actions prior to January 2010

As indicated in the above history, the need for improved Town facilities has been a lengthy and ongoing process. The present Building Committee, authorized in January 2012 is the most recent in a long line of ad hoc groups tasked with reviewing properties for town facilities including a Town Office, Transfer Station, and Town Garage. These reviews and investigations have ranged from informal discussions and "off the record" comments to appointed committees visiting properties and reporting back. Inclusion on this list means only that the property was discussed at some point, but not that it was ever offered to the town.

As such the following list is compiled from both Selectboard minutes and from memories of those parties involved and may well not be a comprehensive list. It is provided here only to supplement the list provided on pages 4 & 5 of the preceding report and to underscore the extensive and ongoing efforts of town officials.

Partial list of properties considered:

1. Earl and Jackie Parker house on the Town Green
2. The old toy factory site located behind the above property
3. Various Norton family properties, including property across from Fox Bridge on Rte. 140 and the former gravel pit on the opposite side of the road
4. Property owned by the Tarbell farm
5. A site on Many Springs Drive owned by Carl Haynes
6. A portion of property on North Street owned by Dot Reed
7. An addition onto the Historical Society enlarging the current Town Office
8. Renovation of the current Fire House into a new Town Office
9. Proposals in the above mentioned Crane Report
10. A former gravel pit now owned by the Tournet family
11. The gravel pit on Rte 140 formerly owned by Lester Parker
12. The gravel pit on Rte 133 owned by Don Smith Jr

Addendum prepared by Robin Chesnut-Tangerman