

**TOWN OF SPRINGFIELD
SELECTBOARD HALL – 96 MAIN STREET – THIRD FLOOR
SPECIAL SELECTBOARD MEETING
APPEAL OF DEMOLITION ORDER
MONDAY, April 15, 2024**

APPROVED MINUTES

A. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair, Kristi Morris, called the meeting to order at 6:01 pm. Pledge of Allegiance was recited, and Roll Call was taken.

Selectboard Members: Chair Kristi Morris, Vice Chair Michael Martin, Michael Schmitt, and Tara Chase were present in-person. Heather Frahm was not in attendance.

Administration: Town Manager Jeff Mobus and Town Attorney Steve Ankuda were present in-person.

Unsafe Building Committee: Planning and Zoning Administrator/Deputy Health Officer Chuck Wise, Fire Chief/Health Officer Paul Stagner, Deputy Health Officer John Claflin, and Structural Engineer Todd Hinderger were present in-person.

Public: Appellant Will Hunter of Community Restoration Corp, Inc was present in-person.

B. Hear Appeals by owner Community Restoration Corp, Inc. to Unsafe Building Orders for the following properties:

- 1. 52 Valley Street**
- 2. 67 Furnace Street**
- 3. 105 Clinton Street**

Chair Kristi Morris discussed the purpose of this meeting was to hear appeals for orders given on three properties. Chair Kristi Morris noted that SAPA TV was recording the meeting and would be the document of record. Chair Kristi Morris administered the following oath to the participants that would be providing

testimony. “Do you solemnly swear or affirm that the testimony you are about to give is the truth under pains and penalties of perjury.” The participants that would provide testimony stood, raised their right hand, and affirmed the oath.

Chair Kristi Morris discussed that there are three properties in question, and he would like to hear them separately to start with, so they will go through them one at a time. Chair Kristi Morris added that they will discuss the orders and confirmed that Mr. Hunter had received documentation of the orders and acknowledged he had received the orders through a signed affidavit.

Steve Ankuda discussed that they should go through the process to put the process “on record”, how they had a committee, who was on the committee, and they (the committee) did submit a report and then the selectboard had a hearing on that committee report, and how it got to the structural engineer. Steve Ankuda continued that they should review the engineer’s report and the substance of the testimony should be the engineer to go through and say what he did and his opinions. Steve Ankuda added that then it would be appropriate for Mr. Hunter to cross exam anyone he wants on this.

Chair Kristi Morris discussed that the Town of Springfield does have Unsafe Building Ordinances. Chair Kristi Morris continued that under that Unsafe Building Ordinance on sections 819-822 the Selectboard has to determine that there is perhaps a violation and then the Selectboard determines that they want to have an inspection committee consisting of the Health Officer, Deputy Health Officer, and Structural Engineer. Chair Kristi Morris added that committee consisted of Paul Stagner, Fire Chief/Health Officer; John Claflin, Deputy Health Officer; and Todd Hindinger Structural Engineer. Chair Kristi Morris further added that they inspected the properties (valid for all three properties).

Chair Kristi Morris discussed that each one of them on their own has to complete a report that is fairly brief in nature, it is a check the box thing on what the conditions that they are finding the building in and if they are in violations of Sections 819-833, and then there is a written portion of that for a recommendation on what the determination is for remediation of that property. Chair Kristi Morris noted that for 52 Valley Street it was ordered to be repaired or demolished. Chair Kristi Morris added that the Selectboard receives the findings from the inspection committee, then issues the orders to the owner of

the property following receipt of those reports, and then the owner has the probability and potential to appeal that order, noting that Mr. Hunter has appealed at least portions of the findings for the orders and that is what they are taking testimony on.

Michael Martin corrected that the order for 52 Valley Street was that the structure be vacated and be demolished, not repaired.

52 Valley Street

Chair Kristi Morris continued that they do have the findings, Mr. Hunter the owner of the properties has received those findings, notices went out, it has been ordered to be vacated immediately and demolished within 90 days, and the inspection was on December 11th, 2023, on January 22nd, 2024, the Selectboard received the report of the committee, and the owner of the properties has a certain number of days that they can appeal.

Steve Ankuda commented that they are sitting as an appellate Board and he thinks they should have in the record exhibits and testimony that they can then go into deliberative session so they can figure out what they are going to do, so he thinks it is appropriate to have the committee talk about what they found, and it gets into the record.

Todd Hindinger Structural Engineer discussed that the site visit of the committee was actually on January 3, 2024. On January 3, 2024, the committee, and also the Zoning Administrator Chuck Wise, went to 52 Valley Street. Todd Hindinger read through his report. In terms of Article 2 Unsafe Building Ordinance for the property at 52 Valley Street he had two findings, both being that the building was dangerous and unsafe in accordance with the definition of the ordinance. Item checkbox two by reason of faulty construction or other cause is liable to cause injury or damage by collapsing or be the collapse or fall of any part of such structure. His other finding for dangerous unsafe was that it has parts thereto which are so attached that they may fall or injure members of the public or the property. Then specific to the structure itself, this structurally unsafe definition, the first finding was that those whose interior walls or other vertical structural members list lien, are buckled to such an extent that a plumb line passing through the center of the gravity, center of gravity falls outside the middle third

of the base and the other finding for the definition is that those which have improperly distributed loads upon the floor or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose use.

Todd Hindinger discussed that he identified some specific elements that that applies to and then the notes summarize the bulk of the reason for these findings, and the main structure was not entered by the committee. They made their observations primarily from the outside, also looking through gaps and cracks in the exterior and through windows. He had previously been to and inside the structure with the owner in January of 2021. The building is open to the elements through the roof. There are two distinct openings through the roof slate that allow water to enter the building. The slate is obviously loose in the areas where the roof sheathing is rotting due to direct water exposure, it's reasonable to conclude that an undue amount of slate will be released from this roof, which is an elevated risk persons in the debris zone. The structure is not open to enter other than by crawling through an open window in the basement. The doors were closed and could not be easily opened.

Todd Hindinger discussed that there are three large chimneys in poor condition. All three have bricks and the top courses that have fallen off and more are loose. The northerly chimney is cracked and leaning over the side. Bricks could be observed loose on the roof and other bricks can be observed having fallen from the roof directly below the Southeasterly chimney. The falling bricks are an elevated risk to persons in the debris zone. There are several roof rafter failures evidenced by the bowed roof shape, most pronounced at the westerly side of the north and south roofs. The outward movement of the brick wall also indicates support of the second-floor framing is reduced or weakened.

Todd Hindinger then explains what he meant by that wall being weakened, brick walls for this type of structure are held in place by bracing to other parts of the structure by both, one the brick wall connections to the existing floor systems and roof framing systems, and two the ability of the floor and roof systems to be competent enough to provide something to brace to. Obvious failures of the connection system that should be present to hold the brick wall to the interior wooden structure can be observed as evidenced by outward movement of the

wall. These failures can be seen at both the second-floor level and at the roof eave. It is reasonable to conclude that the brick wall is no longer adequately attached and braced. The southerly brick wall is bowed heavily and at risk of collapse. When the wall falls it is likely to involve the collapse of some of the second-floor framing and the adjacent roof. The brick wall is decayed and there are areas of loose and missing brick mostly along the base of the wall on the northwest corner. Distinct cracks are present in several locations.

Todd Hindinger discussed the observations through the basement window show extremely rotten sub floor material. The fire department should not enter the structure unless the competence of the floor system is confirmed. He made the following recommendations at the time of inspection: that the building be ordered vacated and that the structure be demolished. And in making the recommendation for the structure to be demolished, it is in his opinion that the cost to repair the structure to make it sound and stable such that it is brought into compliance with the ordinance and related state permitting will be between three times to six times the current assessed value of the structure. This was based on an assessment of the structure that we had the Zoning Administrator provided the time that was in the ballpark of \$22,400. So that would be to bring the structure in conformance with the ordinance, he thought it would be somewhere between \$67,000 and \$134,000.

Todd Hindinger discussed that it is not thought reasonable to order the structure repaired due to the expertise needed to plan. That's the design work that would be needed by an engineer and execute the construction by masons and carpenters. The complexity of the brick and framing work needed and due to the relatively high cost to complete this work compared to the value of the structure. Thus, a demolish order is recommended. And then he qualifies that by saying it would be reasonable to reconsider this recommendation if the owner can sufficiently demonstrate that the resources necessary are available and can be brought to bear in a reasonably near-term timeframe. He then suggests that the building be secured.

Todd Hindinger discussed that he attached three photos in his report. One is the westerly wall, and on the westerly wall, there's a section of the structure that's been removed from the westerly side. And in that photo, there are some

interesting items for the structure, most notably just the deterioration and decay of the brick. In the bottom left-hand corner, the photo you can see that hole and then you can see there are some cracks in the brick. Then photo two is looking easterly along the southerly wall. This photo is a good perspective of the bow that they're talking about, the wall bows outward. And you can see that shape. If you just imagine a straight line along the eave, you can see that bowed shape. But just as concerning is that you can see that same bowed shape at what would be the second-floor level. So just above that door opening, that movement outward exists there as well. And that is sort of a testament to what he was saying before about the connection between the wall itself and the second-floor framing, is no longer sufficient to pull that wall in. And narrow, tall brick walls become vulnerable when they lose that connection. And then the last thing in this photo is you can see a crack of separation of the brick on the left-hand upper side and as the wall tries to bow out at that corner those cracks open up, they weaken the ability of that corner to hold that wall in place. Photo three, this is the southwesterly corner of the roof. The rafter failures that he discussed in the notes before are the rafters in this vicinity they're exposed to water and the slate is loose and the brick is falling off the chimney there. This is that water exposure that he was talking to the interior framing. And so, you can see the rafter the rafters that would exist in that vicinity are deteriorated and when they deteriorate, then the system that pulls the top of the brick walls together is compromised.

Todd Hinderger discussed that they also have included in the package the Fire Chief and Health Officer individual report and then their combined committee report. In some instances, they have checked the same box. In some instances, only things applied to the structural engineer and some things only applied to them (Fire Chief and Health Officer). Like for example he (Todd Hinderger) is the only one who checked the structurally unsafe building sections in the report, but we have some overlap in the dangerous and unsafe sections.

Todd Hinderger discussed that for this building he sent just a few more photos that he thought would be helpful if they get into any details, just so they have some other perspectives. Continuing the same numbering format, photo four is the north wall, the structure. And here, this is the opposite side of photo three.

And so, we can see where those rafters are on the other side. But the other thing we can see in this picture is the masonry headers are deteriorating. And so, you see that little downward bow shape over both of those windows. And then photo five, this is just a close-up view of the other of the first photo of the same side of the building the westerly side, just to give you a sense of what that hole looks like. And also, he's noting that as that brick deteriorates, it will include the failure of the wall above it. So, you can see in that masonry coating that's been added next to the chimney opening, you can see as the brick decay is below, it starts to begin and propagate up the wall you see those diagonal cracks starting. And then photo six is the southerly wall up at the top and this is a zoom in of another location where the rafter has been exposed to dislodged slate and water. And you can see the rafter tail is rotten off sufficiently that there's a hole up into that space. And then photos seven and eight are just looking inside the basement window opening. And here, he is pointing out a couple things in both the photos, perhaps photo eight is a little bit better. But what you can see is that the floor existing floor sheathing, or we would call it sub floor is rotten and does not no longer has the strength that needs to hold up what would be the floor loads. And then then we can see in these two photos, some obvious floor framing deficiencies with for two things. One is the old floor joists that are there were are very rotten. And then the replacement joists that were put in are nailed, or in this case, they were screwed to that. And there are some code issues with this. That is the rafter should be supported both their ends, the end should be blocked in place. We should be framing joists, connectors, and things. And so, the floor repairs that were done are sufficient.

Fire Chief Paul Stagner discussed that he wanted to note that the committee includes three people as it was, a structural engineer, the Fire Chief as designated as the Fire Chief and their responsibilities, and a health officer, noting that the Fire Chief is a required member of the committee acting as Fire Chief and not as a Health Officer. Fire Chief Paul Stagner added that Todd Hinderger read everything that was found on his (Fire Chief) specific report, noting that there's two other things that he (Fire Chief) stated differently than what was read that the other committee members stated. That was number one under a dangerous or unsafe building or structure was checked by himself because of faulty construction, abandonment, decay, lack of proper repair, or

any other cause susceptible to fire constitutes or creates a fire hazard. And then the other one he checked, that was not mentioned yet is number five by reason of age neglect, want of repair, action of the elements, destruction, either partial or total by fire or other casualty or cause is dilapidated, ruinous, decayed, filthy abandoned, unstable are infested with vermin, or dangerous so as to constitute a material menace or danger in any way to adjacent property or to the public, noting those were the same additional boxes the Health Officer noted as well. Health Officer John Claflin noted that there was nothing else noted for this property in addition to what was mentioned.

Will Hunter of Community Restoration Corp, Inc discussed that he read the report and he had previously talked with Todd Hindinger, noting that he had not talked with the other committee members about the findings. His request would be that there be a period of time allowed, noting that as of today the second round of Vermont Housing Improvement Program, which is designed by the legislature to allow dilapidated buildings to be brought back to life and code, to deal with the housing crisis that the State is facing. His request would be that there be time allowed, so that he can determine whether funding will be available through that, to bring the building back. He is aware of the engineer's estimate of what the cost would be, but he would like to see whether there's a possibility of having something that is more affordable than the six times the assessed value that he has suggested. The building is currently secure, it's not accessible to anybody. It was mentioned climbing in through the basement window that can certainly be secured. Windham Windsor Housing Trust now has the application available on the website. Now that that's available, he would request that they be given a chance to see whether a renovation project is feasible and can be funded.

Chair Kristi Morris discussed it was understood that the grants have just been announced and that they will be forthcoming and hopefully awarded to properties that could use that to rehab their existing structures and to make the improvements. Chair Kristi Morris noted that he is hearing one offer from the structural engineer as to an anticipated or expected cost range, and he inquired if Mr. Hunter could offer any insight to perhaps an engineer that may have looked at it that could satisfy that request.

Will Hunter responded that the only engineer who's looked at it, is Todd Hindinger. Will Hunter added that he understands, and he explained very well what the issues are with a brick wall and there's got to be a solution to that so that there isn't a danger of collapse. Will Hunter continued that some of the issues having to do with the chimneys, the chimneys are probably all going to be all removed so that they're going to be gone. Will Hunter stated that he can't give a lot of specifics.

Will Hunter discussed that he is not quite sure how these three properties got picked, noting that as you drive around town, you see a lot of other ones that they have issued orders and nobody appealed, but a little further down on Valley Street, there's a building that he knows has been a topic of concern here before. Will Hunter continued that this building (52 Valley Street) does not seem to pose an imminent threat to the public and therefore, it would seem to him that allowing some time now that the funding is available, to see whether their renovation is feasible to get this back online, providing housing. Will Hunter noted it's been quite a number of years since anybody lived in the building. Will Hunter further added that they haven't talked about the cost of demolishing it but obviously, there's a significant expense involved in demolishing as well.

Chair Kristi Morris responded that since he has been on the board, they have received orders on well over a dozen properties, burned out structures, structures in various ranges of collapse, there was three of them that were burned out, and those were remediated. Chair Kristi Morris continued that there was a three of them that went through the full appeal process that went up through the courts and ultimately, the Town did win, and the courts were able to take those structures down. Chair Kristi Morris added that he (Mr. Hunter) mentioned one property up the street on Valley Street and they just met as a Selectboard last Monday (4/8/24) night and they approved a bid for taking down three properties in town and there's one of them on Valley Street. Chair Kristi Morris noted that one of the properties is further up on Valley Street and the owner was granted time to try to take that down himself and that that time period has expired. Chair Kristi Morris further added that they are approaching upwards of 20 properties that they have looked at and issued orders on and Mr. Hunter was correct that a lot of the owners of those properties took care of

themselves. Chair Kristi Morris further discussed that they have received complaints on these three structures.

Will Hunter commented that he knows the property across the street, which went up to the Vermont Supreme Court, and he thought the length of time that that took was something like five years, and he would much rather work collaboratively than in opposition. Will Hunter added that he did not know if it is within the discretion of the Board to allow a recess to see whether something's feasible or whether they need to make a decision and then it gets appealed and gets on an endless docket in the Superior Court. Will Hunter continued that he would rather try to work together and then in an adversarial way. Chair Kristi Morris responded that the Board would appreciate that as well. Chair Kristi Morris added that there has been other structures that they have afforded the owner opportunity, however, that comes with somewhat of a plan just to award time. Chair Kristi Morris confirmed that allowing extra time was in the Board's purview to allow, but other structures that were afforded time provided reasons why it needed to be extended, such as it being wintertime and contractors being hard to find to do the demolition or rehab the building.

Chair Kristi Morris inquired if Will Hunter had a detailed plan to provide to the Board for the time extension. Will Hunter responded that the funding source (VHIP) is now available and working within the constraints of that with the consultation with Windham Windsor Housing Trust, who he worked with on another building on Valley Street that they brought back and made it habitable again. Will Hunter added that he put in a request months ago for VHIP and was notified that day that now the application is available on the website and can get filed, noting that's the reason that there's been some delay in coming in with specifics. Will Hunter continued that he was requesting to work with the Zoning Administrator or the Unsafe Building Committee to come up with a plan and to come back to the Board.

Michael Schmitt noted that Will Hunter mentioned that the property has been uninhabited for quite some time, and inquired how long he has owned the property and during that time what mitigations to the structure problems and the debris and brush removal had he made. Will Hunter responded that Community Restoration Corporation has owned the property for about four

years, and they did do work, noting that Todd Hinderger pointed out some problems with the support of the floor that were done under our ownership, and they did secure the building so that people cannot come and go inside, and that's been primarily what they have done. Will Hunter continued that they had an electrician come in and do some preliminary work and figure out what was going to be needed for wiring, they had consulted with somebody about the heating plant, but they have not had the funding to move ahead, noting that they had been in contact with the Fire Marshall when they first started.

Michael Schmitt inquired again about trash removal, debris and brush removal, and community improvement of visibility at the site. Will Hunter responded that there's more of a mess now because people have dumped stuff there, but he could make sure that the outside is cleaned up. Michael Schmitt inquired if it would be done on an ongoing basis. Will Hunter confirmed.

Michael Martin inquired if in the course of the 4 years if any of the contractors had provided any estimates as to what repairs or cost would be associated for restoration. Will Hunter Responded that the electrician had provided estimates from a while ago, noting that he does not have an overall budget. Will Hunter referenced what they did before with Windham Windsor Housing Trust on the other building was working with Paul Martorano and they came up with a budget for renovations working with contractors and others, but they haven't gotten to that stage yet. Michael Schmitt asked to confirm that the decision to restore the property was not made. Will Hunter confirmed.

Michael Martin asked to confirm that no action really was taken other than securing the exterior from entry as well as an attempt to secure the floor joist that was shown in the photographs. Will Hunter confirmed. Michael Martin continued that was the only structural repairs that were made. Will Hunter confirmed and added that when they bought the property it had one room where the floor had fallen into the basement and that was the work that they did that Todd Hinderger took pictures of, bringing that floor back up. Will Hunter continued that they have secured it so that nobody can be coming in there.

Michael Martin inquired that in the 90 days since the order was issued, no other additional structural engineers or attempts were made to get estimates for remediation and repairs. Will Hunter confirmed. Will Hunter continued that his

hope was that the VHIP program would be up and running and that he'd be able to come before the Board now with some indication as to whether or not it's fundable through them. Michael Martin inquired if VHIP was the same program that they've been offering for a number of years now, there's a \$30,000 grant for the restoration of vacant buildings. Will Hunter confirmed, noting that they had the first round, and then that ended, and then the second round has just opened up.

Michael Martin asked to confirm that the maximum grant in that program was \$30,000. Will Hunter responded that it was \$50,000 and there are three parts of it, noting that the basic one is \$50,000 and if you add an accessory unit there is an additional amount, but it's \$50,000 per living unit. Michael Martin inquired if he were receiving both grants for this property, would he be entering into a program to rehabilitate the building if he only received \$100,000. Michael Martin rephrased it and inquired if would be going forward with remediation in the building if he got a grant for \$50,000. Will Hunter confirmed, noting VHIP would want to make sure it is up to code and acceptable to the Selectboard. Will Hunter commented that he would like to renovate it and have it be living space. Michael Martin noted that the Board would not be the arbitrators of whether it'd be acceptable or not, it would be one of these situations where the public safety department would have inspections and they would determine whether or not you can have a certificate of occupancy based on their building codes.

Will Hunter responded that where there's an existing order now of demolition VHIP is going to want to know that their money would be going to something that isn't going to be subject to be demolished, noting that was what he was referring to about the Board's decision if it was acceptable or not. Michael Martin responded that their purpose at the meeting was to determine whether or not his entreaties would be such to satisfy the requirements of making the building safe again, or if we want to continue with their order to destroy.

Town Attorney Steve Ankuda inquired if there are any funds available to the owner other than the VHIP loans to do this remediation. Will Hunter responded that he didn't know, he was sure there are other funds that may be available, but this is the program that seems specifically designed to deal with this kind of situation. Town Attorney Steve Ankuda inquired if the owner actually had funds

available to do this remediation. Will Hunter responded that it depended how much the funds would be required. Town Attorney Steve Ankuda inquired if the owner would have \$50,000 available to do the remediation, other than the VHIP funds. Will Hunter responded that they could probably raise additional money besides the VHIP funds.

Town Attorney Steve Ankuda inquired how long before he could submit the application for VHIP funds. Will Hunter responded that he thought probably a week or two. Town Attorney Steve Ankuda inquired if he had 14 days to submit the application for the funds would that be sufficient. Will Hunter confirmed, noting that if they were given a deadline or 14 days to submit the VHIP application. Town Attorney Steve Ankuda inquired if he did not receive the VHIP funds were there any alternatives at that point other than to have the building demolished, so that it's resolved. Will Hunter responded that he did not know. Will Hunter continued that he would like to think that they might be able to raise money.

Will Hunter commented that he did not look forward to an appeal that sits at the civil division of Superior Court for years and cost the town money and cost him money. Will Hunter continued that he would prefer to figure out if there's a way that they can bring this building back to life in a way that will be safe and beneficial to the public.

Town Attorney Steve Ankuda noted that he has had four years of ownership and 90 days since the order was out and inquired if he was relying on the VHIP funds to rescue this building. Will Hunter confirmed. Will Hunter continued that until he got the phone call from Chief Stagner, that there was a committee that was about to go visit the building he did not know that this was an imminent issue on the part of the town to order the building demolished.

Town Attorney Steve Ankuda inquired if conditioned upon him being allowed 14 days to submit the application for the VHIP funds and coupled with the obligation that any requests that VHIP makes are timely responded to, if he would commit to doing the renovation in accordance with the VHIP application that gets approved in a timely manner and in the alternative, have the building demolished if he did not get the VHIP funds. Will Hunter responded that he had no idea how much the cost of demolition would be, and he was not going to rule

out the possibility if it doesn't seem reasonable to him to proceed in the way that they are outlining of appealing, noting that he was not going to tell them that he wouldn't appeal if that was what he was being asked.

Town Attorney Steve Ankuda inquired if he would admit that the findings of the engineer are accurate. Will Hunter confirmed, noting he was not an engineer. Town Attorney Steve Ankuda inquired if he had a witness that was an engineer. Will Hunter responded he did not. Town Attorney Steve Ankuda inquired if he had any evidence that the findings of the engineer were not accurate. Will Hunter responded he did not.

Michael Martine inquired if they were to grant an extension from the demolition order, what kind of timeframe was he looking for. Will Hunter responded he was not sure how soon VHIP is going to make a decision. Will Hunter added that he would certainly want to have sufficient time so that their complete application could be acted on. Will Hunter continued that he thinks they're probably going to try to be moving as quickly as they can, noting he wished he could give a specific time frame but he could not provide one. Will Hunter further added that if they (VHIP) hadn't made a decision yet, it would seem counterproductive for the board to order a demolition, and then it ends up in superior court.

Michael Martin inquired how long it took last time they successfully applied for and received a VHIP grant. Will Hunter responded that the decision happened very quickly, noting it was COVID money and he would say that commitment was probably made within 30 days.

Michael Martin asked Todd Hinderger to repeat what he said his estimate for structural repairs was. Todd Hinderger responded that he thought that it would be between three to six times the current assessed value, the structure is now assessed at \$22,400, 3 times that would be \$67,200, 6 times that would be \$134,400, noting that is the money that he thought it would need to be brought to bear to bring the structure in compliance with the ordinance that is not an opinion of what the whole project would cost.

Michael Schmitt noted that Will Hunter had indicated that if he had to get additional money to fund this, he would have to go out and raise funds for that. Michael Schmitt continued that they have two other properties they would be

talking about as well, and he had concerns where the money would come from that would subsidize this reconstruction. Michael Schmitt noted further concern that in the four years that he has owned it, he indicated that he wasn't aware that it was a blight problem and that he was surprised when he received the letter.

Michael Schmitt commented that he would like some kind of reassurance that this property and the other properties, they were going to be talking about were priorities for him, because he wanted to make sure that the community is repaired and handled appropriately and with respect, noting that it didn't appear there had been any action on his part to even become participant in the mitigation of these properties. Michael Schmitt inquired what Will Hunter could provide as a guarantee. Will Hunter responded that the first notice he had that there was a concern on the part of the town that this building might need to be torn down, came either on the day of or the day before the committee visit to the property, noting he did not believe that there had been any prior notice about this building being dangerous structure.

Michael Schmitt inquired what Will Hunter's conversation with the engineer in 2021 was. Will Hunter responded his conversation with the engineer was when the Vermont Department of Public Safety the fire safety division wanted a structural engineer to look at the building and that's why he had a conversation with the structural engineer not the Town's Unsafe Building Ordinance. Michael Schmitt inquired if there was no indication to him that the building was unsafe at that time. Will Hunter responded not from the Town.

Michael Schmitt inquired if Will Hunter would move anyone in. Will Hunter responded no, noting it needs a lot of work and hadn't been lived in for a while. Will Hunter continued that the electrical system was very out of date and certainly nothing that would pass fire safety concerns in terms of electrical wiring is required. Will Hunter noted that was apart from this issue of a building that is so unsafe, that it has to be torn down and there was no indication to him.

Chair Kristi Morris reiterated that there are complaints and when the complaints are brought to the board, that's when they determine through the complaint and the observations by staff that they need to address this. Chair Kristi Morris continued that's when they put together the inspection committee, noting that

it is conceivable that that might be the first time he knew about it but that's first time that they have known about it. Chair Kristi Morris added that they have to wait for that inspection report to come back, which they did, and they received those findings in those reports in their Select Board meeting on a previous date. Chair Kristi Morris further added that was when they determined to issue the orders.

Chair Kristi Morris summarized that when they finish this meeting, the board will go into deliberative session to discuss the testimony and as to what they want to do going forward and will issue that report once that has completed. Chair Kristi Morris continued that it would be advantageous even if they extended the time, noting they have done that for some previous buildings, that there was a plan, and that plan had a timeframe. Chair Kristi Morris added that he (Mr. Hunter) already met with an electrician, HVAC, and an engineer and they could have provided quotes or something and he doesn't have those as to what it might take to rehab a building under each individual component.

Town Manager Jeff Mobus noted that he was not offering testimony but inquired if Community Restoration was requesting a time extension what risk that put the building in, could it take more rain the summer or could it withhold a snow load this winter noting that he believed that would put an identity on the timeframe. Todd Hindinger responded that from his experience of things that have been done in the past, when there is a structure like this that's in this condition, and has not been studied in great detail for collapse analysis and such like they might do if there was something specifically right below this spot that could get hit, and that is to identify the debris zone and request that that be fenced off so that were those areas where we know that there will be a collapse but we don't have enough information to decide whether that would be in a week or in three years, then that would be something that the Board could certainly do. Todd Hindinger continued that the conditions are there with the structure as it is today that that southerly wall could collapse, the conditions are there for brick from the chimneys and slate from the roof to be conveyed with speed into the yard areas surrounding both sides of the building. Todd Hindinger added that those would be the debris zone where someone could be that could

be a risk to the community to the public and in the past, municipalities have fenced off those areas and designated them as falling debris zones.

Fire Chief Paul Stagner discussed that from his perspective, as far as Life Safety and Hazard is concerned, he would recommend until this building block is deemed safe, that they ensure nobody enters the building ever because of the findings, unless they are certified and trained and potentially approved by this board, who goes into this environment and is able to safely. Fire Chief Paul Stagner continued that there is brick gathered around the house that has fallen off the building and they need to make sure nobody's hurt by the structure if or when it may collapse. Fire Chief Paul Stagner agreed that they should restrict anyone from entering or getting on this property due to the potential life hazard. Fire Chief Paul Stagner noted that there is one window that's open that can be easily boarded up. Fire Chief Paul Stagner added that needs to be done, policed, and monitored to be maintained that way, noting it needs to be done by the right people who can do it safely and they need to protect the public from anything that might happen with this building.

Michael Martin commented that he was not privy to all of the VHIP program requirements, but reviewed their application process and personally believed that the application process would not yield a suitable outcome for him (Mr. Hunter) in obtaining a grant to do the renovations of this property based on its condition. Michael Martin continued that he did not believe \$50,000 would be sufficient to even begin the repairs that are required to meet the compliance of the structural defects that were identified in engineer's report to make it safe standards, let alone bring it up to the point where it can be a habitable structure, which is what VHIP is really intending to do. Michael Martin noted that they have granted extensions in the past for property owner's that had detailed plans for remediation and Mr. Hunter has owned this building for four years, and virtually nothing has been done to secure the building other than locking the doors and fixing a couple of floor joists that were missing.

No additional testimony or evidence was offered for 52 Valley Street.

67 Furnace Street

Chair Kristi Morris discussed that on 67 furnace Street, the same process was repeated with this one, there was a complaint received, the Board considers that, and they appoint an inspection committee, that inspection committee was done. Chair Kristi Morris continued that the complaint was received on December 11, 2023, and on January 22, 2024, the Select Board received report of the committee. Chair Kristi Morris added that this building was also ordered to be vacated immediately and that the structure be demolished within 90 days of the order.

Todd Hindinger discussed that the committee and the Zoning Administrator went to this property the same day, January 3, 2024. Todd Hindinger read his findings and recommendations. Todd Hindinger found the structure meet two of the definitions for dangerous or unsafe buildings for the Article two ordinance. Item two checkbox is by reason of faulty construction, or any other cause is liable to cause injury or damage by collapsing, or by the collapse or fall of any part of the structure. And item five is by reason of age, neglect, want of repair, action of the elements, destruction, either partial or total by fire or other casualty or causes, is dilapidated, ruinous, decayed filthy, abandoned, unstable, or infested with vermin, or dangerous so as to constitute a material menace danger in any way to the adjacent property or to the public. And then he found that the structure met two of the definitions for structurally unsafe buildings of the ordinance, that being the first one, those whose interior walls or other vertical structural members list, lean, or are buckled to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base. And item two those which exclusive of the foundation show 33 1/3% percent or more damage or deterioration of the supporting members or members of 50% of damage or deterioration to the non-supporting enclosing, or outside walls or coverings.

Todd Hindinger continued that for dangerous and unsafe, the item two, there's a potential for collapse of the main structure, the addition, and potential for collapse of the floor within the main structure and the foundation. And then Item five, by reason of age continuing on through that sentence to, dangerous to the public. Todd Hindinger discussed some of the items that are dangerous there. And then for the structurally unsafe, he primarily focused on the

foundation and the addition and those items that are 33 1/3% percent or more damaged being the floor beam within the crawlspace, the floor joists, the floor beam columns that support the floor system in the house, and the addition walls and the columns that form the addition.

Todd Hindinger discussed that they did not enter the structure other than stepping onto the front porch, that front porch door was open, and they stepped inside there. And then what used to be what is the northerly section of the building has been removed, so there's two doors that were interior doors, and now are open so that they did look inside those. Todd Hindinger continued that he did crawl into the crawl space because that's open with the main structure itself. Todd Hindinger described in the pictures there's a remaining section of the structure which he referred to as the main section and there's a remaining portion of the westerly section which is an addition which looks from the outside like a garage, noting it is a post and beam structure.

Todd Hindinger continued that a substantial portion of the northerly section of the former structure is no longer present, except for the foundation remnants and debris. The masonry block foundation for this structure is collapsing, or an extremely important condition. The condition of the foundation is poor enough in its entirety, but it is no longer reasonable to repair. The westerly addition area has large areas of walls that are leaning missing and very poorly supported. Temporary supports are deteriorated this section of the building could collapse at any time. The condition of this portion of the structure is poor enough that it is no longer reasonable to repair portions of this structure, the addition are supported on the failing block foundation noted earlier. The remaining portion of the main house is in poor condition. Previous floor system repair attempts and repair attempts in the crawl space to provide and replace the vertical members are unsafe and poorly constructed. With details that make it likely they cannot support the loads they're intended to support. Obvious decay of the remaining original floor system can be observed. Portions of this section of the structure could collapse down into their crawlspace area, in whole or in part at any time. The back of the main structure is completely open at both doors, the westerly addition is open on three sides with debris infilling some of that space. There are areas of the roof that are leaking. Generally, through the roof system,

which is older unmaintained metal chimney is rotten and breaking off with remaining portions likely to fall at any time. Todd Hindinger's recommendation in his report is that the structure be the ordered vacated and the order be issued that the structure be demolished.

Todd Hindinger discussed the photos included in the report, photo one, this is the picture of the westerly edition and when he said before it's post and beam that's just referring to that it's generally supported mostly by individual columns, you can see two of the columns in that view, of note in this picture is this criteria that we talked about where we have 33 1/3% that they are looking at doesn't take very many of these columns to meet that criteria. The foundation that he is talking about in the foreground that's block foundation wall, in the picture it can that it's tilting leaning and failing. There's a wall missing there, the wood is rotten, decayed and there's obviously insufficient framing here, as evidenced by it leaning and tilting over. Photo two is the northerly wall of the main structure. It can be seen in the foreground of the picture where the tires are, that foundation sort of surround the area, there used to be a section of the building that continued in that direction. It's been removed, the foundations are falling. And you can see in this picture that the foundation wall that both are leaning to the east. That is the wall on the downhill side or towards that blue door opening is leaning outward. And the foundation wall on the westerly side is leaning that same direction.

Todd Hindinger continued there are temporary vertical supports in the crawlspace, noting the center support in the crawlspace. That line will be in another photo that shows up as a theme as being an issue. The westerly sill is rotten and no longer supporting the westerly wall adequately. Previous northerly sections of the building in the photograph foreground was removed. For this picture, going back to the dangerous or unsafe building structure, this is getting to the item five that he checked, that is what's dangerous here to members of the public. And when you have a property like this, there are a couple of things that make this dangerous, one is if anybody goes in this building and walks towards walks towards the outside, they're going to fall out those doors, there's no steps there. Another is that you can walk from the upper lawn area they are going to step right off this foundation into that crawl space.

Anybody traversing this that wasn't familiar with the site would encounter this sort of an open hole and then in the foreground which there are old center concrete piers that have rebar sticking straight up. Within this hole, there are pretty risky impalement hazards, noting that is why he has the finding that the building is dangerous and unsafe because of the grounds and these open holes and the things that stick up out of them.

Todd Hindinger continued that photo three, is in the crawlspace below the westerly wall, it can be seen that foundation while leaning in and just above the wall, the dark piece of wood, that's the original wooden sill, it's rotten, and it's no longer supporting itself and the wall above it, because of its decay. The previous floor framing repair attempts are insufficient. On the left upper left-hand side of the picture, it can be seen some remedial work that was done with lumber, noting one joist hanger can be seen, and then what would be a band joist or rim joists framing in there. And then you see a couple more joists in the background that don't have framing hangers. And then you see all that load going to that band joist then framing into an old rotten joists. So, there are framing deficiencies there that make it not able to handle the load that wouldn't be placed on it if there was there was occupied.

Todd Hindinger described photo four is in the crawlspace below the main section of the remaining structure. Previous vertical members installed under and along the center of the structure to support the rotten main beam are in each in turn supported on loose or uneven foundation support which are tilting and leaning, noting what is just an average floor beam running on the center of the building, it's rot and decayed and underneath it are what he would call temporary supports propping it up. And they're sitting on an array of different supports, masonry blocks, for example on the second one, and those have no frost protection, so they're moving and tilting. The rest of the framing that is visibly rotten indicate. And then on the left-hand side of the photo, the foundation was leaning outward, that would be to the east significantly.

Todd Hindinger discussed that the Fire Chief and the Health Officer had two findings that they had that were in addition to his, and otherwise in concurrence.

Todd Hindinger described the additional photos provided at the meeting. Continuing the numbering, photo five, he included this photo just to get a sense

of where John Claflin is standing there in the center of the picture, if he took another step in what appears to be flat ground isn't, the next step you would fall into that crawl space and that's where there's rebar sticking up right there. The addition he referenced is in the foreground on the right-hand side. And you can see those doors and some of the other props that are helping to hold that up.

Todd Hindinger discussed photo six, is another photo in the basement, this is zoomed out just a little bit it can be seen newer floor joists installed and it can be seen that is not consistent. Not only are they not framed correctly, but they're framed to completely rotten lumber, on the left would be the center rotten floor beam, the right would be the rotten still.

Todd Hindinger discussed photo seven is looking inside one of the open doors. And here he was just trying to get a sense of whether the roof was leaking or not. And there's an example confirming the roof leak it can be seen on the ceiling, this is looking up in what he thinks was one of the bathrooms.

Todd Hindinger discussed photo eight, the last photo is looking at the condition of the foundation wall. This foundation supports the addition, and off to the right-hand side, the one column that they have is just to the right side of this image and that column is on top of the single masonry block wall which can be seen that the block is dislodged from being pushed in. So as the column sits on top of that, it appears to tilt outward. It's not really tilting outward; it's being pushed in to what he believes might have been an old stairway to get down to the crawlspace from whatever the addition was used for before. And the conclusion here is that the foundation is no longer capable of adequately supporting loads placed upon it. Sharp debris is present. Vertical rebar is present. In this picture there's a piece of vertical rebar sticking up in the foreground, it looks like a white stick.

Chair Kristi Morris inquired if Mr. Hunter had any structural engineers or any contractors that disputed what was shown. Will Hunter responded no; he did not have any structural engineers to dispute what they were seeing with this building. Will Hunter continued that they had done a rough design of tearing down what's referred to as the addition and adding a second living unit, so that this would end up being two living units, noting they have done a little bit more work on a design for what this might look like than they have for the renovation

of first property. Chair Kristi Morris inquired if there are other documents that show those designs. Will Hunter responded they have just very rough ones that they have compiled with measurements, and again, the hope was that they were going to be able to talk with VHIP about creating a two unit building at this site, using what is salvageable in the original house and then adding new construction in the back, removing what's been referred to as the addition. Will Hunter continued that they removed what was the falling down building that was over the foundation a number of years ago.

Chair Kristi Morris requested clarification on which section was removed, noting the pictures. Will Hunter responded that photos one and two show the space that was exposed when they removed what was there and was falling down.

Michael Schmitt commented that Mr. Hunter was indicating that there's salvageable portions of this that he (Mr. Hunter) will rehab, and inquired what those pieces were, noting that he himself was not an engineer but he did not see anything of quality to build from. Will Hunter responded that it may be in the end the decision will be that it can't be, but that the part that can be seen in photo two, which is the backside of the original house, that has two bedrooms and the living room, and the bathroom. Michael Schmitt noted the failing wall foundation. Will Hunter confirmed, noting that there's got to be a new core foundation obviously, the collapsing cinderblock is not safe. Michael Schmitt inquired if Mr. Hunter had done a cost evaluation of rebuilding versus renovation. Mr. Hunter asked to clarify if rebuilding was to tear down the whole thing, and responded no.

Michael Martin asked to clarify that the original structure is the back of that structure in photo two, in photo three is the collapsing poured concrete foundation on the westerly side which has a rotten sill beam that supports the new floor joist that can be seen in the top of the photo, and photo four is a picture of a rotten main beam that is supporting the newer floor joists and those are sitting on supports that are listing and that is the portion that Mr. Hunter thinks can be rehabilitated. Will Hunter confirmed that is the part he was talking about, the existing house.

Michael Martin asked to clarify that Mr. Hunter had sketched out plans for that work with a contractor. Will Hunter confirmed. Michael Martin asked to confirm

that Mr. Hunter did not have written estimates of that work. Will Hunter confirmed. Michael Martin asked to confirm that Mr. Hunter was relying on a grant from VHIP to do the work. Will Hunter responded that was the plan that this would become a two-apartment building. Michael Martin inquired how long Mr. Hunter had owned that building. Will Hunter responded 7 years he thought.

Michael Martin commented that he recalled being at that building in 2016, eight years ago when Mr. Hunter was in violation of Unsafe Building Ordinance that time and he did not recall the findings of the unsafe report at that time, but there was an order to secure the building. Will Hunter responded that he did not remember, the big issue was when they had torn down part of the building that was collapsing there was a big pile of building materials. Michael Martin noted the pile was in the back of the building and along the left-hand side there was a structure with an open roof that was being used for the storage materials and was ordered to screen that off and somehow, he escaped further sanction on that building by whatever work he had done. Michael Martin continued that when looking at the back of the original building with the two openings that are not secure that has been open that way for a long time, so this building has been in violation of the Unsafe Building Ordinance for a long time. Michael Martin inquired if Mr. Hunter would agree. Will Hunter responded that he did not know and asked to clarify if it was the fact that the doors were open. Michael Martin confirmed and added the fact that the foundation was fully exposed. Michael Martin inquired how long it has existed that way. Will hunter responded he did not know.

Michael Martin commented that Mr. Hunter's testimony is that he intends to rehabilitate that building subject to the VHIP grant with an unspecified timetable and no concrete plans. Will Hunter responded that he did not have them tonight.

Will Hunter discussed that it is the same situation that he became aware that there was an issue that the Town wanted this building torn down either the day of the committee visit or the day before. Will Hunter continued that they did begin the planning before that for what might be a renovation funded by VHIP, noting he would like to see if it could be made into two units of housing.

Fire Chief Paul Stagner discussed that he appreciates Mr. Hunter's vision and hopefully something can come of that, but they need to do something right away

because this is a hazard to life, noting that there is a children's playground less than 100 yards from there. Fire Chief Paul Stagner added that he is not a structural engineer but is a certified rescue structural collapse person having worked for the State UCAR team and the Massachusetts task force UCAR team, and they would not train in this building. Fire Chief Paul Stagner continued that he had a hard time believing that anyone crawled underneath that building to improperly secure floor joists, adding that it was simply irresponsible to have people in this building or under it. Fire Chief Paul Stagner added that this should be secured as with the Valley Street structure with no one allowed on it with proper placarding saying this is a dangerous structure and until someone is trained and certified to do any work, especially underneath this in a confined space, no one should be allowed to do anything to this building. Fire Chief Paul Stagner further added that if nothing is going to happen soon then he would recommend to make sure that the public does not get involved in this building at all.

Chair Kristi Morris inquired what the realty was that Mr. Hunter could get two VHIP funds. Chair Kristi Morris noted that they do not have plans from Mr. Hunter on what he was looking to do or a timeframe that it would happen within and that is concerning that there is this unsafe property, noting the open spaces and conditions that if there is a fire the Fire Safety would not go into this kind of building. Chair Kristi Morris continued that it invites the public the opportunity to get hurt if they are in there, so it does need to be secure, so those events do not happen. Chair Kristi Morris pointed out the open hole and the two open doorways, noting the concern for life safety hazards. Will Hunter responded that perhaps the prior order required that the building be secured and if he is at fault of that he would take responsibility, noting that they could easily take care of securing the property tomorrow. Will Hunter continued that in terms of keeping people out of the open hole they could shut the doors, screw them shut, and then probably do something to close off the open foundation so no one can get underneath there.

No additional testimony or evidence was offered for 67 Furnace Street.

105 Clinton Street

Town Manager Jeff Mobus pointed out that he believed that the owner had already complied with their orders for property three. Fire Chief Paul Stagner confirmed, noting that from what he understands the property owner has completely complied working with the Division of Fire Safety the building was ordered vacant and proper work was done to it. Fire Chief Paul Stagner continued that he believes with cooperation with Fire Safety moving forward making this a place to rent out.

Will Hunter discussed that his reason for appealing this property was the timeframe for repairs, but it is vacant and been secured. Will Hunter continued that they have had a Fire Safety visit since then and they are all on the same page. Will Hunter thanked the Police Department for their help in making this happen. Town Attorney Steve Ankuda noted that the appeal is mote.

Chair Kristi Morris cautioned that 67 Furnace Street had a previous order for remediating issues for its openness and materials that were there that were problematic, and he (Mr. Hunter) did comply with that initial order but now the building is such that it is worse, and they do not want to see this property fall back as well. Will Hunter responded that he has been visiting 105 Clinton Street almost every day to make sure that none of the people who were removed have returned and shoveling out the detritus that was left behind by the drug activity that was going on there. Will Hunter thanked the Police Department for his help, noting he was aware that this was a bad situation for the community.

Deliberative Session

The Board moved to Deliberative Session at 7:46 pm, no action expected to be taken.

The Board ended Deliberative Session and returned to Open Session at 8:20 pm, no action was taken.

C. ADJOURN

MOTION: Tara Chase moved to adjourn the meeting.

Seconded by: Michael Martin

Vote: 5-0, unanimous

The meeting adjourned at 8:20 pm.

Respectfully submitted,

Carrie M. Kellow, Recording Secretary