

SELECTMEN'S WORKSHOP
Minutes of 07-20-09
4:15 p.m.

Selectmen:

Peter F. Brothers, Chairman
Miller C. Lovett, Vice Chairman
Robert C. Flanders
Charles G. Palm
Colette Worsman

Co-Interim Town Managers:

John C. Edgar
Brenda L. Vittner

Recording Clerk:

Karin Landry

Call to Order: Chairman Peter Brothers called the meeting to order at 4:15 p.m. He introduced the Board, Co-Interim Town Managers, and the Recording Clerk. Co-Interim Town Manager Brenda Vittner arrived after the meeting was started.

W 09-33 AMC Dock Agreement

Co-Interim Town Manager John Edgar introduced the matter. The Board reviewed a request from the Appalachian Mountain Club (AMC) for permission to use the public docks at Lovejoy Landing at a workshop on June 15. Mr. Edgar reviewed the background of the request. The consensus of the Board at the conclusion of the June 15 workshop was to move forward to develop a draft document detailing permission for the AMC's use of the docks. The AMC reviewed the substance of the draft and both parties agreed on the wording with minor changes. The composite draft was reviewed by counsel for the Town and minor editorial changes were made. The purpose of this workshop is to review that document. Representatives of the AMC were in attendance.

The draft looks comprehensive to selectman Worsman. It cites the historical use of the landing, and the agreement will result in minimizing inconvenience to the general public. The AMC continues to use reasonable accommodations to minimize the impact on the public parking, and the agreement meets the spirit of what she was looking for.

Selectman Palm agreed. He has had favorable interactions with the Club in the past and they have instituted protocols that have reduced congestion in the area. He approves of the document.

The Chair agrees that the document sets forth the historical use of the docks and alludes to future use in terms of what the AMC and the Town are trying to accomplish.

Selectman Flanders agrees with the previous comments. The draft encapsulates what he was looking for and protects the Town and AMC.

Selectman Lovett told the Board that Will Holmes, the summer manager for the camp, was in attendance to meet the Board and answer specific questions posed by the Board.

David Carpenter of the AMC told the Board that the Club is looking forward to working closely with the Town in the spirit of cooperation.

The matter will be acted on at the regular meeting following the workshop.

W 09-34 Garage Wall Update

On April 6, 2009, the stone wall that supports the rear right corner of the annex garage failed due to the heavy spring rains. Several large and small stones fell from the corner towards the rear of AJ's Bait Shop building. Operations Manager, Paul Ristaino and Public Works Director, Mike Fallner secured the area with police tape, and a 6x6 was placed under the corner for support as a temporary measure. As required, an incident report was completed and submitted to Administrative Services.

On April 7, 2009, Joel Fisher of Fisher Engineering was on site to observe the damage and provide guidance as to an approach to repair the failed portion of the wall. The engineer outlined the issue and the suggested options. The incident was also filed with the Town's insurance carrier.

The stone retaining wall needs to be repaired for a number of reasons, primarily safety, for the Town's property and the abutters' property.

The options are:

1. Demolish existing garage, new exterior to tie into existing house, and re-build existing rock retaining wall at failure. Approximate cost: \$18,000.
2. Excavate existing failed foundation wall at corner only, shore building, including 2x8 PT sill, pour concrete foundation. Approximate cost \$22,600.
3. Excavate existing failed foundation wall; entire length of wall, shore building, including 2x8 PT sill, pour concrete foundation. Approximate cost \$61,200.00
4. Excavate failed foundation from corner back to Highland Street, remainder of wall to extend out 20 ft. to new concrete wall. Shore building, including 2x8 PT sill, pour concrete foundation. Approximate cost \$68,300.00

This is an unexpected expenditure for 2009; the decision will affect the 2009 budget. There are two contingency amounts that could be utilized for this unexpected expenditure; however, one line item is \$30,000 in the 2009 budget which was included in the "hold" items due to economic conditions. There is a \$20,000 operating contingency reserve that could possibly be utilized if need be.

Mr. Fallner and Code Enforcement Officer Bill Edney were in attendance to answer questions posed by the Board.

Dialogue ensued regarding the pluses and minuses of each approach.

Option number one includes a relocation of the electrical panel at a cost of an additional \$1,750. It is a band-aid fix to the corner. The hydrology problems extend further than the corner of the building and there is a significant bow in the stone wall at the rear of the building. The Board reviewed photographs of the failed retaining wall.

The Chair pointed out that the wall needs to be stabilized and fixed from a safety standpoint. The question is which option to take. Dialogue ensued regarding the current use of the Annex and anticipated needs for interior space vs. parking. The garage is not used for parking at this time. An antique fire truck was stored in the garage last fall, but it is currently empty. There is a storage platform above the garage that is not being utilized at this time. If the garage is removed, the exterior must be resided and an exterior stairwell must be added as a requirement for egress from the building. The cost of shoring the garage up and making it usable space vs. the cost benefit will impact the Board's decision.

Selectman Flanders is in favor of repairing the entire length of the wall. He inquired whether the new retaining wall will be engineered to meet current standards. The engineer was not engaged to prepare plans, but to give estimates and determine the scope of what needs to be done. Option 4 includes incorporating enough steel to meet the current standards. The earth behind the wall would be excavated to alleviate hydrology problems.

Three construction options are contingent upon permission from abutting landowners for access. Verbal permission has been obtained at this time.

Selectman Palm suggested getting rid of the garage. If the structure is gone, it will be less labor intensive to rebuild a retaining wall. Bill Edney agreed that it may make sense. The space the garage is located on has the potential to provide for extra parking.

The Chair questioned the value of the footprint in terms of office space going forward. Mr. Edgar told the Board that the footprint has more value than the structure occupying it. Office space might be added to the space in the future, but the structure probably won't be rehabilitated.

Selectman Lovett inquired whether the wall will be disrupted if future owners wish to add a garage on the footprint. Mr. Edney indicated there will be no problem with setting footings or foundations in the future.

Although the Annex is not well designed for office space, Selectman Worsman believes the Town has made it work. It is strategically located behind the main Town offices. Additional parking is needed. The garage does not make sense but for its resale value. It is dead space that is not currently being utilized. She is leaning towards removing the garage and repairing the wall.

Co-Interim Town Manager Brenda Vittner pointed out that the matter will have to be revisited sooner rather than later if the entire back wall is not repaired. The relocation of various personnel between the Town Hall and Annex will result in a change in traffic flow into the building which should be considered.

Selectman Flanders is in favor of eliminating the garage and repairing the entire length of the wall. It is the most cost-efficient way to get the job done.

Dialogue ensued regarding the addition to the building behind the garage. Selectman Palm suggested removing that portion of the building. That section of the building suffers from water problems, has a flat deck, and a file room that is unheated. The foundation under the addition is in much better shape than what is under the garage.

There was a general consensus among the Board that two more options should be explored:

5. Demolish the garage and repair the entire retaining wall
6. Investigate demolishing the rear addition or razing that portion of the building and repairing the foundation. In addition, the garage would be demolished and the entire retaining wall will be repaired. This option includes looking at the layout of the entire building, how we anticipate needs, and how the removal of the addition will impact the use of existing space.

Every option requires an easement. Mr. Edgar suggested putting easement language in writing as soon as possible so that abutters can be approached. Dialogue ensued regarding phasing of the project over two budget seasons. Selectman Worsman suggested seeking an opinion from Geddes, a company that specializes in lifting buildings, for an additional proposal price to repair the foundation. The work will be bid out once a path has been chosen by the Board. A workshop will be scheduled to review additional information regarding options 5 and 6.

09-35 Old Stage Road Discussion

Resident John Kenney asked the Town to repair substantial water damage sustained to the class VI road leading to his home on Old Stage Rd. during the storm event of August 2008. Approximately one mile of the Class VI road is utilized by Mr. Kenney. There are no other homeowners utilizing the road. There is a long driveway leading to Mr. Kenney's home from the Class VI road. Mr. Edgar set forth the location of the property in detail. Although his property can be accessed from Chase Rd., there is severe damage to that road at this time and Mr. Kenney is cutting across private property to access his land. Mike Faller included the costs associated with repairing to the road in his submission to FEMA. The request was rejected because of the class VI status. LGC advised that the Town should not spend money because it will run the risk of the road being reclassified to a class V road by virtue of that action. Reclassification of the road would open up the area for subdivision, which is not an acceptable outcome.

A member of Mr. Kenney's household has physical disabilities, and he is concerned about emergency access to his residence. A statute adopted in the mid-90's provides that if there are emergency response needs broader than individual needs, a road can be designated as an emergency lane, making it exempt from reclassification. Fire Chief Ken Jones walked the road to Mr. Kenney's driveway and determined that fire apparatus cannot reach his property whether or not the road is repaired. Repairing the road would make the area more accessible for fighting forest fires. The Chair pointed out that improving the road would have the disadvantage of

making the area more accessible and increasing the opportunity for fire. Mr. Faller estimates the repairs to the road at approximately \$6,000. Mr. Edgar was not able to contact Mr. Kenney to invite him to attend the meeting.

Selectman Worsman expressed concerns about setting a precedent in agreeing to repair a class VI road. The statute refers to private roads or private ways, which in effect are driveways. There were a number of residents who were responsible for repairing storm damage to their driveways after the major rain event last summer. She suggested exploring laying down gravel and opening up the road if he agrees it will be billed to him as a betterment assessment.

Selectman Flanders pointed out that it is not fair to ask taxpayers to pay for repairs to a road that benefits one household.

The item will be continued in an upcoming workshop.

Selectman Lovett motioned to adjourn the meeting at 5:30 p.m. Seconded by Selectman Flanders. 5-0. Motion passed.

Respectfully submitted,

John C. Edgar, Co-Interim Town Mgr.

Peter F. Brothers, Chairman

Brenda L. Vittner, Co-Interim Town Mgr.

Miller C. Lovett, Vice Chairman

Karin Landry, Recording Clerk

Robert C. Flanders

Charles G. Palm

Colette Worsman