

1.8 The demolition of the existing restroom, storage and mezzanine will be done by the OWNER.

1.9 Electrical

1.9.1 Connect to the existing panel.

1.9.2 Provide outlets as required by the NEC.

1.9.3 Extend the current fire alarm system to the addition.

1.9.4 Lighting

1.9.4.1 High efficiency T5 fixtures or LEDs.

1.10 Heating

1.10.1 Addition to be heated by ventilated propane radiant tube heaters similar to those in the existing building.

1.10.2 Office, restroom and break room heated by propane forced hot air heat. A setback thermostat shall be located in the office.

1.11 Plumbing

1.11.1 Construct new well to be located next to the underground tank with the dry hydrant. See the attached permit and proposal. Owner to excavate ditch for piping, backfill and patch paving. (See attached.)

1.11.2 Move the existing solar hot water tank, system and solar panels from the existing building to the new addition mezzanine over the new office and break room.

1.11.3 Septic - Connect to the existing mound system manhole. Owner to excavate ditch for piping, backfill and patch paving.

1.12 Ventilation

1.12.1 Move existing exhaust fan in existing rear wall to new rear wall.

1.13 Building Finishes

1.13.1 The garage area shall be exposed structural members.

1.13.2 The owner will be responsible for sealing the new concrete floor.

1.14 Windows

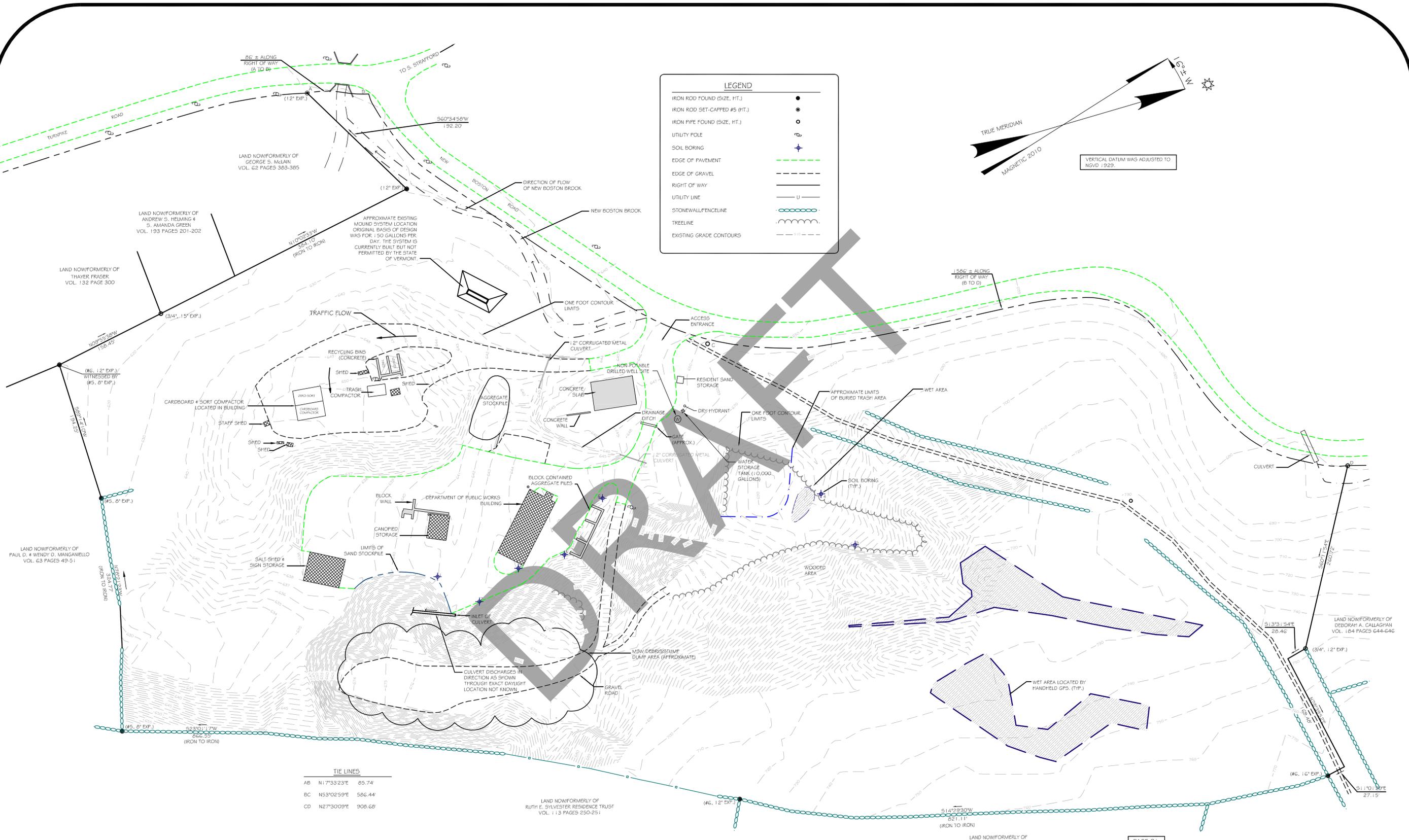
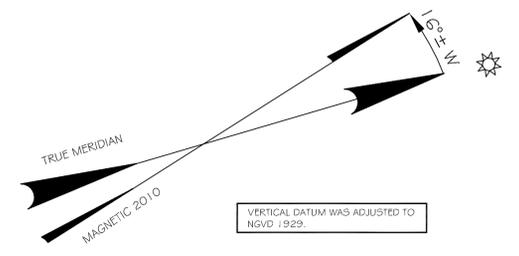
1.14.1 All windows shall be dual pane.

1.14.2 The bottom of the windows in new back wall shall be a minimum of 7' from floor to allow use of the wall space.

1.14.3 Windows in office and beak room to be typical heights.

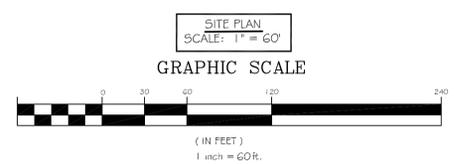
**LEGEND**

- IRON ROD FOUND (SIZE, HT.) ●
- IRON ROD SET-CAPPED #5 (HT.) ○
- IRON PIPE FOUND (SIZE, HT.) ○
- UTILITY POLE ○
- SOIL BORING ⊕
- EDGE OF PAVEMENT - - - - -
- EDGE OF GRAVEL - - - - -
- RIGHT OF WAY - - - - -
- UTILITY LINE — U —
- STONEWALL/FENCELINE ————
- TREELINE ————
- EXISTING GRADE CONTOURS - - - - -



**TIE LINES**

AB	N17°33'23"E	85.74'
BC	N53°02'59"E	586.44'
CD	N27°30'09"E	908.68'



TOWN OF NORWICH NEW BOSTON ROAD NORWICH, VERMONT	<b>AMERICAN CONSULTING ENGINEERS AND SURVEYORS</b>	
	SCALE: 1" = 60'	DATE: SEP. 23, 2010
	DRAWN BY: BMW	APPROVED: R. T.

*Rob Tournoncel*

# WRAGG BROTHERS OF VT., INC. WELL DRILLING & PUMP SERVICE

*"Have a Modern and Up-to-Date Water System"  
Complete Pump & Tank Installation*

P.O. BOX 110, ROUTE 5 • ASCUTNEY, VERMONT 05030 • 802-674-5890 • 800-255-5890 • FAX 802-674-2958

## CONTRACT

This **AGREEMENT** made on 12-21-15 between **WRAGG BROTHERS WELL DRILLING OF VERMONT INC.**  
and Town of Norwich PO Box 376 Norwich UT 05055

TELEPHONE #: 802-649-2209

FAX #: \_\_\_\_\_

Drilling will be charged at \$ 16.00 per foot.

Hydrofracking \$ 2200.00  
(If Necessary)

Casing will be charged at \$ 16.00 per foot.

Mudding Charge \$ 500.00  
(If Necessary)

Drive shoe will be charged at \$ \_\_\_\_\_

Grouting \$ 500.00

## ESTIMATE

Drilling, Ft. <u>500'</u>	Cost \$ <u>8000.00</u>
Casing, Ft. <u>100'</u>	Cost \$ <u>1600.00</u>
Drive Shoe _____	Cost \$ <u>300.00</u>
Pump and Tank Installation Size <u>CONTRACT PRESSURE</u> (Including all necessary material & up to 75 feet of offset lines)	Cost \$ <u>6000.00</u>
<b>Total \$</b>	<b><u>19,100.00</u></b>

**The balance for completed work is due upon receipt of invoice.** A finance charge of 2% per month will be assessed on all past due balances. Customer agrees that all collection cost and attorney fees will be the responsibility of the **CUSTOMER**. A \$25.00 fee will be charged for returned checks. All products and services remain the property of **WRAGG BROTHERS OF VT, INC.** until paid in full. If pump installation is not completed within 1 year additional cost can be incurred. **PRICES SUBJECT TO CHANGE AFTER 30 DAYS.** **Wragg Brothers retains the right to enter the property to retrieve any and all products not paid for in full. ALL APPLICABLE STATE TAXES WILL BE ADDED AT THE TIME OF BILLING.**

**CUSTOMER** is responsible for any required permits. **CUSTOMER** shall inform **CONTRACTOR** of any designated well locations in state or local plans. **The CONTRACTOR will assist but will not be held responsible for the well location. The CUSTOMER may order drilling stopped at any depth. CONTRACTOR agrees to drill to the normal limits of the CONTRACTOR'S equipment.**

**Additional charges may be incurred.** Extra fees, such as, wiring or plumbing inside of building, trench from well to building, hydrofracturing, excavation work, equipment extraction or installing run off for an overflowing well etc.. **PROPERTY OWNER** will not hold **CONTRACTOR** responsible for any damages to property due to heavy equipment and debris from drilling operation will be removed by and at the expense of the **CUSTOMER**.

Water well drilling is exploratory. Therefore, **CONTRACTOR is not responsible for water QUALITY or QUANTITY or for NATURALLY OCCURRING FAULTS IN BEDROCK.**

Job location: Dose NOT include Hook up for fire dept to be on the  
South side \$25,000.00 Lot # \_\_\_\_\_ Tax Map # \_\_\_\_\_

SALESMAN Doy HOME OWNER/AUTHORIZED AGENT \_\_\_\_\_  
(I fully understand all the information contained in this contract)

Richard S. DeWolfe, PE  
President

Christopher J. Temple, PE  
Vice President



Nathan M Phillips, PE  
David L. Frothingham, PE  
Zarabeth M. Duell, PE  
John J. Svagzdys, PE  
Richard W. McLain, PE  
Alicia A. Feiler, PE  
Nicole D. Crum, PE

November 11, 2014

Neil Fulton, Town Manager  
Town of Norwich, VT  
P.O. Box 376  
Norwich, VT 05055

**Subject: DPW Building Analysis  
New Boston Road, Norwich, VT**

Dear Neil:

As requested, on October 14, 2014, I visited the above referenced site to review the existing roof structure in order to determine the existing load capacity and the structural acceptability of adding new insulated roof panels.

Our analysis and review of the building are based upon the requirements of the 2012 Vermont Fire and Building Safety Code which incorporates the 2012 International Building Code. According to the Vermont Fire Building and Safety Code, the on ground snow load for Norwich, Vermont is 50 pounds per square foot (psf). In our analysis we factored the snow loads to account for exposure, thermal, and importance factors. For computation of importance factors, the building was assigned to Risk Category II as defined in the IBC. These factors produced a design flat roof snow load of 35 psf, however, the State of Vermont requires that all roofs be designed for a minimum snow load of 40 psf. Therefore, we have used the code required 40 psf for roof analysis. The code also requires that gable roofs be analyzed for unbalanced snow load conditions.

The existing DPW building is an approximately 40'-0" wide x 98'-0" long single story steel framed building. The roof is framed with 8" deep, 14 gage zee purlins spaced at 3'-10"+/- on center. The zee purlins are supported by custom fabricated tapered steel plate girders at 16'-0" on center. The tapered steel beams are supported by W8x13 steel columns. The roof deck, roof deck attachment, and composition of the roofing were not visible due to the existing continuous batt insulation.

In the southern-most bay, a wood framed storage mezzanine has been constructed within the steel framed building. A painted sign on the outside face of the interior mezzanine indicates "THE LIVE LOAD CAPACITY OF THIS MEZZANINE IS 55 PSF."

The existing light gage zee purlins are adequate for the typical existing dead loads and code required balanced and unbalanced snow loads. The existing purlins would be adequate for a small increase in dead load due to the addition of new lightweight

Surveying  
Permitting  
Site Design  
Subdivisions  
Timber Design  
Expert Testimony  
Site Development  
Act 250 Permitting  
Forensic Engineering  
Environmental Permitting  
Transportation Engineering  
Structural Inspection Services  
Commercial Building Design  
Construction Oversight  
Building Assessment  
Pedestrian Bridges  
Stream Alterations  
Sewer Design  
Water Supply  
Storm Water  
Hydrology  
Grading

317 River Street  
P. O. Box 1576  
Montpelier, VT  
05601-1576  
phone: 802.223.4727  
fax: 802.223.4740  
www.dirtsteel.com

insulated roof panels.

The tapered steel roof beams and the rolled wide flange columns are adequate for the typical existing dead loads and code required balanced and unbalanced snow loads. The existing tapered steel beams would be slightly over-stressed, but within commonly accepted structural engineering limits, for a small increase in dead load due to the addition of new lightweight insulated roof panels.

Based on our calculations, the existing roof purlins and adjacent roof beams are not adequate to support the additional wind and snow drift loads created by the roof mounted solar panels.

For approximately 2/3 of its length, the existing storage mezzanine is framed with 2x12 wooden floor joists at 16" o.c. These joists would be slightly over-stressed, but within commonly accepted structural engineering limits, for the posted live load of 55 psf. Based on the observations made during our site visit, it appears that, at the inner end of the joists, this portion of the existing mezzanine is hung from the light gauge roof purlins with wooden 2x4 "hangers" at each purlin. Each vertical "hanger" is attached to each purlin with (2)-1/2" diameter carriage bolts. The attachment of the hanger to the mezzanine floor structure was not visible. There are numerous structural issues with this method of support. Based on our calculations, the (2)-1/2" diameter carriage bolts attaching the 2x4 hangers to the purlins are adequate for a uniform mezzanine live load of 14.5 psf. Therefore, the bolts would be over-stressed by 165% +/- with the currently posted 55 PSF live load. Second, the existing roof purlins when supporting the hung loads are over-stressed by 11% +/- . Third, the existing tapered steel beam nearest the end of the mezzanine (located approximately 2'-0" from the end of the mezzanine), is already slightly over-stressed due to dead loads and snow loads and would be over-stressed by 26% +/- with the currently posted live load of 55 PSF.

The portion of the mezzanine which is not hung from the roof structure supports mechanical equipment associated with the roof mounted solar hot water system. This equipment includes a 4'-0" deep, 7'-2 1/2" diameter water storage tank. The existing floor framing in this area is 2x6 @ 2'-0" o.c. floor joists spanning approximately 7'-0. Based on our calculations, these members are over-stressed by 200%+. In places, the floor joists are face nailed to face mounted ledgers which do not appear to have the necessary connection strength to resist the 250 +/- PSF load potentially created by a full 4'-0" deep water tank.

The lateral load resisting elements (braces, moment frames, etc) of the existing building were not visible in the sidewalls and the back wall during the site visit. The only wall where evidence of a lateral load resisting system was noted was the in the front wall, where a moment frame was located in one of the overhead door bays. Code requirements for existing buildings specify that if the loads to the lateral resisting systems of existing buildings increase by more than 10%, the entire lateral system must be upgraded to current code requirements. For this building, we have determined that a net dead load increase of 1.5 PSF is allowable without a full analysis/upgrade of the lateral load resisting systems.

On November 7, 2014, I received an email from you indicating that you have determined there is a 4.5" x 12" glulam beam that supports the inside edge of the mezzanine. You also indicated that this glulam beam is supported at both ends by 4.5" x 12" glulam columns that extend down to the concrete floor. We have analyzed this beam, assuming it is made of very high grade material, and have

Page 3 of 3  
Neil Fulton  
November 11, 2014

determined that it does not have adequate strength or stiffness to support the mezzanine with the currently posted live load.

Based on our calculations, neither the glulam beam, or the hanger system from the roof, are adequate to support the mezzanine for the posted live load by themselves. It is likely that the two systems work together to support a load greater than the calculated capacity of either system acting independently. However, it is difficult to predict the amount of load sharing between systems due to variations in materials and workmanship which can have a large effect on the relative stiffness of each system, which directly affects the amount of load sharing.

Our recommendations are the following:

- reinforce the roof structure in the area of the solar panels to resist the code required snow drift loads and wind loads
- re-support the main area of the mezzanine so that the mezzanine is not hung from the roof structure. This would typically involve either adding new columns below the existing beam, adding a new beam below the existing beam, or removing and replacing the current beam with a new beam of adequate strength and stiffness.
- re-frame the remainder of the mezzanine, where the mechanical equipment is located, to eliminate ledger connections, provide new deeper members, and provide joist hangers
- additional onsite investigation, including removal of existing finishes as necessary, to determine if structurally reliable lateral load resisting elements exist in the sidewalls and back walls, and if these elements do not exist, to determine acceptable locations and methods to add these elements to the existing structure.
- if a new shed roof addition is added to the back of the structure, we recommend that the new roof be located at least 2'-0" below the existing eave. This will limit the amount of additional snow that the existing roof must support in an unbalanced snow load condition.

Please let me know if you have any questions regarding this report or my findings.

Sincerely,

  
Nathan Phillips, P.E.



## Neil Fulton

---

**From:** Nathan Phillips <Nathan.Phillips@dirtsteel.com>  
**Sent:** Thursday, September 24, 2015 11:16 AM  
**To:** Neil Fulton  
**Cc:** Chris Temple  
**Subject:** RE: Norwich, VT DPW Building Analysis

Neil,

As noted in our November 11, 2014 report, the maximum additional dead load that can be added with the existing roof in place is 1.5 PSF. Removal of the existing metal roofing and fiberglass insulation batts typically would remove a minimum of approximately 1.0 PSF. The total available capacity would then be approximately 2.5 PSF.

Based on the weight limits above, our structural comments regarding your proposed reroofing options are as follows:

### NEW MEMBRANE OVER EXISTING ROOF

A new single ply membrane roof that is adhered or mechanically fastened to the existing roof typically would not exceed the 1.5 PSF permissible additional weight and would be structurally acceptable.

### REMOVING THE EXISTING ROOF AND INSTALLING INSULATED ROOF PANELS

As noted above, the available load capacity with the existing roof removed is approximately 2.5 PSF. This capacity would typically allow a 3" or 4" insulated panel to be installed and be structurally acceptable. The panel selected would need to be capable of bracing the top flange of the light gage Z purlins.

### INSTALLING A NEW METAL ROOF OVER THE EXISTING ROOF

The installation of a new metal roof over the existing roof typically would not add more than the permissible 1.5 PSF and would be structurally acceptable.

However, the change from a heated space to an unheated space would increase the code required snow loads by an additional 2.0 PSF and therefore would not be structurally acceptable. The only way this could be accommodated is if the building use also changed from being normally occupied to being essentially a storage facility that is not normally used in the winter months. If this was the case, the snow load increase due to being unheated would be offset by a snow load decrease allowed the change in use.

We want to reiterate the other important issues addressed in our November 11<sup>th</sup> report. These issues include significant existing structural deficiencies related to the support of the roof mounted solar array, the support of the storage mezzanine, the support of the solar water storage tank, and others as noted in the report. Page 3 of our earlier report contains a list of recommendations that should be addressed as part of this re-roofing project.

Please call or email if you would our assistance developing structural documents addressing our recommendations or have any other questions.

Sorry it took a while to get back to you!

Nathan Phillips, P.E.  
DeWolfe Engineering Associates, Inc.  
81 River Street

Montpelier, VT 05602

802-223-4727, Ext. 304  
802-613-3005 Direct Line

---

**From:** Neil Fulton [<mailto:NFulton@norwich.vt.us>]  
**Sent:** Tuesday, September 08, 2015 10:47 AM  
**To:** Nathan Phillips <[Nathan.Phillips@dirsteel.com](mailto:Nathan.Phillips@dirsteel.com)>  
**Subject:** RE: Norwich, VT DPW Building Analysis

Hi Nathan,

I am getting budget estimates for work on the public works building. Your report includes the following statement:

“The existing light gage zee purlins are adequate for the typical existing dead loads and code required balanced and unbalanced snow loads. The existing purlins would be adequate for a small increase in dead load due to the addition of new lightweight insulated roof panels.”

We are considering one of the following:

- A new membrane roof over the existing roof.
- Removing the existing roof and installing insulated roof panels
- Installing a new metal roof over the existing roof. This would be a single layer and the building would not be heated.

Your thoughts and what is the maximum additional load with the existing roof and the maximum load if we removed the existing roof?

Thanks,

Neil

---

**From:** Nathan Phillips [<mailto:Nathan.Phillips@dirsteel.com>]  
**Sent:** Wednesday, November 12, 2014 9:38 AM  
**To:** Neil Fulton  
**Cc:** Chris Temple  
**Subject:** Norwich, VT DPW Building Analysis

Neil,

Attached is our final report for the analysis of the DPW building.

Please call or email if you have any questions.

I apologize for this being late – we are very busy at this time.

Thank you,

Nathan Phillips, P.E.  
DeWolfe Engineering Associates, Inc.  
81 River Street

Montpelier, VT 05602

802-223-4727, Ext. 304

DRAFT



31 Station Road  
Mt. Holly, Vermont 05758  
802.259.2094 phone  
802.259.2689 fax  
www.wrightconstruction.com

**RFP Response: Design/Build Construction Services**  
**Public Works Facility**  
**Town of Norwich, VT**  
*WCC Job #: 2015-131*  
January 6, 2016

The following is a description, by construction division, for design completion and construction of a new 4,000 S.F building addition. Our proposal is based on the RFP by Town of Norwich, Vermont, dated December 21, 2015 along with the description below.

**Design completion/ DFS Permitting/General Conditions:** WCC will provide Professional Liability Insurance and design services to complete the design for the town garage addition, to include structural design for the building foundation, mechanical and electrical stamped drawings (civil engineering by the Town of Norwich under separate contract). We expect to attend up to three meetings to complete the design. When design is complete we will prepare and submit permit application with fee to the Division of Fire & Safety.

Once the project is ready to move forward to construction we will provide all services related to the general conditions to include on and off site management, storage trailers, jobsite office and communication means, prepare and process submittals, conduct progress meetings, et al. We are prepared to offer Performance & Payment bonds upon Owner's request, cost for these are not currently carried in this proposal but could be added upon request.

**\$43,775.00**

**Sitework/Site Utilities:** We will layout site for new building addition as well as implement erosion control. Excavating/backfill for new 40'x100' SF building addition. Slab preparation will consist of 6" stone base and 6 mil poly. Excavation/backfill for sewer line for new bathroom in the foot print of the building. Excavation/backfill and pavement patching for sewer line from building to septic tank will be by the town. Wright Construction Company will provide 4" PVC pipe, labor & miscellaneous fittings. Rough/final grade, seed and mulch disturbed areas. We have included a \$3,500 allowance for the retaining wall and a \$25,000 allowance for new water well (by WRAGG Brothers of VT). Excavation/backfill any water line work by the Town of Norwich. All pavement patching to be by Owner.

**\$70,825.00**

**Concrete:** Will consist of stamped Engineered drawings for 40'x100' frost wall addition with pads and piers for metal building. 12" tall x 20" wide continuous footings with 5'x5' pads at column location, 8" thick x 5'0" tall walls and reinforced 6" concrete slab. Frost walls will receive 2" rigid insulation on outside of wall with metal flashing protection..

**\$49,170.00**

**Demolition:** Remove and dispose of framing/siding in 16' bays to allow trucks to pass through. Remove siding as required for new addition. Saw-cut and remove 1' tall concrete curb located at the 5 bays (approximately 80LF concrete curb will be cut down 6" lower to accept new slab addition). New slab will be pinned to existing slab.

**\$ 7,632.00**

**Framing:** Construct 2x6 wall partitions 8' tall for new bathroom, office & breakroom. Ceiling will be framed with TSI 230's joist 16" O.C. with 3/4" plywood floor and temporary handrail for future mezzanine. Existing mezzanine to be removed and disposed of by Town of Norwich. Wright Construction Company will construct new 12'x40' mezzanine including 2x6 partitions, TJI 230's joist 16" O.C. with 3/4" plywood floor and 1/2" plywood on walls. New 2x12 stair tread, stringers and wood handrail.

**\$17,939.00**



**Insulation:** To be metal building insulation per energy code standards.

**\$13,415.00**

**Membrane Roofing:** Install new rigid insulation over the existing metal roof into the roof ribs, approximately R-5.7, to the height of the highest rib. Over the infill insulation mechanically fasten a new 1 1/2" R-8.55 Firestone isocyanurate insulation. The total R-value of 14.25. The edges will be built up with wood blocking to the height of the new insulation. The edges will then receive new custom factory baked on Kynar finished metal edge flashings. Over the insulation fully adhere a new Firestone .060 EPDM rubber roofing membrane. All present protrusions will be flashed as per firestone specifications.

**\$29,649.00**

**Doors/Windows:** We have included a \$800 material allowance for exterior door, frame and hardware for office exterior door. We have included a \$2,400 material allowance for doors, frames and hardware for 3 interior doors (bathroom, office & breakroom). We have also included a \$800 material allowance for (2) new windows located in office area.

**\$ 8,271.00**

**Metal Building:** Our proposal is for a single slope, pre-engineered, free standing, 40'x100' metal building addition. (Please see attached drawings). Siding and roofing will be exposed fastener. Our metal building budget includes a \$3,500 allowance for any additional bracing that may be needed to be installed in the existing building for bracing when the exterior wall is removed. This includes required engineer fees.

**\$64,486.00**

**Finishes:** Office, break room and bathroom will receive (1) layer of drywall with a level 4 finish, (1) coat of primer and (2) coats of finish paint, VCT flooring and 4" vinyl base.

**\$ 9,261.00**

**Toilet & Bath Accessories:** The new bathroom will receive (1) 36" grab bar, (1) 42" grab bar, mirror, toilet tissue dispenser, paper towel dispenser and soap dispenser.

**\$ 276.00**

**Mechanical/ Plumbing:** Consists of roughing and installing of (1) water closet, urinal, 1 lavatory, 1 shower, janitors sink, moving the existing solar hot water panels and tank with piping to the new building, 2 propane fired low intensity radiant heaters in bays, 1 propane fired furnace for office, breakroom, bathroom & mezzanine, ductwork for the furnace, indoor propane piping, toilet exhaust fan with ductwork, wall mounted exhaust fan for the new addition, carbon monoxide monitoring for the new addition, moving the existing sidewall fan, mechanical insulation, temperature controls and commissioning.

**\$59,535.00**

**Electrical:** (25) T5 HO fixtures in garage and mezzanine, layout similar to existing, (6) 2x4 3-lamp T8 troffers in office and break areas and (3) exterior LED fixtures, locations TBD. The existing panel has only 2 usable spaces, therefore a 100-amp sub panel will be located in the addition on the same wall by office area. Relocated equipment as described in outline will be reconnected. Adequate outlets will be provided in garage and office areas. There is currently no provision for specialty outlets such as welders, phone lines will be extended to new office. The existing fire alarm panel is outdated, parts are no longer readily available for it. This proposal replaces the existing panel with a new Notifier addressable panel and existing devices with addressable devices. The existing horn/strobe will be re-fed by new panel. The addition will be added to the new panel. All current monitoring services will be programmed into new panel.

**\$38,735.00**

**Proposal Amount: \$412,968.00**

**CONSTRUCTION PROFESSIONALS**  
SERVING SOUTHERN VERMONT AND NEW HAMPSHIRE  
SINCE 1982

31 STATION ROAD • MT. HOLLY, VERMONT 05758 • (802) 259-2094 • FAX (802) 259-2689

**Exclusions:** Builders Risk Insurance, tax, asbestos testing and abatement, boulder and ledge removal, testing, civil design, trench drain, ACT250 permit, local building permit, winter conditions, relocating Owners items, air piping, surveying, storm drainage, sprinkler, utility company fees, overhead doors, propane tank, outdoor propane piping, water heater, hosebibs, compressed air piping, well tank, CO monitoring for the existing building, outdoor water piping, any additional requirements that DFS may have with their plan review. We assume the native soil has adequate bearing capacity.

\*Any excluded item can be added upon request

\*Soil and concrete testing to be paid for by Owner. Wright Construction will coordinate.

**CONSTRUCTION PROFESSIONALS**  
**SERVING SOUTHERN VERMONT AND NEW HAMPSHIRE**  
**SINCE 1982**

31 STATION ROAD • MT. HOLLY, VERMONT 05758 • (802) 259-2094 • FAX (802) 259-2689













1: 1,579  
December 23, 2015

## LEGEND

- DFIRM Floodways
- Special Flood Hazard Areas (A Counties)**
  - AE (1-percent annual chance flood)
  - A (1-percent annual chance floodpl.)
  - AO (1-percent annual chance zone feet)
  - 0.2-percent annual chance flood ha
- River Corridors (Jan 2, 2015)
- Small Streams - 50ft Setback
- Habitat Blocks**
  - 10 - Higher Priority
  - 9
  - 8
  - 7
  - 6
  - 5
  - 4
  - 3
  - 2
  - 1 - Lower Priority
  - 0
- Waterbody
- Stream
- Parcels (where available)
- Town Boundary

## NOTES

Map created using ANR's Natural Resources Atlas



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Vermont Agency of Natural Resources

1" = 132 Ft.      1cm = 16 Meters

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**DISCLAIMER:** This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

**Request for Alternate Project  
Town of Norwich**

**DRAFT 1-8-16**

FEMA Declaration PA01VT4022	PW 02334(0)	Date January XX, 2016
FIPS 027-52900-00	Category G Recreational or Other	
Applicant Town of Norwich	County Windsor	Damaged Facility Recreation Pool Dam

**Alternate Project: Culvert Replacement  
Location: VT Route 132 North of Bowen Road  
(Approximately 335 VT Route 132)  
N 43° 45.967; W 072° 14.707  
Estimated cost of this project is; \$126,700**

The Town of Norwich (Town) has determined that the public interest would not be best served by restoring the damaged facility because restoring the damaged facility would require a permit from the Agency of Natural Resources (ANR) and after long delays at their end the needed permit was denied on October 20, 2015.

**Proposed Project**

A request for proposals is attached that details the scope of the proposed project. The current structure is a small slab bridge that was constructed in 1927 that is in poor condition and hydraulically inadequate. The Project includes the following elements.

- Demolish and remove existing concrete box culvert.
- Replace existing concrete culvert with a 30" concrete box with a 10' wide by 5' high inside opening and 6" high bed retention sills (baffles) in the bottom.
- The box invert should be buried 12", so the top of the sills will be buried 6" and not be visible. That will result in a 10' wide by 4' high waterway opening above streambed, providing 40 sq. ft. of waterway area.
- Sills should be spaced no more than 8'-0" apart throughout the structure with one sill placed at the inlet and one at the outlet.
- This structure will result in a headwater depth at Q50= 3.7' and at Q100= 4.2', with no roadway overtopping at Q100. The current structure has a Q50 =6.8' and Q100=8.0'.
- Full headwalls should be constructed at the inlet and outlet.
- Wingwalls will match into the channel banks.
- Structure should be properly aligned with the channel, and constructed on a grade that matches the channel.
- Repair of road pavement after the installation of the new structure.
- Installation of 75 linear feet of used SBGR Guard Rail State of Vermont-type.

A request for bids for the project was issued and bids were received on January 6, 2016. The following is a summary of the bids received.

Route 132 Culvert	
Bidder	Proposal
Griffin and Griffin	126,700
Conkey Enterprises	136,292
Daniels Construction	138,250
Winterset	143,651
G & N	148,700
Willey Earth Moving	149,000
Thomson Excavating	151,345
Hook	183,265
Northwoods Excavating	219,328
L&M	234,500
Beard	295,800

The low bid from Griffin and Griffin was determined to be compliant with the bid specifications and they will be awarded the contract if the Alternate Project is approved.

The estimated start date for the project will be no sooner than June 1, 2016 and completion date no later than October 1, 2016.

#### Approvals

- A stream alteration permit has been obtained from the VT Agency of Natural Resources for this project: Project Number: SA-05-044-2015 Norwich Route 132 Culvert.
- The Project Delivery Bureau, Environmental Section of the VT Agency of Transportation has confirmed that no clearances or permits are needed from the State of Vermont for the project.

#### EHP compliance:

- The proposed project is EHP compliant. The project does not involve any construction work or disturbance of outside of the site other than what has been approved in the Vermont Stream Alteration Permit issued on December 23, 2015 (SA-05-044-2015 Norwich Route 132 Culvert attached). No additional permits are required.

#### Attachments (Phil check list)

- A. Alternate and Improved Project Request Checklist
- B. Special Consideration Questions
- C. Vicinity Maps
- D. Schematic – Proposed Box Culvert
- E. Stream Alteration Permit SA-05-044-2015 with existing and proposed conditions and Hydraulic Analysis
- F. Request for Bids (RFB) for the proposed project.
- G. Bid from low bidder
- H. ANR Resource Map

The Town confirms by signature below that: 1) approval is based on the information provided with this request; 2) any changed conditions are to be immediately brought to the attention of the

Public Assistance Officer; and, 3) approved alternate projects remain subject to all previous requirements for accountability, completion, and closure.

---

Neil R. Fulton, Authorize Representative  
Town Manager

DRAFT

**Alternate & Improved Project Request Checklist  
DR 4022 VT**

(Items in the package should follow the order of the checklist)

Project type: **0 Alternate Project** 0 Improved Project Disaster Number: **PA01VT4022**

**PROJECT CONSTRUCTION DATA:**

Applicant Name: **Town of Norwich**

Proposed Project Address: **VT Route 132 North of Bowen Road**

Proposed Project Latitude/Longitude: **N 43° 45.967; W 072° 14.707**

0 List Referenced Project Worksheets and Attach Copies: **02334(0)**

0 Vicinity map showing proposed location, disturbed areas, waterways, and wetlands.

**See Attachment C**

0 Map showing existing footprint and proposed footprint.

**See Attachment E (Stream Alteration Permit)**

0 Special Considerations 9-Question Form as it pertains to the proposed project.

**See Attachment B**

0 New Scope of Work for the proposed project.

**See Attachment F (RFB)**

0 Anticipated start date and completion date of proposed project (regulatory timeframes apply).

**Start after June 1, 2016. Complete before October 1, 2016**

0 Estimated cost to complete the proposed project along with any specifications, contracts, etc.

**\$126,700 – See Attachment G (Low Bid)**

0 Disposition of original facility (if applicable).

**Removed by Contractor**

0 Explanation of general disturbing activities (digging, structure removal, site work, access roads, etc.) **See Attachments F (RFB) & E (Stream Alteration Permit)**

SUPPORTING DOCUMENTATION: (if required)

0 Copy of requesting documentation from the applicant. **First Document in Application**

0 Copies of all available Federal and State environmental and regulatory permits and approvals and any other relevant documentation (i.e. environmental site assessments, surveys, or reports). **See Attachment E (Stream Alteration Permit)**

0 Copies of documentation or correspondence with the State Historical Preservation Office.

**Pending**

## Special Consideration Questions

0 Copies of insurance settlements, statement of loss, insurance adjuster estimate of losses, etc.

N/A

0 Alternate Projects Only: Identification of the source of funding when the cost estimate for the alternate project is greater than the eligible alternate project funding. **Town Funds**

DRAFT

## Special Consideration Questions

### Route 132 Culvert Project

1. Does the damaged facility or item of work have insurance coverage and/or is it an insurable risk (e.g., buildings, equipment, vehicles, etc.)?

Yes No Unsure Comments:

2. Is the damaged facility located within a floodplain or coastal high hazard area and/or does it have an impact on a floodplain or wetland?

Yes No Unsure Comments:

3. Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System Unit or an Otherwise Protected Area?

Yes No Unsure Comments:

4. Will the proposed facility repairs/reconstruction change the pre-disaster conditions (e.g., footprint, material, location, capacity, use, or function)?

Yes No Unsure Comments:

5. Does the applicant have a hazard mitigation proposal or would the applicant like technical assistance for a hazard mitigation proposal?

Yes No Unsure Comments:

6. Is the damaged facility on the National Register of Historic Places or the state historic listing? Is it older than 50 years? Are there more, similar buildings near the site?

Yes No Unsure Comments:

7. Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland?

Yes No Unsure Comments:

8. Are there any hazardous materials at or adjacent to the damaged facility and/or item of work?

Yes No Unsure Comments:

9. Are there any other environmental or controversial issues associated with the damaged facility and/or item of work?

Yes No Unsure Comments:

- U. S. NUMBERED ROUTE
- STATE NUMBERED ROUTE
- INTERCHANGE NUMBER
- CLASS 1 TOWN HIGHWAY
- CLASS 2 TOWN HIGHWAY
- CLASS 3 TOWN HIGHWAY
- CLASS 4 TOWN HIGHWAY
- NATIONAL FOREST ROAD
- STATE FOREST HIGHWAY

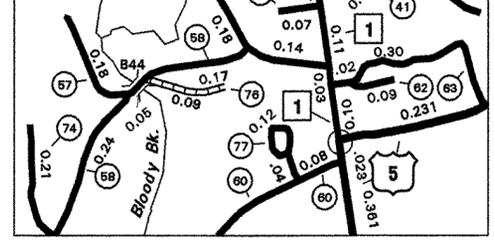
- ROAD SURFACE TYPES**
- STATE PAVED
  - OTHER PAVED
  - STATE GRAVEL
  - OTHER GRAVEL
  - GRADED AND DRAINED
  - UNIMPROVED/PRIMITIVE

- NATURAL FEATURES**
- SINGLE LINE STREAM
  - OPEN WATER
  - SWAMP

- OTHER TRANSPORTATION**
- RAILROAD
  - AIRPORT TERMINAL

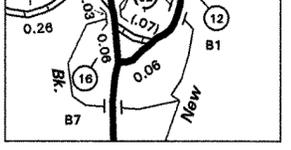
- POLITICAL SUBDIVISIONS**
- STATE BOUNDARY
  - COUNTY BOUNDARY
  - TOWN BOUNDARY
  - CITY BOUNDARY
  - VILLAGE BOUNDARY
  - URBAN COMPACT BOUNDARY

- SCHEMATIC**
- DAM

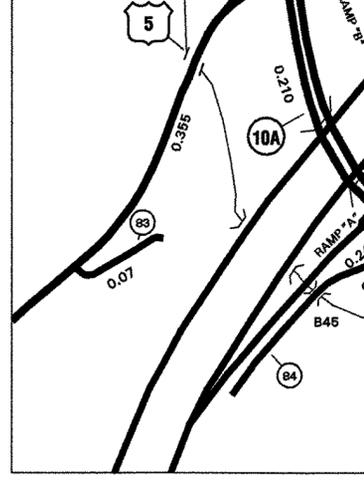


NORWICH INSET 2

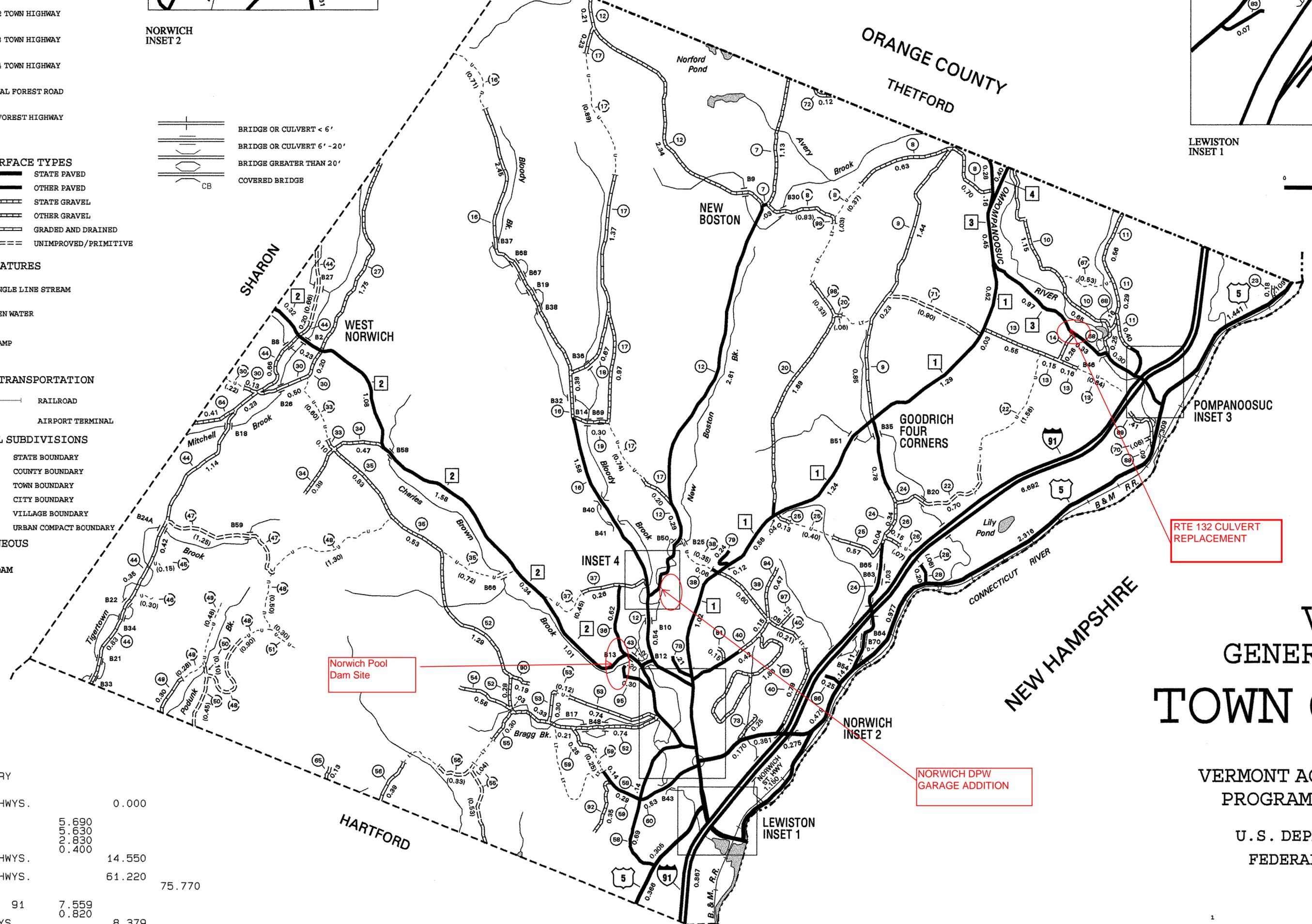
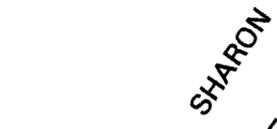
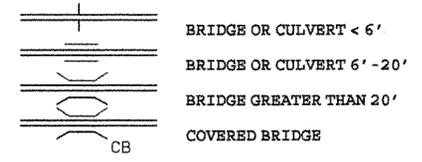
POMPANOSUC INSET 3



INSET 4



LEWISTON INSET 1

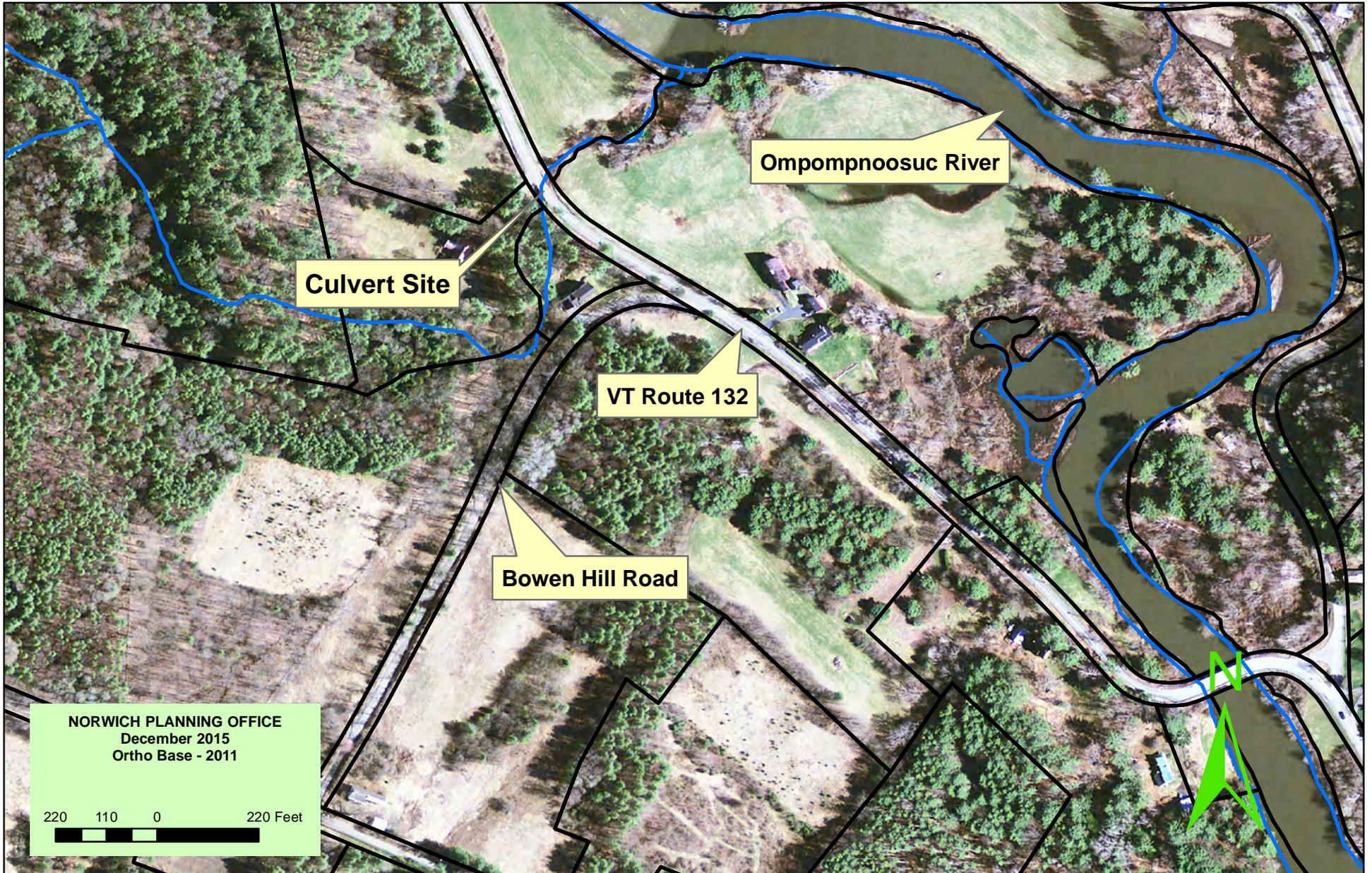


**PROJECT SUMMARY**

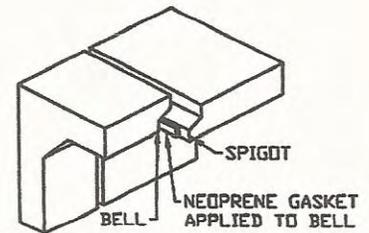
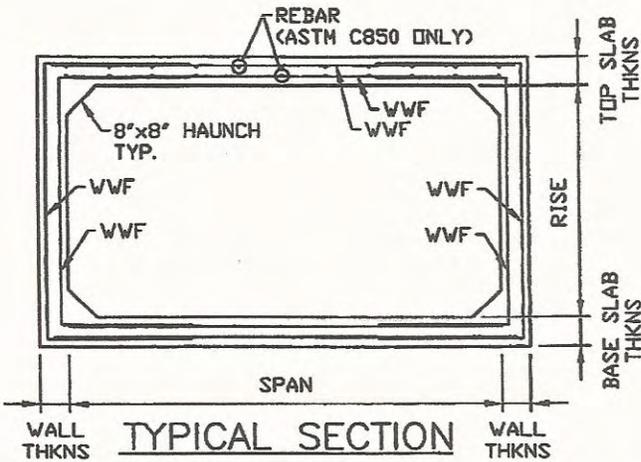
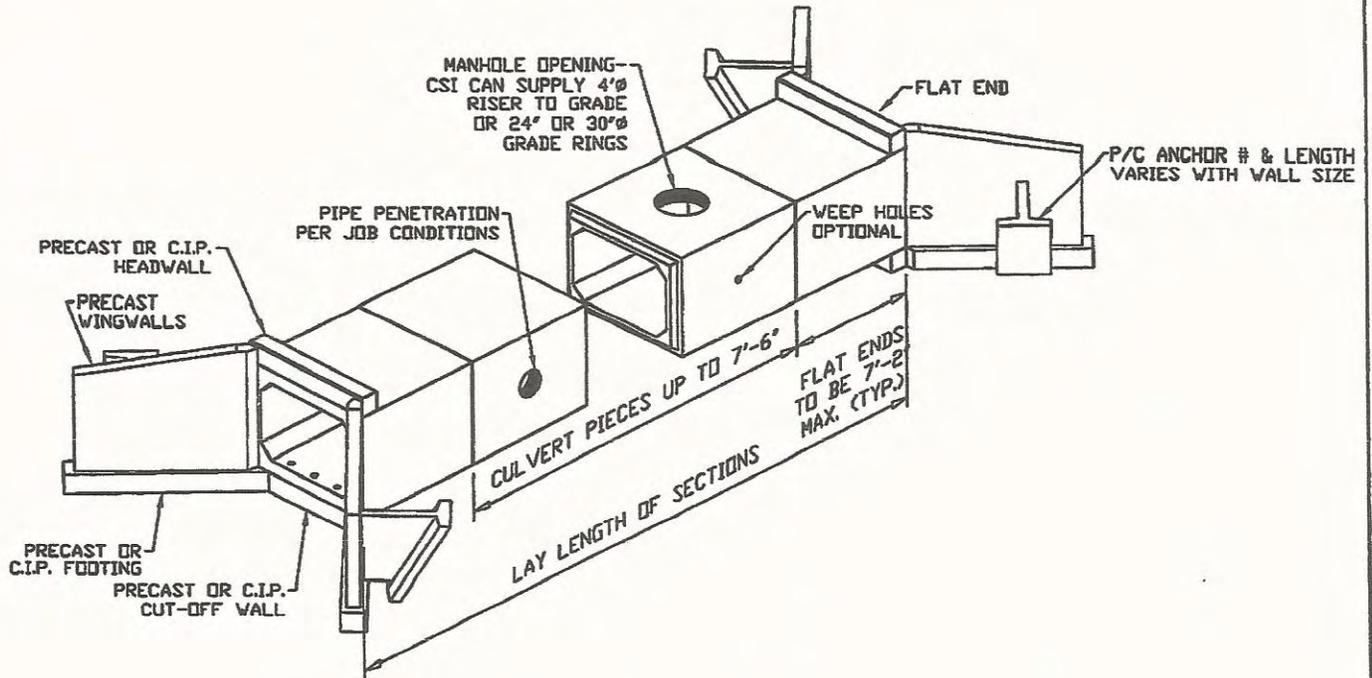
ROADS:		
1 TOWN HWYS.	0.000	
2 TOWN HWYS.	14.550	
3 TOWN HWYS.	61.220	75.770
STATE HWYS.		
Y. NO. 91	7.559	
MPS	0.820	
STATE HWYS.	8.379	
5	8.290	

VERMONT GENERAL TOWN OF  
 VERMONT AGENCY  
 PROGRAM DEVELOPMENT  
 IN COOPERATION WITH  
 U. S. DEPARTMENT OF TRANSPORTATION  
 FEDERAL HIGHWAY ADMINISTRATION





# Precast Box Culvert with Wing Walls Single Cell



JOINT DETAIL

**GENERAL NOTES:**

1. Structure designed and built in accordance with ACI 318-99 "Building Code Requirements for Structural Concrete" and ASTM C789 or C850. Other design codes: AASHTO, AREA, FAA Airport Loading & BOCA as required.
2. Design Parameters:
  - Live load: As specified
  - Earth Cover: Per job condition
  - Concrete: Design strength  $f_c = 5000$  psi
  - Unit weight = 150 pcf
  - Reinforcing: ASTM A615 (Rebar) Grade 60
  - ASTM A185 (Welded Wire Fabric) Grade 70

**Vermont Department of Environmental Conservation**

Watershed Management Division  
Springfield Regional Office  
100 Mineral Street, Suite 303  
Springfield, VT 05156  
www.watershedmanagement.vt.gov

*Agency of Natural Resources*

[phone] 802-885-8855  
[fax] 802-885-8890  
[cell] 802-345-3510

## AUTHORIZATION TO CONDUCT STREAM ALTERATION ACTIVITIES

Pursuant to Section C.2.2.5 of the VT Stream Alteration General Permit (replacement to improve existing culverts)

Project Number: **SA-05-044-2015 Norwich Route 132 Culvert**

Applicant Name: Selectboard, Town of Norwich, Vermont

Contact: Neil Fulton or Andy Hodgdon

Mailing Address: Town of Norwich, PO Box 376, Norwich, Vermont 05055

Phone: (802) 649-1419 or (802) 649-2209

Project Location: Rte 132 Replacement Culvert over un-named tributary

Email: [manager@norwich.vt.us](mailto:manager@norwich.vt.us) or

[ahodgdon@norwich.vt.us](mailto:ahodgdon@norwich.vt.us)

The Secretary of the Vermont Agency of Natural Resources (VT ANR) has determined that:

1. This project authorizes the replacement of a structurally deficient 4' wide X 6' tall bridge with a 10' wide X 5' tall concrete box culvert on an un-named tributary to the Ompompanossuc River to preclude emergency repairs.
2. The proposed activity is eligible for coverage under the VT ANR Stream Alteration General Permit.
3. The proposed activity will meet the terms and conditions of the General Permit provided:
  - a) The project will be completed and approved as shown on the attached plans undated, prepared by the town of Norwich as reviewed and approved by the VT ANR herein. Shop drawings shall be approved prior to construction.
  - b) The project will not adversely affect the public safety by increasing flood hazards. See VTrans Hydraulic Report.
  - c) The project will not significantly damage fish life or wildlife. Provide 12" sills buried 24" below stream bed.
  - d) The project will not significantly damage the rights of riparian owners. See attached VTrans Hydraulic Report.
  - e) The project will not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction. Use Type E1 Stone Fill in retention sills as per attached SRMPP Appendix M Stone Fill.
  - f) The project is conducted in a manner which minimizes or avoids any discharge of sediment or other pollutants to surface waters in violation of the VT Water Quality Standards.
  - g) The ANR River Management Engineer is notified by phone or email when construction begins and when the project is complete.
  - h) In-stream working dates for all GP activities are from June 1<sup>st</sup> through October 1<sup>st</sup>; any in-stream work outside these dates will require an Individual Stream Alteration Permit authorization by the River Management Engineer.
  - i) This authorization has been posted for three days public comment. This authorization constitutes final approval.

If there are any changes in the project plan or deviation in construction from the plan, the Permittee must notify the River Management Engineer immediately.

If the project is constructed as you have described, as shown on the above referenced approved plans and according to the above conditions, there is no reason to expect any violation of Vermont Water Quality Standards.

Signed this 23<sup>rd</sup> day of December, 2015

This permit expires October 1, 2016.

Alyssa B. Schuren, Commissioner

Department of Environmental Conservation

by 

Todd Menees, P.E., P.H., River Management Engineer

## **Streambed Stone Fill Design Guidance**

<b>Type</b>	<b>Velocity Range (fps)*</b>	<b>Embeddedness (in)</b>
E1	$V \leq 9$	18
E2	$9 < V \leq 11$	24
E3	$11 < V \leq 13$	36
E4	$13 < V \leq 15$	48

\*Maximum velocity should be based on a minimum 50-year design flow rate and calculated at the structure outlet.

### **Item xxx.xxx CY Streambed Stone Fill Specification**

Type E1. The longest dimension of the stone shall be at least 18 inches, and at least 50 percent of the volume of the stone in place shall have a least dimension of 12 inches, and at least 25 percent of the particles shall have a maximum dimension of 2 inches and be well graded material.

Type E2. The longest dimension of the stone shall be at least 24 inches, and at least 50 percent of the volume of the stone in place shall have a least dimension of 18 inches, and at least 25 percent of the particles shall have a maximum dimension of 2 inches and be well graded material.

Type E3. The longest dimension of the stone shall be at least 36 inches, and at least 50 percent of the volume of the stone in place shall have a least dimension of 24 inches, and at least 25 percent of the particles shall have a maximum dimension of 2 inches and be well graded material.

Type E4. The longest dimension of the stone shall be at least 48 inches, and at least 50 percent of the volume of the stone in place shall have a least dimension of 36 inches, and at least 25 percent of the particles shall have a maximum dimension of 2 inches and be well graded material.

#### Notes

- The streambed stone fill shall be hard, blasted, angular rock other than serpentine rock containing the fibrous variety chrysotile (asbestos). Similar sized river sediment is an acceptable alternative as is a mixture of angular material and river sediment.
- Stone placed inside of a closed structure shall be placed such that the structure is not damaged.
- Care shall be taken to limit segregation of the materials.
- Add sand borrow item as needed to seal the bed and prevent subsurface flow.
- There shall be no subsurface flow upon final inspection.

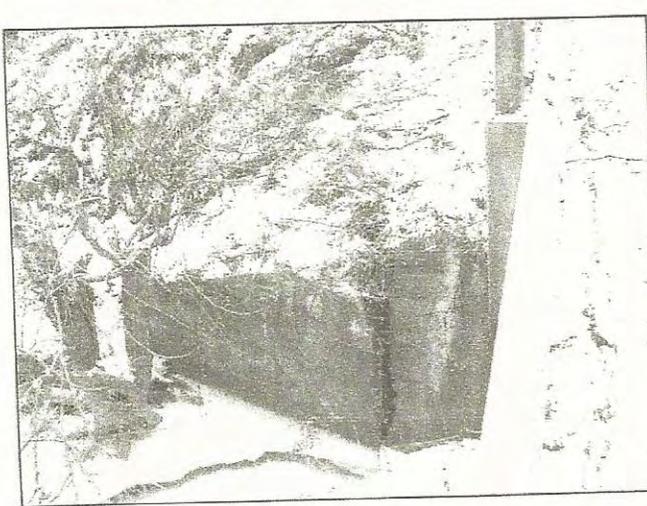
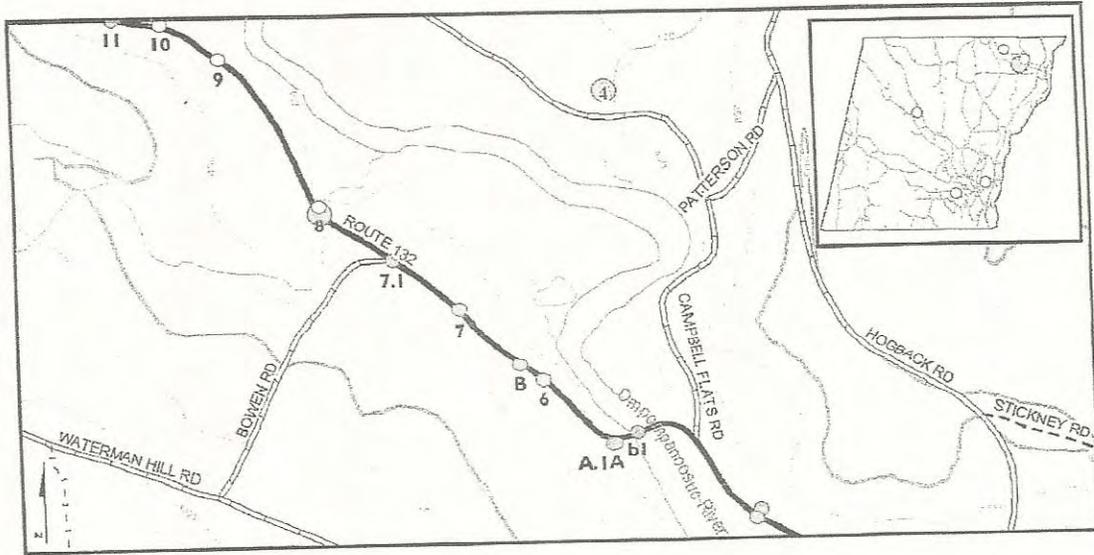


Figure 1: Cracked wingwalls

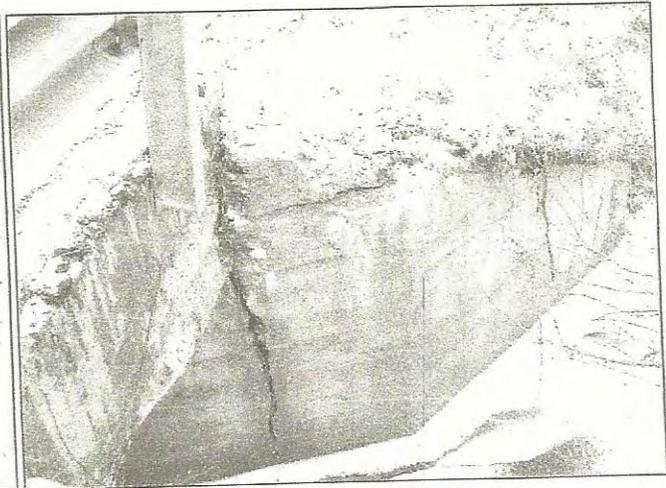


Figure 2: Cracked wingwalls



Figure 3: Poor condition box culvert



## Site Description

---

At the first stream crossing below the intersection of Bowen Hill, a concrete box culvert that was built in 1927 and is in very poor condition.

## Recommended Treatment

---

Scope of work:

- Demolish and remove existing concrete box culvert.
- Replace existing concrete culvert with a metal pipe arch with a 117" minimum clear span and 79" minimum clear height.
- Install 12" high bed retention sills in the bottom of the structure, buried 24", so the top of the sills and invert are buried below the streambed.
- Sills will be spaced no more than 8' - 0" apart throughout the structure with one sill placed at the inlet and one at the outlet.
- Sills will be cast in a V shape with a 10:1 lateral slope, to create a low flow channel in the center if the bed material in the structure is washed out.
- This will result in a structure with an approximate waterway opening of 37.7 square ft. This structure will result in approximate headwater depths at Q50=4.1' and at Q100-4.8'.
- Concrete headwalls will be constructed at the inlet and outlet. The headwalls will extend at least four feet below the channel bottom or to the ledge, to prevent undermining of the structure.
- The new structure will have flared wing walls at the inlet and outlet, to smooth transition flow through the structure, and to protect the structure and roadway approaches from erosion.
- Stone fill-Type II will be used to protect any disturbed channel banks or roadway slopes at the structure's inlet and outlet, up to a height of at least one foot above the top of the opening.
- Repair of road pavement after the installation of the metal pipe arch.
- Installation of 150 linear feet of used SBGR State of Vermont-type w-rail with radius panels and buffers.

**Permit Requirements** - A VT DEC Stream Alteration Permit will be required for this project. Contact Pat Ross at (802) 279-1143.

## Construction Notes:

- Construction Specifications-See specifications in Vermont Better Backroads Manual, 2009.
- Buried Cable/Utilities-Buried cable/utilities may be on site. Call Dig Safe 1-888-DIG-SAFE to locate buried utilities prior to construction
- Crown roads ½ to ¾ inch per linear foot after project installation and maintain thereafter.
- Stabilize all disturbed soils with seed and mulch.
- Appropriate erosion control measures shall be utilized throughout the duration of the project in accordance with the ANR stream engineer.
- All cost of installing, maintaining, and removing the signs and barricades, and traffic control are to be borne by the successful bidder.
- All traffic signs shall conform to the Manual of Uniform Traffic Control Devices (MUTCD), 2009 Edition.
- All orange signs shall be fabricated using reflectorized fluorescent orange-colored sheeting.
- It is estimated that this project will take approximately two weeks to complete, during which time an acceptable detour will need to be established for Route 132 traffic.

---

## Cost Estimates for Treatment

The total cost of removal and disposal of the existing cement box culvert, purchasing and installing the new metal pipe and culvert with concrete work as described above, clearing and grubbing, channel relocating, stone-filled slope stabilizing, repairing pavement, traffic control, erosion control, guardrail installation, turf establishment, and mobilization will be \$115,000.

### Cost Benefit Analysis:

This culvert is in such poor shape that it will eventually cave in; causing an emergency repair that would put the burden of the entire replacement cost to the town.

This project is located in a highly visible area on Route 132, which is one of the main arteries going to the towns of Thetford, Strafford, and Sharon. It would demonstrate the benefits of being proactive in the maintenance of stream crossings and proper drainage on this important connecting route.

VT AGENCY OF TRANSPORTATION      PROGRAM DEVELOPMENT DIVISION  
**HYDRAULICS UNIT**

**TO:** Trevor Starr, District Project Manager, District 4  
**FROM:** Leslie Russell, P.E., Hydraulics Project Engineer  
**DATE:** 16 March 2012  
**SUBJECT:** Norwich VT 132 – 300' west of TH 14 – over unnamed brook

---

We have completed our preliminary hydraulic study for the above referenced site, and offer the following information for your use:

**Hydrology**

This site has a hilly drainage basin. It is mostly forested. The total contributing drainage area is about 0.8 sq. mi. There is an overall length of 9855 feet from the divide to the site, with a 630 foot drop in elevation, giving an average overall channel slope of 6.4 %. The stream slope at the site was estimated to be about 1%. Using several hydrologic methods, we came up with the following design flow rates:

<u>Recurrence Interval in Years</u>	<u>Flow Rate in Cubic Feet per Second (CFS)</u>
Q2.33	45
Q10	110
Q25	145
Q50	180 - State Highway Design Flow
Q100	220 - Check flow

**Existing Conditions**

The existing structure is a small slab bridge. It has a clear span length of 4', with a clear height of about 6', providing a waterway opening of 24 sq. ft. The bridge has concrete abutments. The southeast wingwall on the outlet is separating from the eastern abutment.

The bridge is on a skew to the roadway and constricts the channel. The top of the footings can be seen indicating that there is scour through the bridge. There is potential for debris and ice to block this narrow structure.

The downstream channel is incised and during high water, it may be possible for this structure to see backwater from the Ompompanoosuc River because the confluence is a couple hundred feet downstream of the structure.

This structure results in a headwater depth of 6.8' at Q50 and 8.0' at Q100.

**Recommendations**

In sizing a new structure we attempted to select structures that meet the hydraulic standards, fit the natural channel width, the roadway grade and other site conditions. Though there was ice and snow on the day of the site visit, we measured the channel width to be approximately 10'. ANR regression

equation calculates bankfull width as 12'. However, the equation does not take into account any other factor besides drainage area. We recommend any of the following structures as a replacement at this site:

1. A concrete box with a 10' wide by 5' high inside opening, with 6" high bed retention sills (baffles) in the bottom. The box invert should be buried 12", so the top of the sills will be buried 6" and not be visible. That will result in a 10' wide by 4' high waterway opening above streambed, providing 40-sq. ft. of waterway area. Sills should be spaced no more than 8'-0" apart throughout the structure with one sill placed at the inlet and one at the outlet. Sills should be cast in a V shape with a 10:1 lateral slope, to create a low flow channel in the center if the bed material in the structure is washed out. The spaces between sills should be filled with stone graded to match the natural stream bed material. This structure will result in a headwater depth at  $Q_{50} = 3.7'$  and at  $Q_{100} = 4.2'$ , with no roadway overtopping at  $Q_{100}$ .
2. A metal pipe arch with a 117" minimum clear span and 79" minimum clear height. There should be 12" high bed retention sills in the bottom of the structure that are buried 24", so the top of the sills and invert are buried below the streambed. Sills should be built as for the box above. This will result in a structure with an approximate waterway opening of 37.7 sq. ft. This structure will result in approximate headwater depths at  $Q_{50} = 4.1'$  and at  $Q_{100} = 4.8'$ .
3. Any similar structure with a minimum clear span of 10' and at least 40 sq. ft. of waterway area, that fits the site conditions, could be considered.

#### **General comments**

If a new box is installed, we recommend it have full headwalls at the inlet and outlet. The headwalls should extend at least four feet below the channel bottom, or to ledge, to act as cutoff walls and prevent undermining.

If the pipe arch option is installed, concrete headwalls should be constructed at the inlet and outlet. The headwalls may be either half height or full height. The headwalls should extend at least four feet below the channel bottom or to ledge, to prevent undermining of the structure. We recommend a minimum cover of 3' over all pipe structures. Obtaining the minimum cover of 3' should be no problem at this site. Pipe manufactures can provide specific recommendations for minimum and maximum fill heights and required pipe thickness.

It is always desirable for a new structure of this size to have flared wingwalls at the inlet and outlet, to smoothly transition flow through the structure, and to protect the structure and roadway approaches from erosion. The wingwalls should match into the channel banks. Any new structure should be properly aligned with the channel, and constructed on a grade that matches the channel.

Stone Fill, Type II should be used to protect any disturbed channel banks or roadway slopes at the structure's inlet and outlet, up to a height of at least one-foot above the top of the opening. The stone fill should not constrict the channel or structure opening.

**The Agency of Natural Resources (ANR), Corps of Engineers, or other permitting agency may have additional concerns regarding replacement of this structure, or any channel work. The River Management Engineer should be contacted with respect to those concerns, before a replacement structure is ordered. If ANR requires the invert of the structure to be buried**

deeper than specified above, the size of the structure will have to be larger to provide the required waterway area.

Please keep in mind that while a site visit was made, these recommendations were made without the benefit of a survey and are based on limited information. The final decision regarding the replacement of this structure should take into consideration matching the natural channel conditions, the roadway grade, environmental concerns, safety, and other requirements of the site.

Please contact us if you have any questions or if we may be of further assistance.

LGR

cc: Barry Cahoon, A.N.R. River Management Engineer  
Hydraulics Project File via NJW  
Hydraulics Chrono File

Non\_PMS\_Projects\Hydraulics\ProjectFiles\_NonCADD\Norwich\VT 132\Norwich VT 132 prel hyd  
memo.docx









**TOWN OF NORWICH**  
**DEPARTMENT OF PUBLIC WORKS**  
26 New Boston Road  
Norwich, VT 05055  
802-649-2209 Fax: 802-296-0060  
[Ahodgdon@norwich.vt.us](mailto:Ahodgdon@norwich.vt.us)

**Request for Bids**  
**Town of Norwich-VT Route 132**  
**Replacement of Concrete Box Culvert**

**1. PURPOSE**

- 1.1 The Town of Norwich is seeking bids for the replacement of a dilapidated concrete box culvert on VT Route 132, at the first stream crossing below the intersection of Bowen Hill.
- 1.2 Location: N 43° 45.967; W 072° 14,707; West to 002

**2. EXISTING STRUCTURE**

- 2.1 The existing structure is a concrete box culvert with a clear span length of 4' and clear height of about 6', providing a waterway opening of 24 sq. ft.

**3. SCOPE OF WORK**

- 3.1 Demolish and remove existing concrete box culvert.
- 3.2 Replace existing concrete culvert with a concrete box with a 10' wide by 5' high inside opening and 6" high bed retention sills (baffles) in the bottom.
- 3.3 The box invert should be buried 12", so the top of the sills will be buried 6" and not be visible. That will result in a 10' wide by 4' high waterway opening above streambed, providing 40 sq. ft. of waterway area.
- 3.4 Sills should be spaced no more than 8'-0" apart throughout the structure with one sill placed at the inlet and one at the outlet.
- 3.5 Sills should be cast in a V-shape with a 10:1 lateral slope, to create a low flow channel in the center of the bed material in the structure is washed out.
- 3.6 The spaces between sills should be filled with stone graded to match the natural stream bed material.
- 3.7 This structure will result in a headwater depth at Q50= 3.7' and at Q100= 4.2', with no roadway overtopping at Q100.
- 3.8 Full headwalls should be constructed at the inlet and outlet.
  - 3.8.1 The headwalls should extend at least four feet below the channel bottom, or to ledge, to act as cutoff walls and prevent undermining.
- 3.9 Structure should have flared wingwalls at the inlet and outlet, to smoothly transition flow through the structure, and to protect the structure and roadway approaches from erosion.
  - 3.9.1 Wingwalls should match into the channel banks.

- 3.10 Structure should be properly aligned with the channel, and constructed on a grade that matches the channel.
- 3.11 Stone fill-Type II should be used to protect any disturbed channel banks or roadway slopes at the structure's inlet and outlet, up to a height of at least one foot above the top of the opening. The stone fill should not constrict the channel or structure opening.
- 3.12 Repair of road pavement after the installation of the new structure.
- 3.13 Installation of 75 linear feet of used SBGR State of Vermont-type.

#### 4. QUANTITIES

##### 4.1

Item #	Description	Quantity	Unit
201.11	Clearing and grubbing	0.1	acre
203.15	Common excavation	300	cy
203.32	Granular borrow	200	cy
301.15	Subbase of gravel	150	cy
402.1	Aggregate shoulders	10	cy
406	Marshall bituminous pavement	50	tons
507.15	Reinforcing steel	500	lbs.
529.15	Removal of existing structure	1	unit
540.1	Precast concrete box	1	unit
541.25	Concrete class B footings	20	cy
606.14	Beam guardrail	75	ft
615.16	Type II stone fill	40	cy
621.5	Man. Term. Section (G1-D)	4	ea
621.8	Removal of guardrail	75	ft
635.11	Mobilization	1	unit
641.1	Traffic control	1	unit
649.31	Geotextile under stone fill	100	sy
649.51	Geotextile for silt fence	100	sy
651.15	Seed	50	lb
651.18	Fertilizer	100	lb
651.25	Hay mulch	200	sy
651.35	Topsoil	50	cy
900.651	Testing allowance	\$5,000	NABI

##### 4.2 Notes

4.2.1 The quantities above were developed as a base for cost of the project and may not include all items necessary to complete the work.

4.2.2 These quantities are provided for information only.

4.2.3 This project is to be bid and paid for as a lump sum project.

4.2.4 It is not anticipated that ledge will be encountered. However, if ledge is encountered, the contractor will be asked to pin the footings to ledge. This will be paid for as a change order adding the drilling and grouting item.

## **5. OTHER CONDITIONS**

- 5.1 A stream alteration permit has been obtained from the VT Agency of Natural Resources for this project: Project Number SA-05-044-2015 Norwich Route 132 Culvert.
- 5.2 The Vermont ANR will not approve the installation of a metal arch pipe at this location.
- 5.3 The Project Delivery Bureau, Environmental Section of the VT Agency of Transportation has confirmed that no clearances or permits are needed from the State of Vermont for this project.

## **6. INDEMNIFICATION AND INSURANCE**

- 6.1 The chosen contractor shall comply with the following requirements.
  - 6.1.1 The contractor agrees to defend and save harmless the Town of Norwich, its officers, agents and employees against all claims, demands, payments, suits, actions, recovery, and judgments of every kind and description arising out of the performance of the Agreement, including a personal injury or property damage brought or recovered against it by reason of any negligent action or omission of the consultant, its agents, or employees and with respect to the degree to which the Town is free from negligence on the part of itself, its employees and agents.
  - 6.1.2 The contractor shall carry Comprehensive Broad Form General Liability Insurance in the amount shown below including protection for bodily injury and property damage.
  - 6.1.3 The contractor shall also maintain Automobile Liability Insurance providing limits prescribed by the Town and Umbrella or Excess Liability Insurance in the amount shown below. The Workers' Compensation Insurance shall provide coverage pursuant to V. S. A. Title 21, Section 600 et seq.
  - 6.1.4 Prior to the commencement of work, Certificates of Insurance shall be supplied to the Town by the contractor detailing the required coverage. These Certificates shall be issued by a carrier authorized to do business within the State of Vermont. The Town shall also be named as an additional insured.
  - 6.1.5 The contractor shall have and require all sub-consultants to have and maintain insurance coverage and list the Town as an additional insured in accordance with the minimum amounts listed below. Prior to the start of any work, the Town shall be furnished with an insurance certificate as proof that coverage is in place.

General Liability-\$1,000,000 per occurrence  
Product Liability-\$1,000,000 per occurrence  
Property Damage-\$1,000,000 per occurrence  
Personal Injury- \$1,000,000 per occurrence  
Automotive Liability-\$500,000 per occurrence  
Workers' Compensation-Statutory Requirement

## **7. INSTRUCTIONS TO BIDDER**

- 7.1 Proposals shall be typewritten or written in ink. Officials of corporations shall designate their official title; partners or sole owners shall so state giving the names of all interested parties. The person signing the bid shall initial all corrections or erasures.
- 7.2 Requested descriptive material shall be submitted with the bid.
- 7.3 In submitting the bids the contractor agrees that acceptance of any bid by the Town of Norwich within 90 calendar days constitute a contract. No work shall be started until a purchase order has been approved by the Town Manager and a Notice to Proceed in writing from the Director of Public Works.
- 7.4 Discounts for immediate payment or credit terms where offered will not be a factor in the determination of the lowest responsible bidder. Payment terms by the Town will be cash, less any applicable discounts, to be paid within 30 days of the completion of the work by the contractor and formal acceptance by the Town.
- 7.5 The successful bidder shall indemnify and hold harmless the Town of Norwich against all claims for royalties, for patents, or suit for infringement thereon which may be involved in the manufacture or use of the material to be furnished.
- 7.6 All materials shall remain the property of the contractor until delivered to and accepted by the Town.
- 7.7 Deviations from these specifications are permitted only as separate bids provided they are submitted as alternate proposals accompanying a conforming bid.
- 7.8 Selection criteria: This bid shall be awarded to the contractor whose bid represents the best value to the Town of Norwich.
- 7.9 All traffic control and signage will be the responsibility of the successful bidder. All traffic control and signage shall be in compliance with the Manual of Uniform Traffic Control, 2009 Edition.
- 7.10 All bids shall include the following:
  - 7.10.1 Project cost
  - 7.10.2 Project schedule
- 7.11 The Town of Norwich reserves the right to accept and reject any and all bids for due cause to negotiate with any party, to waive informalities or defects in bids, to require test proving or to accept such bids or parts thereof as it shall deem in the best interests of the Town.
- 7.12 Questions relating to these specifications may be directed to R. Andrew Hodgdon, Public Works Director, Town of Norwich, at 802-649-2209.
- 7.13 Interested firms shall submit an original and 2 copies of their bid in a sealed envelope, marked "Route 132 Box Culvert" to

Town Manager  
Town of Norwich  
300 Main Street  
P.O. Box 376  
Norwich, VT 05055

## **8. CALENDAR**

- 8.1 Request for Bids posted:
- 8.2 Proposals due: By noon on Wednesday, January 6, 2016

## Andy Hodgdon

---

**From:** Menees, Todd <Todd.Menees@vermont.gov>  
**Sent:** Wednesday, December 23, 2015 1:29 PM  
**To:** Andy Hodgdon; Neil Fulton; Roberta Robinson; White, Jasmine  
**Cc:** Kirn, Rich; Mason, Dan; 'Kevin Geiger'; 'Mike Adams'; Kline, Mike; Andes, Mary; 'Mary Andes'; Pentkowski, Ron; Phil Dechert  
**Subject:** SA-05-044-2015 Norwich Route 132 Culvert  
**Attachments:** SA-05-044-2015 Norwich Route 132 Culvert.pdf

Andy and Neil –

I have attached authorization for replacement of the structurally deficient structure crossing over an un-named tributary to preclude emergency repairs in Norwich, VT. I will not be mailing a hard copy unless requested. You should print off a copy for your files and a copy for the selected contractor to keep on-site during implementation.

I have copied Jasmine White who will post the permit on the Agency web site for a 3-day public comment period, after which she will notify you of the permit status. I have also copied other folks who should be aware in the event they receive a complaint. I have also copied Mike Adams in the Army Corps regarding federal jurisdiction.

Mike –

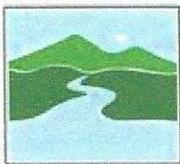
You may not yet be aware of this the project. You can reach Andy at 802-649-2209 and Neil is on vacation until after the New Year.

Thanks –

**Please note that my e:mail address has changed below:**

**Todd Menees, P.E., P.H., River Management Engineer**  
**Watershed Management Division, Rivers Program**  
**Vermont Department of Environmental Conservation**  
**100 Mineral Street, State Office Suite 303**  
**Springfield, VT 05156**  
**802-345-3510 / [todd.menees@vermont.gov](mailto:todd.menees@vermont.gov)**

**On the Web @** [www.watershedmanagement.vermont.gov/rivers.htm](http://www.watershedmanagement.vermont.gov/rivers.htm)



VERMONT DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
**WATERSHED**  
MANAGEMENT DIVISION

Vermont Department of Environmental Conservation  
Watershed Management Division  
Springfield Regional Office  
100 Mineral Street, Suite 303  
Springfield, VT 05156  
www.watershedmanagement.vt.gov

Agency of Natural Resources

[phone] 802-885-8855  
[fax] 802-885-8890  
[cell] 802-345-3510

## AUTHORIZATION TO CONDUCT STREAM ALTERATION ACTIVITIES

Pursuant to Section C.2.2.5 of the VT Stream Alteration General Permit (replacement to improve existing culverts)

Project Number: **SA-05-044-2015 Norwich Route 132 Culvert**

Applicant Name: Selectboard, Town of Norwich, Vermont

Contact: Neil Fulton or Andy Hodgdon

Mailing Address: Town of Norwich, PO Box 376, Norwich, Vermont 05055

Phone: (802) 649-1419 or (802) 649-2209

Project Location: Rte 132 Replacement Culvert over un-named tributary

Email: [manager@norwich.vt.us](mailto:manager@norwich.vt.us) or

[ahodgdon@norwich.vt.us](mailto:ahodgdon@norwich.vt.us)

The Secretary of the Vermont Agency of Natural Resources (VT ANR) has determined that:

1. This project authorizes the replacement of a structurally deficient 4' wide X 6' tall bridge with a 10' wide X 5' tall concrete box culvert on an un-named tributary to the Ompompanossuc River to preclude emergency repairs.
2. The proposed activity is eligible for coverage under the VT ANR Stream Alteration General Permit.
3. The proposed activity will meet the terms and conditions of the General Permit provided:
  - a) The project will be completed and approved as shown on the attached plans undated, prepared by the town of Norwich as reviewed and approved by the VT ANR herein. Shop drawings shall be approved prior to construction.
  - b) The project will not adversely affect the public safety by increasing flood hazards. See VTrans Hydraulic Report.
  - c) The project will not significantly damage fish life or wildlife. Provide 12" sills buried 24" below stream bed.
  - d) The project will not significantly damage the rights of riparian owners. See attached VTrans Hydraulic Report.
  - e) The project will not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction. Use Type E1 Stone Fill in retention sills as per attached SRMPP Appendix M Stone Fill.
  - f) The project is conducted in a manner which minimizes or avoids any discharge of sediment or other pollutants to surface waters in violation of the VT Water Quality Standards.
  - g) The ANR River Management Engineer is notified by phone or email when construction begins and when the project is complete.
  - h) In-stream working dates for all GP activities are from June 1<sup>st</sup> through October 1<sup>st</sup>; any in-stream work outside these dates will require an Individual Stream Alteration Permit authorization by the River Management Engineer.
  - i) This authorization has been posted for three days public comment. This authorization constitutes final approval.

If there are any changes in the project plan or deviation in construction from the plan, the Permittee must notify the River Management Engineer immediately.

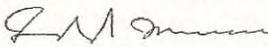
If the project is constructed as you have described, as shown on the above referenced approved plans and according to the above conditions, there is no reason to expect any violation of Vermont Water Quality Standards.

Signed this 23<sup>rd</sup> day of December, 2015

This permit expires October 1, 2016.

Alyssa B. Schuren, Commissioner

Department of Environmental Conservation

by 

Todd Menees, P.E., P.H., River Management Engineer

## Streambed Stone Fill Design Guidance

Type	Velocity Range (fps)*	Embeddedness (in)
E1	$V \leq 9$	18
E2	$9 < V \leq 11$	24
E3	$11 < V \leq 13$	36
E4	$13 < V \leq 15$	48

\*Maximum velocity should be based on a minimum 50-year design flow rate and calculated at the structure outlet.

### Item xxx.xxx CY Streambed Stone Fill Specification

Type E1. The longest dimension of the stone shall be at least 18 inches, and at least 50 percent of the volume of the stone in place shall have a least dimension of 12 inches, and at least 25 percent of the particles shall have a maximum dimension of 2 inches and be well graded material.

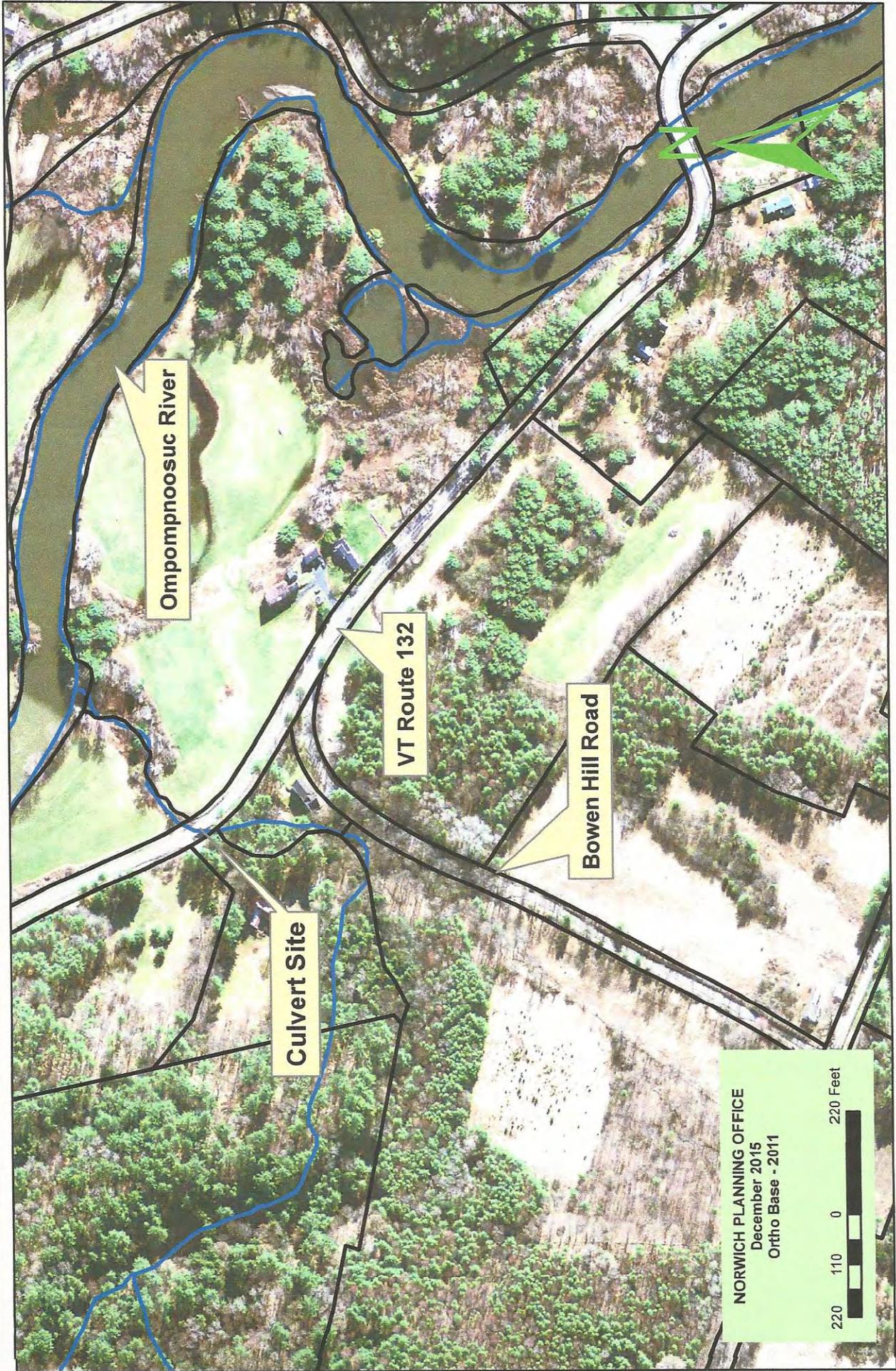
Type E2. The longest dimension of the stone shall be at least 24 inches, and at least 50 percent of the volume of the stone in place shall have a least dimension of 18 inches, and at least 25 percent of the particles shall have a maximum dimension of 2 inches and be well graded material.

Type E3. The longest dimension of the stone shall be at least 36 inches, and at least 50 percent of the volume of the stone in place shall have a least dimension of 24 inches, and at least 25 percent of the particles shall have a maximum dimension of 2 inches and be well graded material.

Type E4. The longest dimension of the stone shall be at least 48 inches, and at least 50 percent of the volume of the stone in place shall have a least dimension of 36 inches, and at least 25 percent of the particles shall have a maximum dimension of 2 inches and be well graded material.

### Notes

- The streambed stone fill shall be hard, blasted, angular rock other than serpentine rock containing the fibrous variety chrysotile (asbestos). Similar sized river sediment is an acceptable alternative as is a mixture of angular material and river sediment.
- Stone placed inside of a closed structure shall be placed such that the structure is not damaged.
- Care shall be taken to limit segregation of the materials.
- Add sand borrow item as needed to seal the bed and prevent subsurface flow.
- There shall be no subsurface flow upon final inspection.



Ompompoosuc River

VT Route 132

Bowen Hill Road

Culvert Site

NORWICH PLANNING OFFICE  
December 2015  
Ortho Base - 2011

220 110 0 220 Feet

VT AGENCY OF TRANSPORTATION      PROGRAM DEVELOPMENT DIVISION  
**HYDRAULICS UNIT**

**TO:** Trevor Starr, District Project Manager, District 4  
**FROM:** Leslie Russell, P.E., Hydraulics Project Engineer  
**DATE:** 16 March 2012  
**SUBJECT:** Norwich VT 132 – 300' west of TH 14 – over unnamed brook

---

We have completed our preliminary hydraulic study for the above referenced site, and offer the following information for your use:

**Hydrology**

This site has a hilly drainage basin. It is mostly forested. The total contributing drainage area is about 0.8 sq. mi. There is an overall length of 9855 feet from the divide to the site, with a 630 foot drop in elevation, giving an average overall channel slope of 6.4 %. The stream slope at the site was estimated to be about 1%. Using several hydrologic methods, we came up with the following design flow rates:

<u>Recurrence Interval in Years</u>	<u>Flow Rate in Cubic Feet per Second (CFS)</u>
Q2.33	45
Q10	110
Q25	145
Q50	180 - State Highway Design Flow
Q100	220 - Check flow

**Existing Conditions**

The existing structure is a small slab bridge. It has a clear span length of 4', with a clear height of about 6', providing a waterway opening of 24 sq. ft. The bridge has concrete abutments. The southeast wingwall on the outlet is separating from the eastern abutment.

The bridge is on a skew to the roadway and constricts the channel. The top of the footings can be seen indicating that there is scour through the bridge. There is potential for debris and ice to block this narrow structure.

The downstream channel is incised and during high water, it may be possible for this structure to see backwater from the Ompompanoosuc River because the confluence is a couple hundred feet downstream of the structure.

This structure results in a headwater depth of 6.8' at Q50 and 8.0' at Q100.

**Recommendations**

In sizing a new structure we attempted to select structures that meet the hydraulic standards, fit the natural channel width, the roadway grade and other site conditions. Though there was ice and snow on the day of the site visit, we measured the channel width to be approximately 10'. ANR regression

equation calculates bankfull width as 12'. However, the equation does not take into account any other factor besides drainage area. We recommend any of the following structures as a replacement at this site:

1. A concrete box with a 10' wide by 5' high inside opening, with 6" high bed retention sills (baffles) in the bottom. The box invert should be buried 12", so the top of the sills will be buried 6" and not be visible. That will result in a 10' wide by 4' high waterway opening above streambed, providing 40-sq. ft. of waterway area. Sills should be spaced no more than 8'-0" apart throughout the structure with one sill placed at the inlet and one at the outlet. Sills should be cast in a V shape with a 10:1 lateral slope, to create a low flow channel in the center if the bed material in the structure is washed out. The spaces between sills should be filled with stone graded to match the natural stream bed material. This structure will result in a headwater depth at  $Q_{50} = 3.7'$  and at  $Q_{100} = 4.2'$ , with no roadway overtopping at  $Q_{100}$ .
2. A metal pipe arch with a 117" minimum clear span and 79" minimum clear height. There should be 12" high bed retention sills in the bottom of the structure that are buried 24", so the top of the sills and invert are buried below the streambed. Sills should be built as for the box above. This will result in a structure with an approximate waterway opening of 37.7 sq. ft. This structure will result in approximate headwater depths at  $Q_{50} = 4.1'$  and at  $Q_{100} = 4.8'$ .
3. Any similar structure with a minimum clear span of 10' and at least 40 sq. ft. of waterway area, that fits the site conditions, could be considered.

#### General comments

If a new box is installed, we recommend it have full headwalls at the inlet and outlet. The headwalls should extend at least four feet below the channel bottom, or to ledge, to act as cutoff walls and prevent undermining.

If the pipe arch option is installed, concrete headwalls should be constructed at the inlet and outlet. The headwalls may be either half height or full height. The headwalls should extend at least four feet below the channel bottom or to ledge, to prevent undermining of the structure. We recommend a minimum cover of 3' over all pipe structures. Obtaining the minimum cover of 3' should be no problem at this site. Pipe manufactures can provide specific recommendations for minimum and maximum fill heights and required pipe thickness.

— It is always desirable for a new structure of this size to have flared wingwalls at the inlet and outlet, to smoothly transition flow through the structure, and to protect the structure and roadway approaches from erosion. The wingwalls should match into the channel banks. Any new structure should be properly aligned with the channel, and constructed on a grade that matches the channel.

— Stone Fill, Type II should be used to protect any disturbed channel banks or roadway slopes at the structure's inlet and outlet, up to a height of at least one-foot above the top of the opening. The stone fill should not constrict the channel or structure opening.

**The Agency of Natural Resources (ANR), Corps of Engineers, or other permitting agency may have additional concerns regarding replacement of this structure, or any channel work. The River Management Engineer should be contacted with respect to those concerns, before a replacement structure is ordered. If ANR requires the invert of the structure to be buried**

deeper than specified above, the size of the structure will have to be larger to provide the required waterway area.

Please keep in mind that while a site visit was made, these recommendations were made without the benefit of a survey and are based on limited information. The final decision regarding the replacement of this structure should take into consideration matching the natural channel conditions, the roadway grade, environmental concerns, safety, and other requirements of the site.

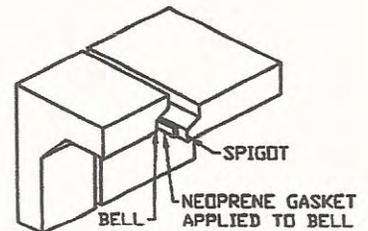
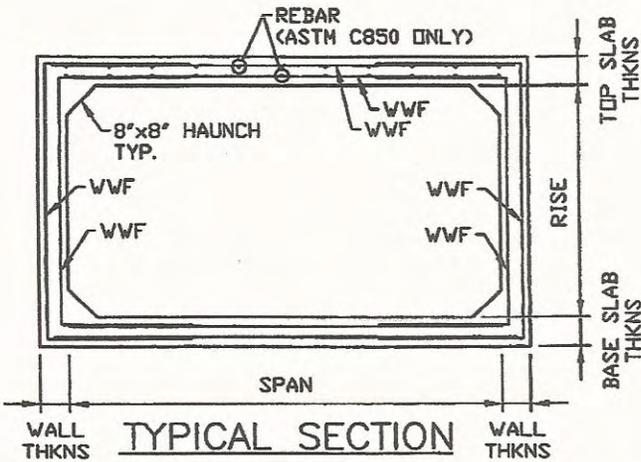
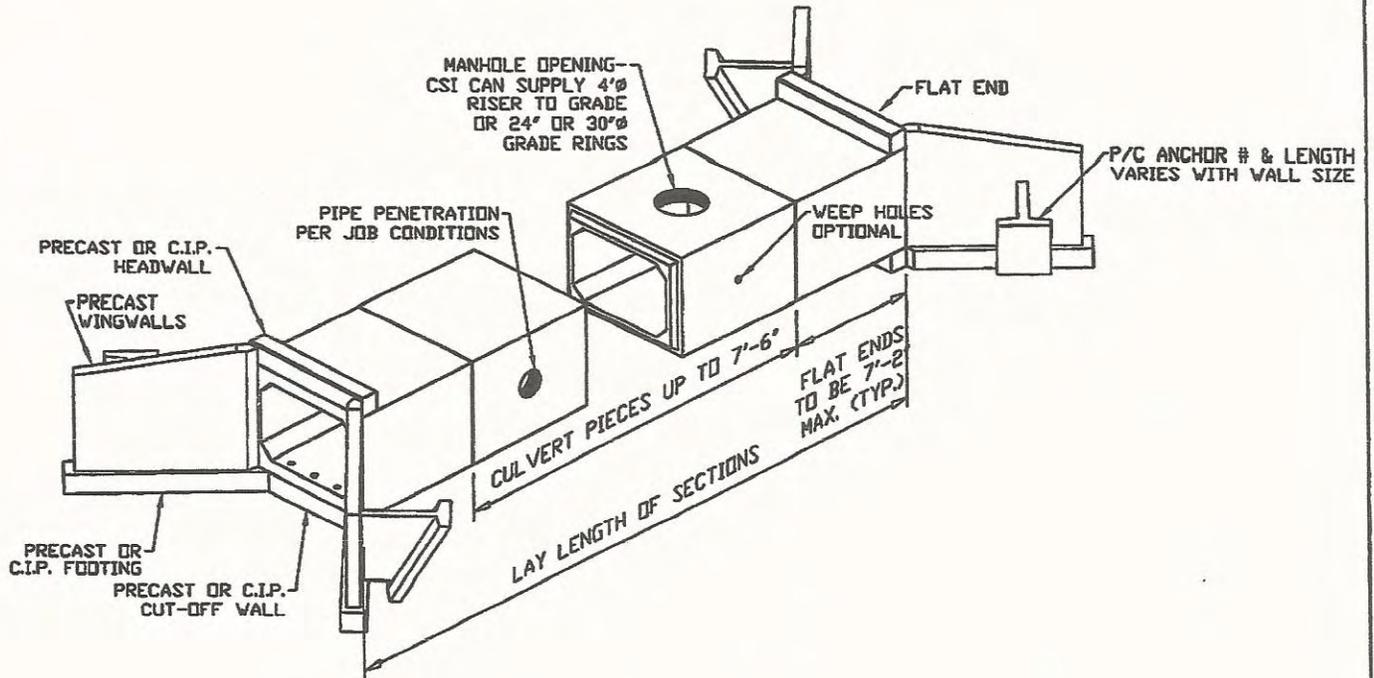
Please contact us if you have any questions or if we may be of further assistance.

LGR

cc: Barry Cahoon, A.N.R. River Management Engineer  
Hydraulics Project File via NJW  
Hydraulics Chrono File

Non\_PMS\_Projects\Hydraulics\ProjectFiles\_NonCADD\Norwich\VT 132\Norwich VT 132 prel hyd  
memo.docx

# Precast Box Culvert with Wing Walls Single Cell



JOINT DETAIL

**GENERAL NOTES:**

1. Structure designed and built in accordance with ACI 318-99 "Building Code Requirements for Structural Concrete" and ASTM C789 or C850. Other design codes: AASHTO, AREA, FAA Airport Loading & BOCA as required.
2. Design Parameters:
  - Live load: As specified
  - Earth Cover: Per job condition
  - Concrete: Design strength  $f_c = 5000$  psi
  - Unit weight = 150 pcf
  - Reinforcing: ASTM A615 (Rebar) Grade 60
  - ASTM A185 (Welded Wire Fabric) Grade 70







# Griffin & Griffin Excavating, Inc.

1909 Airport Road  
N. Fayston, VT 05660

## Estimate

Date	Estimate #
1/5/2016	911

Name / Address
Town of Norwich Dept. Public works 26 Boston Road Norwich, VT 05055

Project	Terms

Description	Qty	Cost	Total
Remove & Replace Box Culvert on Rt 132 in Norwich, VT, by house # 533 Pricing included on sheet # 2	1	\$ 126,700.00	\$ 126,700.00

One Hundred Twenty Six Thousand Seven <sup>Hundred 00/100</sup> Total \$ 126,700.00

Signature Robert D Griffin  
owner / president

Phone #	Fax #
802-583-2500	802-496-5478

Project manager  
Michael Allen  
802 - 371 - 8918



36" CPP  
Culvert

Sand bags  
concrete blocks with plastic

pump if  
needed

**GRIFFIN & GRIFFIN EXCAVATING, INC.**

1909 AIRPORT RD  
NORTH FAYSTON VT 05660

802-583-2500 Fax 802-496-5478 E-mail [northfayston@gmavt.net](mailto:northfayston@gmavt.net)

BY Pass

INSTALL 36" Pipe  
concret blocks  
Plastic over blocks  
sand bag on plastic  
temp pipe will be  
4' off outside of  
New box culvert

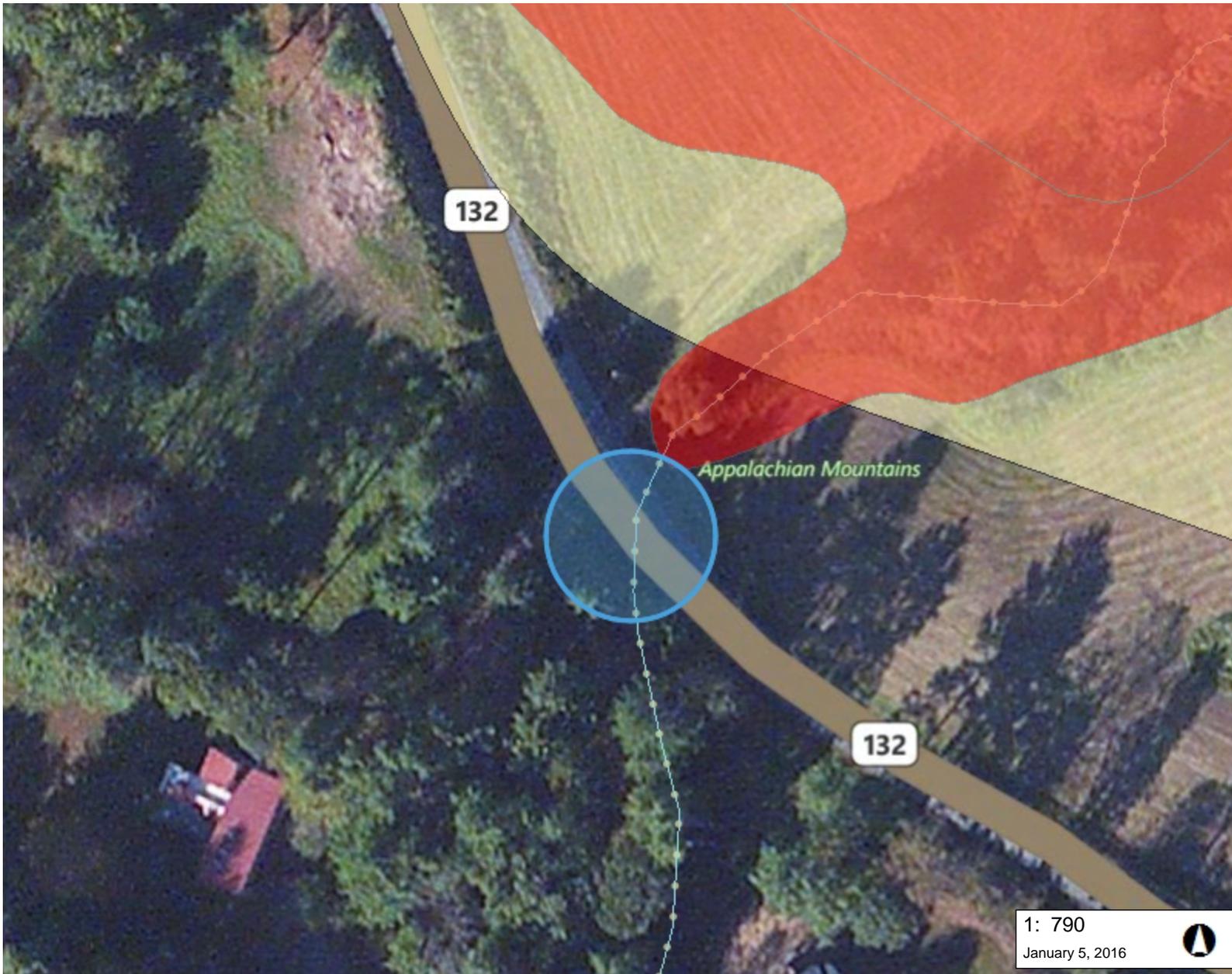
Remove TEMP 36"  
after box culvert  
is installed  
backfill box culvert

Put temp 36" Inside  
Inlet box culvert  
4' River sand bags  
dig wing walls  
set wing walls  
back fill  
same on outlet



- week 1
- set up sign's & Road Closure
  - lay out of new culvert
  - install temp 36" pipe for by pass,
  - Remove old culvert
  - grade for new culvert
  - set new culvert
  - Remove temp. pipe
  - back fill box culvert

- week 2
- Put in 36" pipe Inlet & outlet
  - grade & set wing walls
  - backfill
  - Place type 11 rip rap
  - top soil slope
  - box cut for gravel
  - Open road
  - allow traffic for
  - 3 week's
  - PAVE Road



### LEGEND

#### Wetlands - VSWI

- Class 1 Wetland
- Class 2 Wetland

#### Special Flood Hazard Areas (A Counties)

- AE (1-percent annual chance flood)
- A (1-percent annual chance floodpl)
- AO (1-percent annual chance zone feet)
- 0.2-percent annual chance flood ha

- River Corridors (Jan 2, 2015)
- Small Streams - 50ft Setback
- Stream
- Town Boundary

1: 790  
January 5, 2016

### NOTES

Map created using ANR's Natural Resources Atlas

40.0 0 20.00 40.0 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere 1" = 66 Ft. 1cm = 8 Meters  
© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

**TOWN OF NORWICH, VERMONT AND  
NORWICH TOWN SCHOOL DISTRICT  
WARNING OF ANNUAL MEETING, MARCH 1, 2016**

The legal voters of the Town of Norwich, Vermont and the Norwich Town School District are hereby notified and warned to meet in Tracy Memorial Hall, Norwich, Vermont at 7:00 pm on Monday, February 29, 2016, to transact business not requiring a vote by Australian ballot. Voting for Town Officers and for all articles on the Warning will be by Australian ballot. The polls will be open Tuesday, March 1, 2016 from 7:00 am to 7:00 pm.

This meeting is called to determine if the Town will:

**Article 1.** Elect a Moderator of the Town and School District meeting for one year.

**Article 2.** Elect Town and School District Officers for terms starting in 2016.

**Article 3.** Hear and act on the reports of the Officers of the Town and Town School District.

**Article 4.** Shall the voters of the Town of Norwich approve a gross spending General Town Budget of \$4,331,293 plus state and federal grants and gifts consistent with budgeted programs for the period July 1, 2016 to June 30, 2017?

**Article 5.** Shall the voters of the Town of Norwich appropriate \$35,000 for Public Safety Facility Architectural/Engineering Services to be available upon passage of this Article?

**Article 6.** Shall the voters of the Town of Norwich advise the Selectboard to use Federal and State monies that were initially allocated for replacement of the Pool Dam, which was not permitted by the Agency of Natural Resources, for Alternate Projects such as removal of the remnants of the Pool dam, reimbursement for the engineering costs associated with the Pool Dam permit application, an addition to the existing Public Works building and replacement of a culvert on VT Route 132 near Bowen Road?

**Article 7.** Shall the voters of the Town of Norwich appropriate \$12,860 to Advance Transit to be used to help cover operating costs and providing matching funds for grants, such amount being reasonably necessary for the support of providing public transportation services to benefit Town residents?

**Article 8.** Shall the voters of the Town of Norwich appropriate \$3,000 to Good Beginnings to be used for those operating expenses that are reasonably necessary for the support of programs to benefit Norwich residents?

**Article 9.** Shall the voters of the Town of Norwich appropriate \$500 to the Green Mountain RSVP & Volunteer Center of Windsor County to develop opportunities for people age 55 and older to positively impact the quality of life in the community through volunteer service, such amount being reasonably necessary for the support of programs to benefit Town residents?

**Article 10.** Shall the voters of the Town of Norwich appropriate \$2,500 to Headrest to be used for operation of the hotline, such amount being reasonably necessary for the support of Norwich callers using the 24-hour hotline?

**Article 11.** Shall the voters of the Town of Norwich appropriate \$1,500 to the Norwich American Legion, to be used for the Legion's Memorial Day observance, such amount being reasonably necessary to provide a dignified event honoring those Town residents who gave all?

**Article 12.** Shall the voters of the Town of Norwich appropriate \$15,000 to the Cemetery Commission under 18 VSA § 5361 to supplement the interest from the Perpetual Care Trust Fund for maintenance of the Town Cemeteries?

**Article 13.** Shall the voters of the Town of Norwich appropriate \$4,348 to The Child Care Center of Norwich to be used for income sensitive scholarships to Norwich children, such amount being reasonably necessary for the support of programs to benefit Town residents?

**Article 14.** Shall the voters of the Town of Norwich appropriate \$8,000 to the Norwich Historical Society and Community Center to support those programs that support the celebration of historic events, such amount being reasonably necessary for the support of programs to benefit Town residents?

**Article 15.** Shall the voters of the Town of Norwich appropriate \$3,000 to the Norwich Lions Club to be used to underwrite the fireworks for the Norwich Fair in celebration of the 254<sup>th</sup> year of the Town's Charter?

**Article 16.** Shall the voters of the Town of Norwich appropriate \$265,000 to the Norwich Public Library Association, to be used for the operating expenses of the Library?

**Article 17.** Shall the voters of the Town of Norwich appropriate \$3,750 to SEVCA (Southeastern Vermont Community Action) to be used for emergency needs, referral to and assistance with accessing needed services, financial counseling and food and nutrition education, such amount being reasonably necessary for the support of programs to benefit Town residents?

**Article 18.** Shall the voters of the Town of Norwich appropriate \$4,000 to The Family Place to be used for general program support, such amount being reasonably necessary for the support of programs such as direct service through early intervention, child care payment assistance, healthy baby visits, reach up, welcome baby, parent education, playgroups and other services to benefit Norwich residents and their children?

**Article 19.** Shall the voters of the Town of Norwich appropriate \$2,000 to the Upper Valley Trails Alliance to be used for trail planning and work, such amount being reasonably necessary for the support of programs to benefit Town residents?

**Article 20.** Shall the voters of the Town of Norwich appropriate \$15,600 to the Visiting Nurse Association & Hospice of VT and NH to help support the home health, maternal and child health and hospice care provided in patients' homes and in community settings, such amount being reasonably necessary for the support of programs to benefit Town residents?

**Article 21.** Shall the voters of the Town of Norwich appropriate \$5,300 to the White River Council on Aging to be used for home delivered meals, transport and social services, such amount being reasonably necessary for the support of programs to benefit senior citizen Town residents?

**Article 22.** Shall the voters of the Town of Norwich appropriate \$1,000 to Windsor County Partners to be used for mentoring youth, such amount being reasonably necessary for the support of programs to benefit Town youth?

**Article 23.** Shall the voters of the Town of Norwich appropriate \$2,500 to WISE (Women's Information Service) to be used to support WISE's crisis intervention and support services and prevention education, such amount being reasonably necessary for the support of programs to benefit Town residents?

**Article 24.** Shall the voters of the Town of Norwich appropriate \$3,000 to Youth-In-Action to be used for those operating expenses that are reasonably necessary for the support of programs to benefit Norwich residents?

**Article 25.** Vote a five-year extension of the exemption from property taxes previously granted to The University Grange under the provisions of 32 VSA § 3840.

**Article 26.** Vote a five-year extension of the exemption from property taxes previously granted to the Root District Game Club under the provisions of 32 VSA § 3840.

**Article 27.** Vote a five-year extension of the exemption from property taxes previously granted to the Beaver Meadow Union Chapel under the provisions of 32 VSA § 3840.

**Article 28.** Pursuant to 24 VSA § 2741(a)&(c) and 32 VSA § 3832(7), vote to renew and extend for **ten** years the property tax exemption agreements between the Town of Norwich and the Norwich Fire District for two parcels of land owned by the Norwich Fire District, parcel #1 being approximately 350 acres lying southwest of Beaver Meadow Road and adjacent to Charles Brown Brook and parcel #2 being approximately 567 acres lying along Beaver Meadow Road and Tucker Hill Road; to exempt these lands from property tax and to keep in place the deeds conveying the development and recreation rights on said lands to the Town of Norwich, under which deeds the Norwich Fire District retained forestry and water rights. These development and recreation rights will revert to the Norwich Fire District if the tax exemptions are revoked, or if they are not extended by renewal when required.

**Article 29.** Shall the voters of the Town of Norwich require that taxes be paid in U.S. funds in two installments? The first installment will be due and accepted at the Town of Norwich Finance Office on or before 4:30 pm August 12, 2016 and the balance will be due at the same location on or before 4:30 pm February 10, 2017. An official United States Post Office postmark/cancellation (not a postage machine date) will determine the payment date for all mailed payments. Interest on overdue taxes will be charged at 1% per month for the first three months and 1½% per month thereafter. All delinquent taxes will be subject to an 8% collection fee in accordance with Vermont Statutes after February 10, 2017.

**Article 30.** Transact any other business that may legally come before the annual Norwich Town Meeting.

**Article 31.** Authorize the Board of School Directors to borrow money by issuance of bonds or notes not in excess of anticipated revenues for the next fiscal year in accordance with the provisions of 16 VSA § 562(9).

**Article 32.** Shall the voters of the Norwich Town School District determine and fix the salaries of the School Board members in the sum of \$500 each per year in accordance with the provisions of 16 VSA § 562(5)?

**Article 33.** Shall the voters of the Norwich Town School District appropriate \$\_\_\_\_\_, necessary for the support of its school for the year beginning July 1, 2016 and ending June 30, 2017?

**Article 34.** Transact any other business that may legally come before the annual meeting of the Norwich Town School Board.

**Norwich Selectboard**

**Norwich School Board**

\_\_\_\_\_  
Christopher Ashley

\_\_\_\_\_  
Justin Campfield

\_\_\_\_\_  
Linda Cook

\_\_\_\_\_  
Thomas Candon

\_\_\_\_\_  
Stephen Flanders

\_\_\_\_\_  
Kelley Hersey

\_\_\_\_\_  
Dan Goulet

\_\_\_\_\_  
James Mackall

\_\_\_\_\_  
Mary Layton

\_\_\_\_\_  
Neil Odell

## **Voter Information**

**Registration:** To be eligible to vote in this election, people must register to vote and applications to the checklist must be received by the Town Clerk by 4:30 pm on Wednesday, February 24, 2016.

**Absentee Ballots:** All requests for absentee voter ballots must be made prior to 4:30 pm on Monday, February 29, 2016. There are three ways you may vote by absentee ballot:

1. Voters may vote in person in the Town Clerk's Office. 17 VSA § 2537.
2. Ballots may be delivered by teams of Justices of the Peace to voters who are absent due to illness or physical disability. The Town Clerk must receive notice no later than three days in advance. 17 VSA § 2538.
3. Ballots may be mailed to absent voters if a valid application has been filed with the Town Clerk. 17 VSA § 2539.

**Curbside Voting:** Election Officials are permitted "to carry a ballot to a handicapped or elderly person in order to permit that person to mark his ballot while in a motor vehicle adjacent to the polling place." 17 VSA § 2502(b).

**Tracy Hall** is handicapped accessible. Any person needing additional assistance should contact the Town Clerk at least four days before Town Meeting.

## **TOWN OF NORWICH**

### **Policy for Use of Banners on Public Highways**

**PURPOSE:** The purpose of this policy is to provide guidance regarding requests to hang outdoor banners along Main Street and/or other public highways within the public right-of-way in the Town of Norwich.

**GENERAL:** The placing of banners on Main Street or other public highway is a privilege extended as a courtesy in the Town of Norwich. All banners shall be approved by the Town Manager.

**DEFINITIONS:** Unless otherwise stated, all words and expressions used in this policy shall carry a common and ordinary meaning.

#### **REQUIREMENTS:**

1. NO ADVERTISEMENT OF ANY KIND ON BANNER/S, INCLUDING SPONSOR LOGOS
2. It will be the responsibility of the requesting agency to arrange/ hang banners so as not to obstruct/interfere with motor vehicle or pedestrian traffic.
3. All banners shall be made of material sufficient to withstand the wind and weather.
4. The length of a banner/s shall not exceed 60 inches.
5. The width of a banner/s shall not exceed 30 inches
6. Maintenance and storage of the banner/s are the responsibility of the owner or agency.
7. Banner displays shall be for specific time periods as approved by the Town Manager and in no event will banners be displayed for longer than 14 consecutive days.
8. Requests from agencies located within the Town of Norwich or organizers of events occurring within the Town of Norwich shall receive priority.
9. The requesting agency shall be responsible for hanging and removing all approved banners. The hanging and removing of the banners will be done on Sundays unless sufficient Police Traffic Control is available.
10. The Norwich Town Manager and/or the Selectboard shall have the authority to refuse the hanging of banners that do not meet specifications and those banners which do not benefit the community at large.
11. There shall be a \$50.00 user fee for hanging authorized banners. This fee can be waived by the Town Manager.
12. All agencies or groups requesting to hang banners must sign a hold harmless agreement holding the Town of Norwich harmless from any liability in the event of the banner causing damage to persons or the property of others.
13. No person or entity shall display more than twelve (12) banners.

Adopted by the Selectboard on February 28, 2007

**TOWN OF NORWICH**  
**Policy for Use of Banners on Public Highways**

**Banner Permit Application / Indemnification Agreement**

Instructions: Please complete the Application and Indemnification Agreement and return to the Town Manager's Office at 300 Main Street, P.O. Box 376, Norwich, VT 05055, together with the appropriate fee.

NAME OF ORGANIZATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ PHONE: \_\_\_\_\_

DATE/S REQUESTED FOR HANGING BANNER/S: \_\_\_\_\_

- ❖ Banners must meet the specifications set forth in the "Policy for Use of Banners on Public Highways" adopted by the Selectboard on February 28, 2007 which is attached for your information.
- ❖ It will be the responsibility of the requesting agency/person to arrange for their banners to be hung so as not to interfere with motor vehicle and/or pedestrian traffic nor to cause undue risk of injury to passersby.
- ❖ No guarantees are implied by the permit process. This application process does NOT authorize the hanging of banner/s unless officially approved by the Town Manager.
- ❖ A fee of \$50.00 is required prior to the issuance of the permit (fee can be waived by the Town Manager).
- ❖ The requesting agency agrees to hold harmless the Town and its employees from and against all claims, suits, damages, costs, losses and expenses in any manner resulting from, arising out of or connected with the hanging of said banner/s.
- ❖ This permit does not provide authorization to utilize or otherwise attach banners to any property not under the direct control of the requestor.
- ❖ A person or entity must obtain "additional" permission from the property owner on which banners will be secured.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

Richard M. Kenney  
1299 Podunk Road  
White River Junction, VT 05001

December 6, 2015

Norwich Selectboard  
300 Main Street  
Norwich, VT 05055

Selectboard:

Due to a prior commitment, I will be unable to attend the Selectboard meeting on 12/9/15.

I want to make the following comment for the record regarding Agenda Item # 9 "Petition to Reclassify Illsley Road to a Legal Trail or to Discontinue".

At the Norwich Selectboard meeting dated 11/24/15, members of the local snowmobile club stated their desire to have a new bridge installed on Illsley Road at the brook crossing near Burton Woods Road. They stated that, with the board's approval, they would pursue the installation of a new bridge. I recall that the last bridge that had been installed by the snowmobile club at that area had signs posted on it, restricting its use to snowmobiles. No organization, group, or individual should be able to restrict the use of a class 4 road in Norwich by limiting access of a bridge to a specific type of vehicle. Any bridge or other structure on a Town owned road should be restricted only by weight limits, set by the Town of Norwich.

I firmly believe that if a new bridge, culvert or other structure is installed on Illsley Road, its ownership and management should fall to the Town of Norwich. Ownership would include inspections, repairs, maintenance and liability. The Town already maintains bridges and culverts on class 4 roads, and this one should be no different.

Sincerely,



Richard M. Kenney  
1299 Podunk Road, Norwich

From: William Malo [mailto:wfmaloiii@gmail.com]  
Sent: Tuesday, December 08, 2015 9:59 AM  
To: Andy Hodgdon  
Cc: Neil Fulton; Catherine Malo; Nancy Kramer; info@sau70.org  
Subject: Steep hill and school buses on Beaver Meadow Rd

Andrew,

I wanted to bring to your attention the steep hill on Beaver Meadow Road between Mitchell Brook and Stagecoach Rd in Norwich.

I do not believe this is a NEW hill. In fact, I am pretty sure it has been here much longer than all of us. So I am confident that the entire Public Works Department - especially the road crew - is well aware of this steep, shaded, winding, paved hill at about 1,200' elevation that traverses a north facing hill and slopes downhill generally to the west. No surprises here.

But almost every winter there is drama on this hill. Sunday early afternoon a car miraculously avoided rolling over (I will NEVER know how), just barely missing a telephone poll, and ended up almost 50' into woods on the south side of road about across from the Beaver Meadow Chapel. There was black ice on that hill Saturday as well. On a day that was sunny at our house at 64 Wallace Farm Rd (we ate lunch in t shirts on deck) this hill remained in the shade, glazed with a film of frozen fog. In the village of Norwich and all over CT River Valley at elevations below about 1000' conditions were raw, freezing fog.

The school bus driver has taken matters dangerously into his own hands, informing the kids that if he thinks it is not safe to go down that hill then the bus stop becomes Stagecoach Rd. This means that kids waiting at BOTH Chapel Hill Rd and Mitchell Brook Road have to guess whether to wait at their bus stop or try to frantically walk/run up this hill to Stagecoach. Perhaps from Chapel Hill Rd they can see up to Stagecoach? But at Mitchell Brook Rd you can not see Stagecoach Rd and have no idea if you should wait for bus or start running along the side and shoulder of Beaver Meadow Rd. And if this hill is icy or the conditions are dangerous and there are kids all over both sides of the Beaver Meadow road desperately rushing to catch a bus that did not complete its route and stopped at Stagecoach Rd and a car comes down the hill out of control I do not want to think about the possible outcomes.

So I would like to ask that you please keep us in mind out here in West Norwich. There is a great deal of traffic on Beaver Meadow Rd as it provides a worthwhile shortcut from Norwich to Sharon and points north on I-89. Those of us with kids riding the school bus from Mitchell Brook Rd and who drive back and forth on Beaver Meadow Rd often multiple times per day would be very appreciative if Public Works could do their best to keep this steep hill on Beaver Meadow Rd safe for travel.

Many thanks.

Sincerely,

bill  
William Malo  
64 Wallace Farm Rd  
Norwich VT 05055  
802.649.2365

## Nancy Kramer

---

**From:** claudette brochu <cbrochu30@gmail.com>  
**Sent:** Friday, December 11, 2015 8:46 PM  
**To:** Nancy Kramer  
**Subject:** budget for 2017

I am writing to urge the selectboard to vote down the proposed budget for 2017. In my review of the budget we are again being asked to support pay increases well above the rate of inflation as well as above what many townspeople are expecting to receive.

In reviewing the draft minutes of the budget meeting, I did not read that any member questioned the pay increases or any justification for the increases. Our TM is proud that he is keeping the budget within a 2% increase in the municipal tax, but 2% every year when wages are not increasing by 2% coupled with the ongoing increases in the school tax despite flat or dropping enrollments hurts many.

Please do not approve this budget. I would love to see a budget that has a zero impact on the municipal rate and will praise the day when we see no increases in the school tax.

Respectfully,

Claudette Brochu  
714 Upper Turnpike Rd

David and Patricia Derrick  
PO Box 395  
Wilder, Vt. 05088  
802-356-0658  
[derrickpt@aol.com](mailto:derrickpt@aol.com)



December 17, 2015

Norwich Vermont Selectboard  
Office of the Town Manager  
PO Box 376  
Norwich, VT 05055

RE: Illsely Road

Members of the select board:

We wish to retract the following statements made to you in our earlier correspondence.

We understand that a gate was never placed on Illsley Road.

We have been informed that Mr. & Mrs. Vuyovich not only acted on the advise of Town and State officials but that Mrs. Vuyovich is trained and works in the field of hydrologic engineering and analysis and streambed restoration.

Further, we understand that rocks were placed in the road south of the damaged bridge by Mr. Vuyovich to alert road users that the bridge was out.

We have been informed that their goal was to ensure continued pedestrian and snowmobile access while protecting the brook and their property on Illsley Road.

Based on their knowledge and advise to them by other professionals we retract our concern that Burton Woods Road would be impacted.

We apologize for any misunderstanding we had from Mr. & Mrs. Vuyovich about their intent. We have been informed that they acted on the advise of Town and State officials and that the road is still accessible to pedestrians.

Respectfully,

A handwritten signature in cursive script that reads "David &amp; Patricia Derrick".

David and Patricia Derrick



Mary Andes &lt;mjeanandes@gmail.com&gt;

---

**Alternate Project for Town Pond Dam PW # 02334 ([UNSECURED])**

---

**Mary Andes** <mjeanandes@gmail.com>

Sun, Dec 20, 2015 at 11:27 AM

To: "lcook2825@gmail.com" &lt;lcook2825@gmail.com&gt;, Neil Fulton &lt;NFulton@norwich.vt.us&gt;, "Andes, Mary" &lt;Mary.Andes@vermont.gov&gt;

Cc: "Pentkowski, Ron" &lt;Ron.Pentkowski@vermont.gov&gt;

Linda and Neil --

Ron said that you were looking for some examples of Alternate project requests submitted by other applicants.

I took some time to collect a few examples, but please please please understand that this information is provided on a confidential basis. Since you folks are so far behind in your application process, I don't have the time to specifically ask each of these other towns if they mind their information being shared. So, I am sharing this information as a sign of good faith that you folks will use it for educational purposes only and not use it, in any way, against the State of Vermont or FEMA or the town.

I also attached a mark-up of the page from the Code of Federal regulations that governs requests for Alternate projects under the Public Assistance project. It clearly states the section of the CFR that explains the requirements for the Alternate project request. I also attached FEMA's most recent Public Assistance guide.

My Process Request ---

1. Please share all information we provide with all members of the select board.

**2. Please do not provide any draft application materials to us until the application has been reviewed and approved by the Selectboard. Since we are so far behind and both Ron and I will be working throughout the holiday on several requests for other applicants who have been working with us for months, we simply do not have the resources to review anything unless it fully reflects a full consensus of the select board and accurately reflects what you want to do.**

3. Estimates -- we need estimates from someone with some level of authority to provide a real estimate -- this can be accomplished by having an engineer provide the estimates or a local contractor provide the estimates. But, the estimates have to be from an entity that FEMA knows and understand (an engineer or a contractor).

4. The request for the culvert should include the AOT hydraulic study, a basic design (preferably from an engineer), and a clear estimate of the cost (again, preferably from an engineer).

5. We cannot guarantee, in any way, that FEMA all reimburse for the engineering costs already incurred for the damn project.

6. Include all permits -- as clearly stipulated in the CFR citation for an alternate project.

So, I've provided some example material from three other towns and applicants -- again, this information is not for public consumption. It is not meant to be included in any press articles. It is private information, specific to those applicants.

Also, each one of the other projects (attached) had countless additional work associated with their alternate project requests -- including on site meetings with FEMA representatives, several e-mails clarifying the packet of information, and extensive environmental reviews. So, please do not even consider the information I am offering here to represent the full compendium of information that was provided by each of these applicants to receive approval from FEMA to

conduct an alternate project.

Since we are essentially out of time, we don't have the time to receive an incomplete alternate project request and go back and forth on it with feedback.

As we discussed when we were in Norwich, Ron and I will expect a full, complete packet from the town of Norwich by January 15th, 2016 that has been fully reviewed, vetted, and approved by your local Selectboard.

#### Local input

Both FEMA and the State of Vermont expect each town to ensure that all local procedures for including the input of local voters is followed. Many towns have put their requests for an Alternate project up for a local vote and most towns have ensured that has been local involvement in the development of the alternate project.

Simply for educational purposes, I attached the PW for a large alternate project approved in the town of Bethel. The town of Bethel started their application process on 5/13/13 and they were approved from FEMA a full year and a half later on 12/2/2014. The PW lists out over 45 documents that were submitted from the town of Bethel to receive their approval.

I also attached some documents related to Alternate projects that were approved in Braintree and Granville. Again, these documents are, by no means, exhaustive of all of the work that was done to approve these alternate project requests.

As I mentioned, Ron and I are both working around the clock on many, many requests from many applicants.

We will be losing several key FEMA local staff in early February, 2016 and we can make no promises that this request will be approved by FEMA.

Our best shot at getting FEMA to understand these projects has been to work with our local FEMA engineers, but we will be losing more of them in February and that will significantly limit our capacity to deliver successful results to the towns who still have work to do for Irene.

Thanks for taking the time to provide us with a complete packet of information that satisfies all FEMA requirements for an Alternate project for the use of funds in PW 2334 in DR-4022.

Mary Andes

Mary Andes  
DEMHS Special Project Analyst to the Director  
Division of Emergency Management and Homeland Security (DEMHS)  
Department of Public Safety  
Waterbury, VT 05671-2101  
[mary.andes@state.vt.us](mailto:mary.andes@state.vt.us)  
Work Cell Phone: (802) 585-4720

[Quoted text hidden]

---

#### 11 attachments

 **CFR\_Sections\_alternate\_project\_time\_extension.pdf**  
1115K

 **Bethel\_Alternate\_project\_PW.pdf**  
483K

 **PW\_3040\_Alternate\_Project\_Request\_Braintree.pdf**  
1299K

-  **BraintreeAlternateProjectsExplanation.pdf**  
932K
-  **Granville SRIA Alt Project 1 of 6.pdf**  
1023K
-  **Granville SRIA Alt Project 2 of 6.pdf**  
4086K
-  **Granville SRIA Alt Project 4 of 6.pdf**  
566K
-  **Granville SRIA Alt Project 5 of 6.pdf**  
1653K
-  **Granville SRIA Alt Project 6 of 6.pdf**  
566K
-  **Granville SRIA Alt Projects 3 of 6.pdf**  
3741K
-  **PA\_Program\_and\_Policy\_Guide\_FINAL.pdf**  
8103K

## Nancy Kramer

---

**From:** Robert Cramer <rcramerjr@icloud.com>  
**Sent:** Monday, December 21, 2015 12:18 PM  
**To:** Neil Fulton; Nancy Kramer  
**Cc:** Ron Rhodes  
**Subject:** Charlie Brown Brook Dam Removal Projects

**Importance:** High

Hi Mr. Fulton and Selectboard members,

I am a resident of Norwich that uses Charlie Brown Brook frequently.

A colleague of mine, Ron Rhodes, works for the Connecticut River Watershed Council and is an expert on water quality and Dam removal issues in the Upper Valley. He is currently working on several Dam Removal projects in the Upper Valley region.

I wanted to pass Ron's contact information along, cc'D here. I think he would be a valuable resource for the town regardless of FEMA funding outcomes. My understanding is that there is the potential for grants for dam removal projects across the country.

I think most town residents would agree that removing the dams on Charlie Brown brook would not only be good for the environment but remove some significant safety issues for trail and brook users. I know there are financial constraints, but that is where Ron and his group (or others like them) could be a great boon for the town to find funding for this project.

Best Wishes,  
Robert Cramer  
Norwich

## Nancy Kramer

---

**From:** Christopher Ashley <c.ashley.sb@gmail.com>  
**Sent:** Wednesday, December 30, 2015 10:08 AM  
**To:** Nancy Kramer  
**Cc:** Linda Cook; Neil Fulton  
**Subject:** SB Correspondence

Nancy,

I have been asked for a copy of this letter that I read at the December Selectboard Meeting. Please enter it into Selectboard Correspondence for our next regular SB meeting.

Thank you,  
Chipper

--

Christopher Ashley  
Norwich Selectboard

Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

Response to Mary Layton's Memo of November 23, 2015 on the subject of "Pool Permit Application Follow Up"

In her memo, Mary Layton writes: " In reviewing the rejection letter from the VT ANR I am noticing that the application failed to meet statutory requirements for acceptance on twenty-seven different criteria." Further she writes, "I do not understand how the risk assessment could have been so out of alignment with the reality of the results as expressed in the rejection letter. I would like an explanation in writing from both Neil Fulton and Nate Stearns...."

I object to this characterization of the application because:

- 1) There aren't 27 failed criteria.
- 2) The permit denial uses a process that is based on generalizations and doesn't respond to the actual application in a meaningful way. Frankly the application did address and achieve the three standards as required by VT statute.
- 3) Mary ignores the report to the Selectboard from Jim Masland on November 18, 2015 as to the VT ANR's aboutface in the process, from a meaningful dialogue to an abrupt non-responsive denial. As Mary heard, there was a very significant change on the part of the VT ANR after the application was filed. Neither Neil Fulton nor Nate Stearns could have realized that the VT ANR was not acting in good faith in the process.

To further expand on my three points:

Since Mary Layton didn't list the 27 criteria that she cites, I can only surmise that her statement lumps the rejection of smaller pieces of overall standards together to create a large negative statement. It is not clear what is her intent in doing this, other than to scapegoat and blame.

Here is an example of repetitive counting.

Regarding the topic of hydrology, the VT ANR denial (on page 5) states 3 times that the application fails to maintain stream flows during filling, during the summer, and during emptying. The application actually specifically addresses all three of these situations over 8 pages in Exhibit 4 with design, procedures, and data to prove that the dam will maintain the necessary stream flows. Words stating "failure" are used by Mr. LaFlamme of the VT ANR give his opinion that there is a failure in the application, but he does not cite any mistakes in the design, data, or analysis to justify this response. Both Mr. LaFlamme and Mary Layton fail to consider the actual content of the application on its merits. I assume that Mary counts this as 3 distinct failures.

This is what the letter from Peter LaFlamme of VTANR states regarding criteria:

“In order to qualify for a stream alteration permit, the application must meet the standards set forth in 10 VSA#1023(a). In accordance with the statute, the Agency must find that the project:

1. will not adversely affect the public safety by increasing flood or fluvial erosion hazards;
2. will not significantly damage fish life or wildlife; and
3. will not significantly damage the rights of riparian owners”

When Mary Layton refers to 27 criteria, she must be counting smaller pieces of the three standards. Mr. LaFlamme denied the application (in my opinion) using uncertain suppositions and generalizations while not responding to the design, data, and analysis contained in the application based on the three stated standards.

Here are 2 of the many examples of this shoddy process:

Denial page 2: “The proposed dam is designed to withstand a 500 year flood from a flow standpoint. It is uncertain however whether the impoundment would fill with sediment and debris from a large flood....”

This response ignores the analysis in part 5) Hydraulic Connectivity in the application, along with the 8 pages of annual and monthly stream flows, rainfall, watershed, sediments, and other data that DuBois and King present to demonstrate that the dam will withstand a 500 year flood. Instead of the word “uncertain”, Mr. LaFlamme should point out mistakes in the flood water flow modeling or dam design that create a danger to public safety. He is non-responsive to the application and the data.

Denial page 5: “The application fails to demonstrate that the project will not significantly change the diurnal thermal regime of the Norwich Pool or down-stream reaches of Charles Brown Brook.”

On the contrary, the application, using water temperature data collected over 2 years and stream flow data from over 50 years proposes a dam design and operating procedures that will create a water temperature increase below the dam of less than 1 degree. Again Mr. LaFlamme ignores the application part 3) Temperature and 9 pages of data in Exhibit 3 on temperature calculations. If the DeBois and King analysis is incorrect, he should indicate where the mistake lies. Instead he ignores the presented information.

I could give other examples of how the permit denial ignores the content, data, and/or analysis contained in the permit application, but due to time and space constraints for this reply, I will not do so.

At the November 18, 2015 Selectboard meeting our Vermont Representative, Jim Masland, reported on the abrupt change of tone in the discussions with the VT ANR after the application was filed. Jim had been highly involved since last January. He didn't understand the change, nor could he explain it. Neither Neil Fulton nor Nate Stearns is responsible for, what is in my opinion, the VT ANR acting in bad faith. My opinion is also shaped by the phone conversation I had with Deb Markowitz, the Secretary of the VT ANR, last year that I reported to the Selectboard. Mary Layton heard Jim's report and her memo ignores it.

Instead of a scapegoating attack on Neil Fulton and Nate Stearns, Norwich's disappointment ought to be directed at the VT ANR for a terrible process as our application was discussed and submitted. There was neither a failure of judgement nor a failure of risk analysis on Norwich's part. If there was any failure in Norwich it was the decision not to pursue the appeal to let the entire town decide this important issue.

Christopher Ashley  
Norwich Selectboard  
December 9, 2015

## Nancy Kramer

---

**From:** Stephen Flanders <stephen.n.flanders@gmail.com>  
**Sent:** Thursday, January 07, 2016 1:00 PM  
**To:** Cook Linda; Layton Mary; Ashley Christopher; Goulet Dan  
**Cc:** Nancy Kramer; Neil Fulton  
**Subject:** Attorney opinion and correspondence that has been disclosed to the Valley News – For inclusion as correspondence in the 13 January 2016 packet  
**Attachments:** NOH15-001 OPN Town Manager.pdf; ATT00001.htm; List of Responsive Documents.pdf; ATT00002.htm; Cover Letter.pdf; ATT00003.htm; Copies of Responsive Documents.pdf; ATT00004.htm

To the Norwich Selectboard:

### **This memo contains no confidential material.**

This is to disclose to the public **Selectboard** matters—which have been transacted without their being included in published packets of the selectboard—regarding the employment status of the town manager. These include opinions from attorneys on the subject of the Town Manager's contract and attorney-client privilege that were publicly released as a result of the public information request by the *Valley News*.

**Background**—The Minutes of the Special Selectboard Meeting of Wednesday, July 29, 2015 at 6:30 PM include the following action of the board:

#### 3. Project Management (Discussion/Possible Action Item)

(a) Opinion from Paul Gillies. Layton said that she felt the opinion letter from Paul Gillies was unclear, and that she would like a second legal opinion. Cook said that she did not like the apparent misquotation on the second page and also favored a second opinion. Ashley and Flanders thought that the letter was clear, that Gillies had the requisite expertise, and that a second opinion was a waste of money. Ashley had questions about the fees charged by Project Managers. Goulet then **moved** (2nd Layton) to authorize the Chair of the Selectboard to seek a written legal response to the question of 24 VSA §1236(4) in its interpretation. There was discussion of whether the free legal services provided to the Town by PACIF might cover this expense. Goulet's **motion passed 3-2** (yes—Cook, Goulet, Layton; no—Ashley, Flanders).

The resulting opinion from Attorney John Klesch was received without the cloak of attorney-client privilege, was included in the packet of the Minutes of the Selectboard Meeting of Tuesday, November 10, 2015 at 6:30 PM and confirmed the opinion of Attorney Paul Gillies.

**Motion to clarify employment status of town manager**—The Minutes of the Selectboard Meeting of Tuesday, November 10, 2015 at 6:30 PM include the following action of the board:

2. Town Manager Contract (Executive Session May be Required) (Discussion/Possible Action Item). Flanders objected that the questions that appeared on the table for discussion at the meeting had not been included in the Selectboard package, contrary to the rules and practice of the Board. He asked why his memo in the package ("Town Manager Current Terms of Employment") could not be included as part of the information passed to an attorney and received the answer from Cook and Layton, who had developed the questions on the table, that the memo was not in question form and therefore would not be considered. After discussion regarding how the questions were developed, Layton **moved** (2nd Goulet) to authorize the Selectboard Chair to hire Attorney John Klesch to give his legal opinion of Selectboard

questions regarding the Norwich Town Manager's current employment status. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Ashley offered an amendment to limit the expense to \$3,000 that received no second.

The board did not request or authorize the chair to have the opinion rendered in a manner such that it would be withheld from both the employee (town manager) and the public.

**Opinion received to clarify employment status of town manager**—The DRAFT Minutes of the Special Selectboard Meeting of Wednesday, December 16, 2015 at 6:30 PM include the following action of the board:

1. Review of Opinions from Attorney Klesch Re: Terms of Employment of Town Manager (Executive Session May be Required). Layton **moved** (2nd Goulet) to find that premature general public knowledge of the confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard regarding terms of employment of the Town Manager would clearly place the municipality at a substantial disadvantage. Flanders asserted and Ashley agreed that the discussion of the motion did not adequately support the standard of “would clearly place the municipality at a substantial disadvantage,” needed as a finding to justify entering Executive Session. Further discussion ensued. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Pursuant to Title 1 VSA § 313(a)(1)(F), Layton **moved** (2nd Goulet) to enter into Executive Session for the purpose of discussing the confidential attorney-client communications having found that premature general public knowledge would clearly place the Selectboard at a substantial disadvantage and invite Attorney John Klesch to join by telephone. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Flanders abstained from participating in the Executive Session. The Selectboard moved into Executive Session at 6:54 pm. At 7:47 pm Layton **moved** (2nd Flanders) to move into public session. **Motion passed.**

Pursuant to Title 1 VSA § 313(a)(6), Layton **moved** (2nd Ashley) to enter into Executive Session for the purpose of discussing the John Klesch opinion letter. **Motion passed.** The Selectboard moved into Executive Session at 7:55 pm. At 8:39 pm Layton **moved** (2nd Flanders) to move into public session. **Motion passed.** Layton **moved** (2nd Flanders) to make public from the Town Manager's Office by noon on December 17, 2015 the John Klesch attorney opinion concerning the Norwich Town Manager. **Motion passed 4 to 1** (yes - Ashley, Flanders, Goulet and Layton; no - Cook). Ashley **moved** (2nd Flanders) to authorize the Town Manager to release the documents covered by the public records request when they become available from the attorneys. **Motion passed 4 to 1** (yes - Ashley, Flanders, Goulet and Layton; no - Cook).

Unlike the previous opinion asked of Attorney Klesch, *this opinion was rendered out of the public view*, subject to attorney-client privilege as a result of interactions among SB Chair Cook, Vice-Chair Layton and the attorney.

Consequently, the *Valley News* asked for disclosure of the material under the Public Records Act. This resulted in the chair engaging a second attorney from the same firm, without authorization from the board, to handle the question of disclosure, which normally is handled by the town manager. In the end, the chair was the sole opposing vote against any disclosure of the material received and the correspondence that pertained to the opinion.

I attach the documents that were disclosed to the *Valley News*, so that they may become part of the public record, included in selectboard packet.

Sincerely, Steve F.

Stephen Flanders, Member of the Norwich Selectboard  
317 Hopson Road  
Norwich, Vermont 05055

802-649-1134 (Home)

Any response or reply to this electronic message may be subject to the Vermont Public Records Act. Any views expressed in this e-mail are mine and may not reflect those of the board. Vermont statutes confer no special powers to individual selectboard members. Statutory selectboard powers arise from actions of the body at warned, public meetings with a few exceptions.

# STITZEL, PAGE & FLETCHER, P.C.

ATTORNEYS AT LAW  
171 BATTERY STREET  
P.O. BOX 1507  
BURLINGTON, VERMONT 05402-1507

STEVEN F. STITZEL  
PATTI R. PAGE  
ROBERT E. FLETCHER  
JOSEPH S. McLEAN  
AMANDA S. E. LAFFERTY  
JOHN H. KLESCH  
DINA L. ATWOOD

TELEPHONE (802 660-2555)  
FAX (802 660-2552)  
WWW.FIRMSPF.COM  
JKLESCH@FIRMSPF.COM

DAVID W. RUGH\*  
ERIC G. DERRY\*\*

\*(Also Admitted in MD)  
\*\*(Also Admitted in NH)

## **CONFIDENTIAL, ATTORNEY-CLIENT PRIVILEGED**

December 10, 2015

Town of Norwich Vermont Selectboard  
300 Main St  
Norwich, VT 05055  
(SENT VIA EMAIL-ONLY TO ALL BOARD MEMBERS)

### RE: Norwich Town Manager – Attorney Opinion

We have been asked by the Town of Norwich Selectboard (“Board”) to provide opinions responding to a series of questions concerning the employment status of the current Norwich Town Manager, Mr. Neil Fulton. In this letter, we first discuss our view of Mr. Fulton’s employment status and the reasons for that view. This discussion will answer many of the Board’s specific questions, but we then list the specific questions below and briefly indicate our answers to each.

This analysis is an attorney-client opinion provided under conditions intended to preserve the privilege against disclosure to anyone other than members of the Selectboard. This privilege belongs to the Board, as agent for the Town, and no individual Selectboard member has a right to disclose this information to any other person without consent of the majority of the Board.

We have reviewed the following items:

1. September 19, 2011 Selectboard Minutes.
2. April 11, 2012 Selectboard Minutes.
3. Former Town Manager (Pete Webster) contract.
4. Citizen email Chris Katucki’s research.
5. Watt Alexander and Chris Katucki’s research.
6. Town of Norwich 2010 Personnel Policy
7. Statements reportedly made at October 28, 2015 Selectboard meeting by Mr. Fulton.
8. March 25, 2015 Minutes.
9. Minutes of Special Selectboard Meeting of January 16, 2013.

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

Town of Norwich Selectboard

December 10, 2015

Page 2 of 8

10. Minutes of Selectboard Meeting of November 26, 2013.
11. Minutes of Selectboard Meeting of July 8, 2015.
12. Minutes of Selectboard Meeting of July 29, 2015.
13. Minutes of Selectboard Meeting of October 28, 2015.
14. Proposed Town Manager Employment Agreement submitted by Neil Fulton.
15. Memorandum from Christopher Ashley for inclusion in the 3/25 Selectboard Packet regarding a step increase.

According to minutes, the Board appointed Mr. Fulton as interim town manager on September 19, 2011. The appointment was made “with the same compensation and benefits as provided to the previous town manager in the Fiscal Year 2012 budget and as provided in the previous town manager’s contract except” for three specified modifications to compensation and benefits. Also according to minutes, on April 11, 2012 the Board passed a motion to “appoint Neal Fulton as Town Manager, effective immediately and at will, with the same compensation and benefits now provided as Interim Town Manager with a salary increase ... effective July 1, 2012.” Other than compensation adjustments, we are aware of no actions by the Board since April 11, 2012 which can have possibly altered the terms and conditions of Mr. Fulton’s employment with the Town.

In *Nelson v. Town of Johnsbury Selectboard*, 2015 VT 5, ¶ 11, the Vermont Supreme Court held that whether a town manager is an at-will employee “depends upon the interpretation of 24 V.S.A. § 1233, which provides, in relevant part, that the town manager ‘shall be subject to the direction and supervision and shall hold office at the will of such selectmen, who, by majority vote, may remove him at any time for cause.’” The Court’s decision in *Nelson* makes clear the default condition of a town manager’s employment is that dismissal requires cause. In other words, the statute bestows on an appointed town manager a right in his job which can only be taken away “for cause.”<sup>1</sup> Thus, for a contract to be sufficient to alter this employment status to at-will employment, that contract must effect a waiver of the right to be dismissed only for cause.

Our opinion is that there is no contract of employment between the Town and the current Town Manager, other than as to the compensation and benefits expressly described in the minutes. The minutes are documentary evidence of certain agreed conditions of employment, but the minutes are not a “contract” within the meaning of *Nelson v. Town of Johnsbury Selectboard*, 115 A.3d 423, 431, 2015 VT 5, ¶ 9 (“This question is controlled by 24 V.S.A. § 1233, the statute

---

<sup>1</sup> It is inherent in such a right that due process must be observed with respect to any potential termination action.

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

Town of Norwich Selectboard

December 10, 2015

Page 3 of 8

providing for termination of a town manager in the absence of a contract between the manager and the town.”).

In the context of bargained labor agreements, “contractual waivers [of bargaining rights] are given ‘such effect as the negotiating history and other surrounding circumstances seem to make appropriate.’” *Local 2787, AFSCME v. City of Montpelier*, 643 A.2d 838, 840, 161 Vt. 567, 568 (1993) (internal case cite omitted). A “contractual waiver of [the] right to have [an] issue bargained [is] effective only on [a] ‘showing of a clear relinquishment of the right which is to be decided on the facts and circumstances surrounding the making of the contract as well as the language of the contract itself.’” *Id.* (internal citation omitted). Though collective bargaining law is not directly applicable here, we think it likely the Court would adopt similar logic in construing 24 V.S.A. §1233.

We therefore find the Court’s use of the word “contract” in *Nelson* means an express agreement which includes (1) express terms governing the circumstances under which dismissal will be permitted, (2) these terms must unequivocally demonstrate a waiver of the right to for-cause dismissal, and (3) the waiver term must be supported by negotiated consideration in favor of the employee. For example, a town might offer heightened compensation in return for the town manager accepting an at-will condition of appointment as opposed to a just-cause condition. *Nelson* leads us to believe a Court would enforce such an arrangement only where the evidence expressly shows that both parties (selectboard and town manager) intended that a specific benefit is bestowed to the town manager to support the waiver of for-cause dismissal rights. See *Grievance of Gorruso*, 150 Vt. 139, 143-44 (1988) (courts must “construe a contract so as to ascertain the true intention of the parties.”).<sup>2</sup>

We note that Mr. Fulton “accepted” the Board’s offer of appointment in 2012, suggesting there was no actual negotiation of the terms of employment concerning termination. In other words, there is nothing suggesting, for example, that the Board agreed to pay Mr. Fulton a higher salary than it otherwise would have in exchange for Mr. Fulton agreeing to accept his position under at-will conditions.

There can be no authority for a selectboard to require a town a manger to agree to at-will employment as a condition of employment. Such a proposed agreement must be deemed invalid as against public policy because it is diametrically opposed to § 1233’s “for cause” provision. Such an approach would

---

<sup>2</sup> “Where the language used in a contract will admit of more than one interpretation, we will look at the situation and motives of the parties, the subject matter of the contract, and the object sought to be attained by it.” *Id.*

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

Town of Norwich Selectboard

December 10, 2015

Page 4 of 8

allow a municipality to simply override the law in such a way as to render a statute meaningless.<sup>3</sup> Hence, the act of hiring alone cannot be the consideration which could support acceptance of at-will employment by a town manager. Hiring alone is simply appointment under 12 V.S.A. § 1233.

It appears the parties cannot be held to have mutually intended that Mr. Fulton relinquish the right bestowed upon him under 24 V.S.A. § 1233 in connection with his appointment as Town Manager. The circumstances suggest that at the time the parties did not know what *Nelson* has now clarified, that appointments under the statute include a condition limiting the selectboard to “for cause” dismissal. There cannot have been a voluntary and express relinquishment by Mr. Fulton of a right which he did not know he had. Similarly, there cannot have been consideration from the Selectboard to Mr. Fulton in support of a relinquishment because the Selectboard apparently had no belief that his employment was to be automatically for-cause.

Parties’ intent is normally judged by the express terms of an agreement. However, where there is ambiguity, the parties’ stated subjective intent may be considered in attempting to discern their intent at the time of contract formation. We note that Mr. Fulton is quoted as stating at an October 28, 2015 Selectboard meeting “I just want to make it clear that I believe that *Nelson v St Johnsbury* changed the terms of my relationship with the town and I am clearly an at-cause employee.” That statement makes it appear that Mr. Fulton believed his employment with the Town was, at least up until the time *Nelson* was issued on January 16, 2015, in fact at-will.

Though it may seem counterintuitive, our opinion is that this belief on his part cannot constitute an intent, at the time of his appointment, to have waived the right bestowed upon him by 24 V.S.A. § 1233. *Nelson* did not change any town manager’s employment status, it merely clarified the law, and hence the status of these employees, even if they individually thought their status was something other than for-cause. The Court’s decision was a pronouncement that town managers appointed without a contract containing express terms on grounds for dismissal were appointed with a for-cause dismissal condition of employment derived from 24 V.S.A. § 1233.

---

<sup>3</sup> The concept that municipal employees appointed by a selectboard are statutorily entitled to for-cause dismissal is not unique. See, e.g., 24 V.S.A. § 1931(a)(legislative body may appoint police officers who “shall hold office during good behavior, unless sooner removed for cause, or in the case of temporary police officers, for the term specified.”); see also 24 V.S.A. § 4448 (zoning administrator appointed by the legislative body “may be removed for cause at any time by the legislative body ...”).

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

Town of Norwich Selectboard

December 10, 2015

Page 5 of 8

We also find it may be ambiguous what the Board meant in its motion to appoint Mr. Fulton “effective immediately and at will.” This language could reflect intent merely to affirmatively recognize the Selectboard’s authority to appoint a town manager. As the Court said in *Nelson* about the term “at will” in § 1233:

We think this term reasonably can be read to indicate that it is the selectboard—and no other authority—that may remove the town manager and that the selectboard has the discretion to initiate termination. We note that, in support of this construction, the statute established no process for termination, but the requirement for cause is still a limitation on the discretion of the selectboard. This reading is consistent with that statute's limitation on the selectboard’s discretion in selecting a town manager. See 1917, No. 104, § 2 (requiring selectboard to consider education, training, and experience when selecting town manager and prohibiting selectboard from considering town manager's political belief).

*Nelson*, 2015 VT 5, ¶ 20.

We do not think that the terms of the 2008 contract with Mr. Webster, including its section 12(a), has been made a part of Mr. Fulton’s employment. The 2011 minutes regarding interim appointment state that appointment was made “with the same compensation and benefits as provided to the previous town manager in the Fiscal Year 2012 budget *and as provided in the previous town manager’s contract* except” for three specified modifications to compensation and benefits. It is not clear that this italicized language is meant to indicate anything other than that Mr. Fulton’s pay and benefits would include compensation and benefits set out in the Webster contract, whether or not part of the FY 2012 budgeted compensation and benefits. However, even if this part of the 2011 Board’s action can be read to mean the Board intended to make all the terms of the Webster contract a part of Mr. Fulton’s interim hiring, the Board’s 2012 action appointing Mr. Fulton as Town Manager omits any similar reference to the Webster contract.<sup>4</sup> In other words, even if all of the Webster contract terms governed Mr. Fulton’s employment when he was interim town manager, we find those terms were not made part of his appointment in 2012.

If anyone were to contend that terms of the Webster contract affect the analysis here as to what the Selectboard understood about its appointment of Mr.

---

<sup>4</sup> Another factor weighing against finding intent to make all of the Webster contract terms applicable to the appointment of Mr. Fulton is that the Webster contract included a set term of employment from 2008-2011. That term would be illogical to include as part of an appointment of Mr. Fulton in either 2011 or 2012.

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

Town of Norwich Selectboard

December 10, 2015

Page 6 of 8

Fulton in 2012, we note that the reference in that contract in section 12(a) (“Removal”) to 24 V.S.A. § 1233 is at-odds with the Court’s construction of the statute in *Nelson*. So, even if the terms of the Webster contract are considered applicable to Mr. Fulton’s employment, the fact that section 12(a) has within it a clear irreconcilable provision between it and statute make unlikely any meaningful effect on whether Mr. Fulton’s employment is terminable at-will.

We have not attempted a thorough analysis of the Town Personnel Policy (last revised September, 2010) because *Nelson* appears to have left no room for the statutory “for cause” standard to be modified by a general personnel policy.<sup>5</sup> Though a personnel policy may obligate an employer to observe certain conditions of employment, a policy is not a “contract.” Further, the Legislature has specified when conditions of employment of appointed officials are determined by a personnel policy. See 24 V.S.A. § 4448 (zoning administrative officer “shall be subject to the personnel rules of the municipality.”).<sup>6</sup> Therefore, regardless of what the Town’s Personnel Policy says about whether cause is required for dismissal of Town employees, we think it is unlikely the Policy could be relevant to this aspect of Mr. Fulton’s employment.

In conclusion, no affirmative action was required on the part of Mr. Fulton or the Board to create a just-cause employment relationship with the Town; the law did so automatically upon his appointment. The question becomes whether he entered into an agreement in which he clearly bargained-away that element of the employment relationship. Our opinion is that his acceptance of the offer of appointment made in the Board’s 2012 motion would likely be viewed by the Vermont Supreme Court as insufficient to have achieved this result.

Responses to Selectboard’s List of Questions:

**A. “Is there a legal difference between a written contract and the current situation in Norwich where the Town Manager’s working conditions and salary have been set by Selectboard action and the Town’s Employment policies?”**

---

<sup>5</sup> Section 5(B) does make the Personnel Policy “applicable to the Town Manager except as they may be covered specifically by any employment contract between the Town Manager and the Selectboard, in which case the employment contract will take precedence.” As discussed previously, we find no employment contract between the Town and the Town Manager sufficient to affect the question of grounds for dismissal.

<sup>6</sup> The applicability of a personnel policy to the zoning administrator would not, in our view, be capable of overriding the for-cause standard also imposed in § 4448.

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

Town of Norwich Selectboard

December 10, 2015

Page 7 of 8

Yes, as to the subject of grounds upon which the Board is authorized to dismiss the Town Manager from employment. We believe the *Nelson* decision requires an express contract term by which the appointee relinquishes the right to for-cause dismissal from employment.

As to other terms of employment such as performance expectations, procedures, benefits, etc., the answer is: Not necessarily. The provision of the Personnel Policy making it applicable to the Town Manager should be considered effective for subjects other than hiring and removal, except to the extent there are Policy provisions regarding compensation and benefits which are at-odds with what was approved in the appointment motions.

**B & C. Is there documentary evidence of a binding legal agreement between the current Town Manager and the Town? If so, what are the specific provisions of that agreement?**

The minutes are evidence of an enforceable agreement only as to pay and benefits. The Webster contract terms are not applicable to the current Town Manager.

**D. Is there documentary evidence to support the specific contract terms this Town Manager asserts are currently in effect between himself and the Town?**

If he is asserting that the contract terms from the Webster contract apply to his employment, the answer is "No." There is no general adoption of the terms of that contract in the Selectboard's 2011 or 2012 appointment action.

**E. Is the Town Manager an "at will" employee of the Town?**

No, as detailed above.

**F. Does paragraph 9 of *Nelson v Town of Saint Johnsbury* limit the *Nelson* holding to those instances where there is an "absence of a contract between the manager and the town?"**

It limits the holding to instances where there is an absence of a contract which expressly provides grounds other than cause as permitting removal.

**G. What are the duties, roles, and responsibilities of the Selectboard if it enters into contract negotiations with the Town Manager?**

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

Town of Norwich Selectboard

December 10, 2015

Page 8 of 8

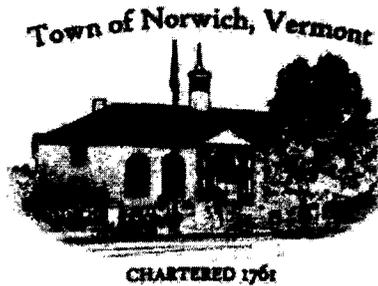
The Selectboard would be acting in its role as chief administrator for the Town, exercising its statutory duty of general supervision of matters not relegated to other officials such as the Town Manager. It may act only by the concurrence of a majority of its members, as individual members have no power to bind the Town without authorization by a duly taken majority action. The Board's members are fiduciaries of the Town and so have an obligation to make at least a reasonable effort to protect the Town's economic interests in attempting to reach terms with an employee. See *Davenport v. Town of Johnson*, 49 Vt. 403 (1877) (recognizing fiduciary relationship between "selectmen" and town they represent). As the Town cannot dismiss the current Town Manager from employment absent due process and just cause, one duty that may be relevant is to avoid taking any such action in the event negotiations are unsuccessful. If advice is sought as to specific contract terms and negotiation strategies, we will require further information and communication with the Board.

Thank you for the opportunity to present this analysis. Please let me know any questions or concerns, and in the meantime I will plan to be available by telephone to speak with the Board at its convenience.

Sincerely,



John H. Klesch



December 23, 2015

Robert Wolfe, Reporter  
Valley News  
PO Box 877  
White River Junction, VT 05001

RE: Your Public Records Request – December 10, 2015

Dear Mr. Wolfe:

You have requested to inspect or copy certain public records of the Town. Specifically you have requested to inspect or make copies of "Attorney John Klesch's correspondence with the Norwich Selectboard and members thereof ...on questions related to the town manager's terms of employment, including Attorney Klesch's legal opinion. A copy of Attorney Klesch's opinion has already been released to the public. Enclosed is other correspondence responsive to your request, as well as a list of related other materials, all of which should be accessible to you in the Town Offices. Consequently, copies of these materials have not been included.

If you should have questions, please let me know.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Cook", written in a cursive style.

Linda Cook, Chair  
Norwich Selectboard

Encl.

List of Responsive Documents -- December 10, 2015 PRA Request

	Date	From/To	Type	Description
1.	November 17	JHK to M. Layton	Email	JHK acknowledges receipt of materials provided to facilitate opinion.
2.	Same	M. Layton to JHK	Email	M. Layton response to JHK request for documents Cover letter and list attached L. Cook is primary contact.
3.	Same	M. Layton to JHK	Email	Submitting materials
4.	November 30	S. Flanders to JHK	Email	Input from S. Flanders on terms of employment
		and reply		
5.	December 1	M. Layton (x3) JHK	Email	Documents provided to facilitate opinion Cover letter and list attached.
6.	December 1	B. Munday to JHK	Email	Town Report 2002
7.	December 6	L. Cook to JHK	Email	Addresses for delivery of opinion
8.	December 10	JHK to Board	Email	Email and Opinion

## Jenn Grindle

---

**From:** John H. Klesch  
**Sent:** Tuesday, November 17, 2015 10:45 AM  
**To:** 'Mary Layton'  
**Cc:** lcook2825@gmail.com; Jenn Grindle  
**Subject:** RE: Linda Cook materials addition

Mary:

Thank you. I am acknowledging receipt of both emails and documents, though I think Jenn in my office is going to follow-up with you on an item.

I will plan to take a preliminary look through the materials and then touch base before more extensive review. Should I use you or Linda as my primary contact and, if you, would you let me know your best telephone number?

Regards,

John

---

John H. Klesch  
Stitzel, Page & Fletcher, P.C.  
171 Battery Street  
P.O. Box 1507  
Burlington, VT 05402-1507  
Telephone: 802-660-2555  
Fax: 802-660-2552  
[jklesch@firmspf.com](mailto:jklesch@firmspf.com)  
Website: [www.firmspf.com](http://www.firmspf.com)

**CONFIDENTIALITY NOTICE:** This E-Mail transmission and any accompanying documents contain information that may be subject to the attorney-client or attorney work product privilege and therefore **CONFIDENTIAL** and legally **PRIVILEGED**. Neither the confidentiality nor the privilege is waived by this transmission. If you have received this transmission in error, be advised that any disclosure, copying, distribution, preservation or action taken in reliance on the contents of the information in this transmission is strictly prohibited, and you are asked to please immediately notify the sender by reply e-mail or by calling 802-660-2555 and delete this message and all attachments from your storage files. Thank you.

In accordance with IRS Circular 230, we inform you that any tax advice contained in this communication was not written or intended to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code, or promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

**From:** Mary Layton [<mailto:marydlayton@gmail.com>]  
**Sent:** Monday, November 16, 2015 10:13 PM  
**To:** John H. Klesch  
**Subject:** Linda Cook materials addition

## Jenn Grindle

---

**From:** Mary Layton <marydayton@gmail.com>  
**Sent:** Tuesday, November 17, 2015 5:37 PM  
**To:** Jenn Grindle  
**Subject:** Re: Linda Cook/Town of Norwich questions

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ok, I will send them through this evening.

Sent from my iPhone

On Nov 17, 2015, at 3:37 PM, Jenn Grindle <[JGrindle@firmspf.com](mailto:JGrindle@firmspf.com)> wrote:

Hi Mary, it looks like we may be missing the September 19, 2011 minutes listed in the index.

**From:** Mary Layton [<mailto:marydayton@gmail.com>]  
**Sent:** Monday, November 16, 2015 9:43 PM  
**To:** John H. Klesch  
**Cc:** Linda Cook  
**Subject:** Linda Cook/Town of Norwich questions

Greetings to John Klesch

I am submitting information on behalf of Linda Cook, Chair of the Norwich Select Board. She has been authorized by the Select Board to submit questions and documentation in regard to the Norwich Town Manager's current employment status.

Enclosed are several files.

Please contact Linda Cook if you have questions.

Her email is [lcook2825@gmail.com](mailto:lcook2825@gmail.com)

Mary Layton

**November 17, 2015**

**Hi John**

**I have been authorized by the Norwich Select Board to retain you to give your legal opinion of the enclosed questions regarding the Norwich Town Manager's current employment status.**

**I am providing supporting documentation including Select Board Meeting Minutes, CATV links and meeting excerpts, former Town Manager Pete Webster's contract, the current Town of Norwich Personnel Policy, and emails.**

**Linda Cook, Chair  
Norwich Select Board**

## Documents Index

1. Legal Questions regarding Town Manager's Contract
2. April 11, 2012 Select Board Minutes.
3. The September 19, 2011 Minutes.
4. Pete Webster's contract.
5. Citizen email Chris Katucki's research.
6. Watt Alexander and Chris Katucki's research.
7. Town of Norwich 2010 Personnel Policy
8. Neil Fulton statements documented in the October 28, 2015 Minutes and CATV video tape.
9. A motion was made to ask Neil Fulton to provide documentation of the terms of his contract that are in addition to the terms adopted and recorded in the April 11, 2012 Minutes. CATV video tape.
10. March 25, 2015 Minutes
11. Memorandum from Christopher Ashley for inclusion in the 3/25 Select Board Packet regarding a step increase.

## Jenn Grindle

---

**From:** John H. Klesch  
**Sent:** Tuesday, November 17, 2015 11:21 AM  
**To:** Jenn Grindle  
**Subject:** FW: Linda Cook materials addition

FYI

---

**From:** Mary Layton [<mailto:marydayton@gmail.com>]  
**Sent:** Tuesday, November 17, 2015 11:21 AM  
**To:** John H. Klesch  
**Subject:** Re: Linda Cook materials addition

John

Linda Cook is the primary contact on this issue.

In case you need to reach me my best phone number is 802-738-2033, my cell phone. The quickest way to get through to me is via text message.

Mary Layton

Sent from my iPhone

On Nov 17, 2015, at 10:44 AM, John H. Klesch <[JKlesch@firmspf.com](mailto:JKlesch@firmspf.com)> wrote:

Mary:

Thank you. I am acknowledging receipt of both emails and documents, though I think Jenn in my office is going to follow-up with you on an item.

I will plan to take a preliminary look through the materials and then touch base before more extensive review. Should I use you or Linda as my primary contact and, if you, would you let me know your best telephone number?

Regards,

John

---

John H. Klesch  
Stitzel, Page & Fletcher, P.C.  
171 Battery Street  
P.O. Box 1507  
Burlington, VT 05402-1507  
Telephone: 802-660-2555  
Fax: 802-660-2552  
[jklesch@firmspf.com](mailto:jklesch@firmspf.com)  
Website: [www.firmspf.com](http://www.firmspf.com)

**John H. Klesch**

---

**From:** John H. Klesch  
**Sent:** Monday, November 30, 2015 12:33 PM  
**To:** 'Stephen N. Flanders'  
**Cc:** lcook2825@gmail.com  
**Subject:** RE: Minority input regarding the terms of employment of the current Norwich town manager - ATTY CLIENT

Steve:

Thank you for your email. Per 1 V.S.A. § 172, we must view the scope of our assignment as defined by valid majority action of the Town's Selectboard and we will proceed accordingly. In other words, we must treat the Selectboard majority position as that of our "client." However, within that mandate, we are free to obtain and review all information which in our professional judgment is reasonably necessary and appropriate to rendering the legal services requested of us.

Therefore, please understand that we will review and consider your memorandum and email in the course of the analysis we have been asked to provide, but these materials will not expand the scope of the issues we have been tasked to review. Note we do consider our communications with individual Selectboard members to be attorney-client privileged, with that privilege belonging to the Selectboard.

Also note that I have been advised that the Chair is to serve as our contact point for communications. So, except possibly for information gathering, our communications will be made through the Chair until such time as we might be directed to follow a different protocol.

I hope this response is helpful.

Best regards,

John

---

John H. Klesch  
Stitzel, Page & Fletcher, P.C.  
171 Battery Street  
P.O. Box 1507  
Burlington, VT 05402-1507  
Telephone: 802-660-2555  
Fax: 802-660-2552  
[jklesch@firm SPF.com](mailto:jklesch@firm SPF.com)  
Website: [www.firm SPF.com](http://www.firm SPF.com)

**CONFIDENTIALITY NOTICE:** This E-Mail transmission and any accompanying documents contain information that may be subject to the attorney-client or attorney work product privilege and therefore **CONFIDENTIAL** and legally **PRIVILEGED**. Neither the confidentiality nor the privilege is waived by this transmission. If you have received this transmission in error, be advised that any disclosure, copying, distribution, preservation or action taken in reliance on the contents of the information in this transmission is strictly prohibited, and you are asked to please immediately notify the sender by reply e-mail or by calling 802-660-2555 and delete this message and all attachments from your storage files. Thank you.

In accordance with IRS Circular 230, we inform you that any tax advice contained in this communication was not written or intended to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code, or promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

---

**From:** Stephen N. Flanders [mailto:hopsonroad@gmail.com]  
**Sent:** Wednesday, November 25, 2015 4:02 PM  
**To:** John H. Klesch  
**Subject:** Minority input regarding the terms of employment of the current Norwich town manager

John H. Kletsch, Attorney  
Stitzel Page & Fletcher  
171 Battery Street  
P.O. Box 1507  
Burlington, VT 05402-1507  
Phone: 802-660-2555

Dear Mr. Kletsch,

I write as member of the Norwich selectboard, who voted in the minority to have the attached memo brought to your attention, regarding the terms of employment of the current Norwich town manager.

Please be aware that you have been contacted by Chair, Linda Cook, based on the following action of the Norwich Selectboard:

2. Town Manager Contract (Executive Session May be Required) (Discussion/Possible Action Item).  
After considerable discussion regarding how the questions were developed, Layton moved (2nd Goulet) to authorize the Selectboard Chair to hire Attorney John Klesch to give his legal opinion of Selectboard questions regarding the Norwich Town Manager's current employment status. Motion passed 3 to 2 (yes – Cook, Goulet and Layton; no – Ashley and Flanders).

Contrary to selectboard practice, the questions that you may have been sent (if any) were not part of the SB package prior to the meeting—as is the long-held practice of the board—and, as of the time Ms Cook contacted you, had not been seen by the public. At that same meeting, the same three members of the board refused to consider the attached memo, because it was not "posed in the form of a question." I asked for this memo to be reconsidered at last night's SB meeting and was again rebuffed. Therefore, I remain the only member of the board, whose input was not provided to you.

The questions cited in the motion and this memo are now part of the public record.

The public utterances of Ms Layton suggest that she believes that the town manager is an "at will" employee and that *Nelson v St. Johnsbury* does not apply.

I felt that this background should inform you, regarding whether to consider the attached memo.

Sincerely, Steve F.

Stephen Flanders, Member of the Norwich Selectboard  
317 Hopson Road

Norwich, Vermont 05055

802-649-1134 (Home)

**Any response or reply to this electronic message may be subject to the Vermont Public Records Act. Any views expressed in this e-mail are mine and may not reflect those of the board. Vermont statutes confer no special powers to individual selectboard members. Statutory selectboard powers arise from actions of the body at warned, public meetings with a few exceptions.**

**Jenn Grindle**

---

**From:** Mary Layton <marydayton@gmail.com>  
**Sent:** Tuesday, December 01, 2015 5:24 PM  
**To:** John H. Klesch  
**Subject:** Norwich documents 1 of 3  
**Attachments:** Documents Index November 30, 2015.docx; Second Cover Letter to John Klesch.docx; Select Board Minutes January 16, 2013.pdf; Select Board Minutes November 26, 2013.pdf

Cover letter, Documents Index, Jan 16, 2013 minutes, Nov 26, 2013 minutes

**November 30, 2015**

**Hi John**

**This is the second submission of supporting documentation including five sets of Select Board Meeting Minutes and a draft copy of an Employment Agreement submitted by the Norwich Town Manager on July 8, 2015.**

**Linda Cook, Chair  
Norwich Select Board**

**Documents Index  
November 30, 2015**

- A. Minutes of Special Select Board Meeting of January 16, 2013**
- B. Minutes of Select Board Meeting of November 26, 2013**
- C. Minutes of Select Board Meeting of July 8, 2015**
- D. Minutes of Select Board Meeting of July 29, 2015**
- E. Minutes of Select Board Meeting of October 28, 2015**
- F. Draft Copy (7/8/2015) of Norwich Town Manager Employment Agreement submitted by Town Manager**

**Jenn Grindle**

---

**From:** Mary Layton <marydayton@gmail.com>  
**Sent:** Tuesday, December 01, 2015 5:27 PM  
**To:** John H. Klesch  
**Subject:** Norwich documents 2 of 3  
**Attachments:** Select Board Minutes October 28, 2015.pdf; Select Board Minutes July 8, 2015.pdf;  
Select Board Minutes July 29, 2015.pdf

Minutes Oct 28, 2015

Minutes July 8, 2015

Minutes July 29, 2015

**Jenn Grindle**

---

**From:** Mary Layton <marydlayton@gmail.com>  
**Sent:** Tuesday, December 01, 2015 5:28 PM  
**To:** John H. Klesch  
**Subject:** Norwich documents 3 of 3  
**Attachments:** Town Manager Employment agreement.pdf

Draft Employment Agreement submitted to the Select Board by the Town Manager

**Jenn Grindle**

---

**From:** John H. Klesch  
**Sent:** Tuesday, December 01, 2015 7:27 PM  
**To:** Jenn Grindle  
**Subject:** FW: Norwich 2002 Town Report  
**Attachments:** 2002 Norwich Town Report.pdf

---

**From:** Bonnie Munday [<mailto:BMunday@norwich.vt.us>]  
**Sent:** Tuesday, December 01, 2015 9:57 AM  
**To:** John H. Klesch  
**Subject:** Norwich 2002 Town Report

Please find the attached from Linda Cook.

Thank you,

**Jenn Grindle**

---

**From:** John H. Klesch  
**Sent:** Thursday, December 10, 2015 4:53 PM  
**To:** 'lcook2825@gmail.com'; 'stephen.flanders@icloud.com'; 'dangoulet53@gmail.com'; 'C.Ashley.SB@gmail.com'; 'marydayton@gmail.com'  
**Cc:** Jenn Grindle  
**Subject:** Town of Norwich - Town Manager Employment Status Opinion - ATTY CLIENT  
**Attachments:** NOH15-001 OPN Town Manager.pdf

Dear Selectboard Members:

Please see attached opinion letter concerning our analysis of the status of the Norwich Town Manager's employment with the Town. Again, please note that the attached letter is an attorney-client privileged communication.

Best wishes,

John

---

John H. Klesch  
Stitzel, Page & Fletcher, P.C.  
171 Battery Street  
P.O. Box 1507  
Burlington, VT 05402-1507  
Telephone: 802-660-2555  
Fax: 802-660-2552  
[jklesch@firmspf.com](mailto:jklesch@firmspf.com)  
Website: [www.firmspf.com](http://www.firmspf.com)

**CONFIDENTIALITY NOTICE:** This E-Mail transmission and any accompanying documents contain information that may be subject to the attorney-client or attorney work product privilege and therefore **CONFIDENTIAL** and legally **PRIVILEGED**. Neither the confidentiality nor the privilege is waived by this transmission. If you have received this transmission in error, be advised that any disclosure, copying, distribution, preservation or action taken in reliance on the contents of the information in this transmission is strictly prohibited, and you are asked to please immediately notify the sender by reply e-mail or by calling 802-660-2555 and delete this message and all attachments from your storage files. Thank you.

In accordance with IRS Circular 230, we inform you that any tax advice contained in this communication was not written or intended to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code, or promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

December 6, 2015

Dear Mr. Klesch

Please send your opinion to each Norwich Select Board Member.

Their email addresses are below:

[lcCook2825@gmail.com](mailto:lcCook2825@gmail.com)

[stephen.flanders@jcloud.com](mailto:stephen.flanders@jcloud.com)

[dangoulet53@gmail.com](mailto:dangoulet53@gmail.com)

[C.Ashley.SB@gmail.com](mailto:C.Ashley.SB@gmail.com)

[marydlayton@gmail.com](mailto:marydlayton@gmail.com)

Thanks

A handwritten signature in cursive script, appearing to read "Linda Cook".

Linda Cook

DRAFT Minutes of the Special Selectboard Meeting of Wednesday, December 2, 2015 at 6:30 PM

Members present: Linda Cook, Chair; Christopher Ashley; Steve Flanders; Dan Goulet; Mary Layton, Vice-Chair.

Cook opened the meeting at 6:30 pm.

1. Town Manager Evaluation (Executive Session May be Required). Pursuant to Title 1 VSA § 313(a)(3), Flanders **moved** (2<sup>nd</sup> Goulet) to enter into Executive Session for the purpose of discussing the Town Manager evaluation. **Motion passed.** The Selectboard moved into Executive Session at 6:31 pm. At 8:54 pm, Goulet **moved** (2<sup>nd</sup> Ashley) to move into public session. **Motion passed.** No action was taken as a result of the Executive Session.

Ashley **moved** (2<sup>nd</sup> Flanders) to adjourn. **Motion passed.** Meeting adjourned at 8:55 pm.

Approved by the Selectboard on\_\_\_\_\_.

Linda Cook  
Selectboard Chair

Next Regular Meeting – December 9, 2015 at 6:30 PM

Special Selectboard Meeting – January 6, 2016 at 6:30 PM

DRAFT Minutes of the Selectboard Meeting of Wednesday, December 9, 2015 at 6:30 PM

Members present: Linda Cook, Chair; Christopher Ashley; Steve Flanders; Dan Goulet; Mary Layton, Vice-Chair; Neil Fulton, Town Manager; Nancy Kramer, Assistant to the Town Manager.

There were about 26 people in the audience.

Also participating: Ed Childs, Pat & Dave Derrick, Andy Hodgdon, Cheryl Lindberg, Doug Robinson, Roberta Robinson, Gerry Tolman, Harold & Ruth Trombley, Carrie Vuyovich, Richard Wright.

Cook opened the meeting at 6:30 pm.

1. Review of Opinions from Attorney Klesch Re: Terms of Employment of Town Manager (Executive Session May be Required) (Discussion/Possible Action Item). Cook read an email from Attorney Klesch regarding the Town of Norwich – legal opinion re: employment matter. Legal opinion is not available for discussion tonight. After some discussion, Layton **moved** (2<sup>nd</sup> Goulet) that the legal opinion from Attorney Klesch not be disclosed or discussed with any person other than a member of the Selectboard. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders).
2. Approval of Agenda (Action Item). The Selectboard, by consensus, approved the Agenda as amended.
3. Public Comments. There were no public comments.
4. Town Manager's Report (Discussion). Written report in packet and on the Town website. No actions taken.
5. Finance – Board to Sign Accounts Payable/Warrants (Action Item). After questions, Ashley **moved** (2<sup>nd</sup> Flanders) to approve Check Warrant Report #16-14 for General Fund in the amount of \$158,824.81, for Main Street Flags Fund in the amount of \$102.50, for Fire Station Fund in the amount of \$6,270.00 and for Town Reappraisal Fund in the amount of \$2,253.02 for the period from 12/01/15 to 12/09/15. **Motion passed.**
6. Treasurer's Quarterly Investment Report (Discussion/Possible Action Item). Lindberg briefly reviewed the Report. Afterwards, Flanders **moved** (2<sup>nd</sup> Ashley) to receive the Treasurer's Quarterly Investment Report. **Motion passed.**
7. Errors and Omissions (Discussion/Action Item). Lindberg presented saying most of the changes were related to current use. Afterwards, Flanders **moved** (2<sup>nd</sup> Goulet) to revise values as detailed in the memo from the Norwich Board of Listers to the Norwich Selectboard dated November 30, 2015. **Motion passed.**
8. Public Hearing on Proposed FY17 Budget (Discussion/Possible Action Item). Flanders **moved** (2<sup>nd</sup> Ashley) to open the public hearing on the FY17 budget. **Motion passed.** Fulton briefly reviewed the FY17 budget and the changes made at the last Selectboard meeting. The proposed budget shows an overall increase of 2.27% for the Town budget. The COLA being used for salary increases in the budget is 1.7%. After some discussion, Flanders **moved** (2<sup>nd</sup> Layton) to close the public hearing on the FY17 budget. **Motion passed.**

Flanders **moved** (2<sup>nd</sup> Ashley) to recommend that Town Meeting approve a gross spending General Town Budget of \$4,331,293. **Motion failed 2 to 3** (yes – Ashley and Flanders; no – Cook, Goulet and Layton).

9. Petitions to Reclassify Illsley Road to a Legal Trail or to Discontinue (Discussion/Possible Action Item). Fulton said the Selectboard has received two petitions requesting a reclassification of Illsley Road to a Town Trail. Fulton stated that it is up to the Selectboard to decide. After some discussion, Ashley **moved** that the Selectboard accept the petitions to reclassify and begin the process to consider changing a portion to a trail. Motion was dropped due to lack of a second. Goulet **moved** (2<sup>nd</sup> Layton) to keep the road as a class 4 road. After further discussion, the motion was dropped. Fulton said he is working with a group that includes VAST and is waiting for a design for the bridge. A permit from ANR will not be needed but Fulton wants ANR to put that in writing.

10. Review Turnpike Road Speed Study (Discussion Item). Fulton reviewed the speed study and said the Selectboard's recommendation of 25 mph is within the parameters of the speed study.

11. Speed Limit Ordinance on Turnpike Road (Discussion/Possible Action Item). Childs spoke against decreasing the speed limit. Afterwards, pursuant to Title 24 VSA § 1971, Flanders **moved** (2<sup>nd</sup> Ashley) for the Selectboard to adopt the Ordinance to Regulate Local Enforcement of Speed Limits on Town Highways in the Town of Norwich and authorize the Chair to sign. **Motion passed.**

12. Review Draft D & K Engineering Scope of Work for Restoration Project at Norwich Pool Location (Discussion Item). Fulton had asked that this discussion be taken off the agenda as the scope of services has changed. No actions were taken.

13. Review Rules for Conduct of Regular and Special Selectboard Meetings (Discussion/Possible Action Item). After discussion, Flanders **moved** (2<sup>nd</sup> Ashley) that agenda items put forward by any member shall be considered and if put forward by two members will be added to the agenda. **Motion failed 2 to 3** (yes – Ashley and Flanders; no – Cook, Goulet and Layton).

14. Correspondence (Please go to [www.norwich.vt.us](http://www.norwich.vt.us), click on Boards & Committees from the blue banner, click on Selectboard and click on Recent Selectboard Correspondence in the middle section to view resident correspondence):

a) Resident –

1) #14 a), b), c), d), e), f) and g). Emails from Nancy Dean Re: Pool, Memo from Mary Layton Re: Pool Permit Application Follow Up, Memo from Stephen Flanders Re: Pool Application Follow-Up, Email from Jennifer Roby Re: Banners, Email from Stephen Flanders Re: Request for Material Cited at Last Night's Selectboard Meeting, Memo from Mary Layton Re: Legal Questions Process and Memo from Linda Cook Re: Legal Questions. Flanders **moved** (2<sup>nd</sup> Layton) to receive emails from Nancy Dean re: pool, a memo from Mary Layton re: pool permit application follow up, a memo from Stephen Flanders re: pool application follow-up, an email from Jennifer Roby re: banners, an email from Stephen Flanders re: request for material cited at last night's Selectboard meeting, a memo from Mary Layton re: legal questions process and a memo from Linda Cook re: legal questions. **Motion passed.** Ashley read his response to item #14 b) and said he would provide a copy to anyone who wanted it.

15. Selectboard

- a) Approval of the Minutes of the 11/18/15 and 11/24/15 Selectboard Meetings (Action Item). After some discussion, Flanders **moved** (2<sup>nd</sup> Ashley) to approve the minutes of the November 18, 2015 and November 24, 2015, including amendments presented by Cook, Selectboard meetings. **Motion passed.**
- b) Review of Next Agendas (Discussion/Possible Action Item). The January 6<sup>th</sup> special meeting will be to discuss alternate projects for the Pool. Items on the agenda for January 13<sup>th</sup> will include: the Banner Policy, Favreau/Greene request, facilities questions and a design/build project for Public Works. Items on the agenda for the December 16<sup>th</sup> special meeting will be review of opinions from Attorney Klesch and Town Manager evaluation. Afterwards, Flanders **moved** (2<sup>nd</sup> Ashley) that the Selectboard place all material received from Klesch in the Selectboard packet for December 16<sup>th</sup> except items clearly identified by Klesch that would put the Town at a significant disadvantage. **Motion failed 2 to 3** (yes – Ashley and Flanders; no – Cook, Goulet and Layton).
- c) Town Manager Evaluation (Executive Session may be Required). Pursuant to Title 1 VSA § 313(a)(3), Flanders **moved** (2<sup>nd</sup> Layton) to enter into Executive Session for the purpose of discussing the Town Manager evaluation. **Motion passed.** The Selectboard moved into Executive Session at 9:38 pm.

At 10:14 pm, Ashley **moved** (2<sup>nd</sup> Layton) to move into public session. No action was taken as a result of the Executive Session.

Ashley **moved** (2<sup>nd</sup> Flanders) to adjourn. **Motion passed.** Meeting adjourned at 10:15 pm.

Approved by the Selectboard on\_\_\_\_\_.

By Nancy Kramer  
Assistant to the Town Manager

Linda Cook  
Selectboard Chair

Special Selectboard Meeting – January 6, 2016 at 6:30 PM

Next Regular Meeting – January 13, 2016 at 6:30 PM

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD.

DRAFT Minutes of the Special Selectboard Meeting of Monday, December 14, 2015 at 6:15 PM

Members present: Linda Cook, Chair; Christopher Ashley (left @ 6:35 pm); Steve Flanders (left @ 6:25 pm); Dan Goulet; Mary Layton, Vice-Chair; Neil Fulton, Town Manager.

There were 3 people in the audience.

Also participating: Suzanne Lupien.

Cook opened the meeting at 6:15 pm.

1. Response to Public Records Request (Executive Session May be Required). Flanders **moved** (2<sup>nd</sup> Ashley) to release any and all items of Attorney John H. Klesch's correspondence with the Norwich Selectboard and members thereof, including but not limited to his legal opinion on questions related to the Town Manager's terms of employment and to direct the Town Manager to provide them to the *Valley News*, in the manner requested. **Motion failed 2 to 3** (yes – Ashley and Flanders; no – Cook, Goulet and Layton).

Pursuant to Title 1 VSA § 313(a)(1)(F), Cook **moved** (2<sup>nd</sup> Layton) to enter into Executive Session to consult with legal counsel and receive confidential attorney client communications that premature public knowledge of which would clearly place the Town at a substantial disadvantage and, as a further justification, the Selectboard intends to discuss records that are exempt from disclosure under Title 1 VSA § 313(a)(6). **Motion passed 3 to 1** (yes – Cook, Goulet and Layton; no – Ashley). The Selectboard moved into Executive Session at 6:36 pm. At 6:50 pm, Layton **moved** (2<sup>nd</sup> Goulet) to move into public session. **Motion passed 3 to 0**. Layton **moved** (2<sup>nd</sup> Goulet) that the Selectboard retain Robert Fletcher and/or John Klesch to advise it concerning the request submitted on December 10, 2015 to inspect or copy certain public records and authorize the Chair to act on behalf of the Selectboard to engage Robert Fletcher and/or John Klesch and respond to the records request. **Motion passed 3 to 0**.

Goulet **moved** (2<sup>nd</sup> Layton) to adjourn. **Motion passed**. Meeting adjourned at 6:55 pm.

Approved by the Selectboard on\_\_\_\_\_.

Linda Cook  
Selectboard Chair

Special Selectboard Meeting – December 16, 2015 at 6:30 PM

DRAFT Minutes of the Special Selectboard Meeting of Wednesday, December 16, 2015 at 6:30 PM

Members present: Linda Cook, Chair; Christopher Ashley; Steve Flanders; Dan Goulet; Mary Layton, Vice-Chair; Neil Fulton, Town Manager.

There were 3 people in the audience.

Also participating: Suzanne Lupien.

Cook opened the meeting at 6:30 pm.

1. Review of Opinions from Attorney Klesch Re: Terms of Employment of Town Manager (Executive Session May be Required). Layton **moved** (2<sup>nd</sup> Goulet) to find that premature general public knowledge of the confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard regarding terms of employment of the Town Manager would clearly place the municipality at a substantial disadvantage. Flanders asserted and Ashley agreed that the discussion of the motion did not adequately support the standard of "would clearly place the municipality at a substantial disadvantage," needed as a finding to justify entering Executive Session. Further discussion ensued. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Pursuant to Title 1 VSA § 313(a)(1)(F), Layton **moved** (2<sup>nd</sup> Goulet) to enter into Executive Session for the purpose of discussing the confidential attorney-client communications having found that premature general public knowledge would clearly place the Selectboard at a substantial disadvantage and invite Attorney John Klesch to join by telephone. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Flanders abstained from participating in the Executive Session. The Selectboard moved into Executive Session at 6:54 pm. At 7:47 pm Layton **moved** (2<sup>nd</sup> Flanders) to move into public session. **Motion passed.**

Pursuant to Title 1 VSA § 313(a)(6), Layton **moved** (2<sup>nd</sup> Ashley) to enter into Executive Session for the purpose of discussing the John Klesch opinion letter. **Motion passed.** The Selectboard moved into Executive Session at 7:55 pm. At 8:39 pm Layton **moved** (2<sup>nd</sup> Flanders) to move into public session. **Motion passed.** Layton **moved** (2<sup>nd</sup> Flanders) to make public from the Town Manager's Office by noon on December 17, 2015 the John Klesch attorney opinion concerning the Norwich Town Manager. **Motion passed 4 to 1** (yes - Ashley, Flanders, Goulet and Layton; no - Cook). Ashley **moved** (2<sup>nd</sup> Flanders) to authorize the Town Manager to release the documents covered by the public records request when they become available from the attorneys. **Motion passed 4 to 1** (yes - Ashley, Flanders, Goulet and Layton; no - Cook).

2. Town Manager Evaluation (Executive Session May be Required). Pursuant to Title 1 VSA § 313(a)(3), Flanders **moved** (2<sup>nd</sup> Layton) to enter into Executive Session for the purpose of discussing the Town Manager evaluation. **Motion passed.** The Selectboard moved into Executive Session at 8:55 pm. At 10:10 pm Layton **moved** (2<sup>nd</sup> Flanders) to move into public session. **Motion passed.** No action was taken as a result of the Executive Session.

Flanders **moved** (2<sup>nd</sup> Ashley) to adjourn. **Motion passed.** Meeting adjourned at 10:11 pm.

Approved by the Selectboard on\_\_\_\_\_.

Linda Cook  
Selectboard Chair

Special Selectboard Meeting – December 17, 2015 at 6:30 PM

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH  
SELECTBOARD.

DRAFT Minutes of the Special Selectboard Meeting of Thursday, December 17, 2015 at 6:30 PM

Members present: Linda Cook, Chair; Christopher Ashley; Steve Flanders; Dan Goulet; Mary Layton, Vice-Chair; Neil Fulton, Town Manager; Nancy Kramer, Assistant to the Town Manager.

There were 7 people in the audience.

Also participating: Mary Andes, Kris Clement, Andy Hodgdon, Ron Pentkowski.

Cook opened the meeting at 6:30 pm.

1. FEMA Alternate Projects Review (Discussion/Possible Action Item). Fulton reviewed the alternate projects in the Selectboard packet. Proposed projects are: Charles Brown Brook restoration, Huntley Meadows restroom and concession facilities, Police Department garage, public safety facility upgrades, Public Works facility upgrade and Route 132 culvert replacement. Mary Andes from DEMHS spoke about her concern that the Town could lose all of its FEMA funding at this point. Previous alternate projects have taken up to 2 ½ years to get FEMA approval. A change in scope for the Pool cannot be done now. The Town needs to come up with clear projects or lose the money. Complete package is needed by mid-January. After discussion of costs, clarification of what is needed and public input, Ashley **moved** (2<sup>nd</sup> Flanders) to authorize the Town Manager to develop plans for alternate projects for Charles Brown Brook restoration, Public Works facility upgrade and Route 132 culvert replacement subject to FEMA funding approval. **Motion passed.** Afterwards, Ashley **moved** (2<sup>nd</sup> Flanders) to put an advisory article on the March Town Warning for voter input and to have further public discussion. **Motion passed.**

Ashley **moved** (2<sup>nd</sup> Goulet) to adjourn. **Motion passed.** Meeting adjourned at 8:00 pm.

Approved by the Selectboard on \_\_\_\_\_.

By Nancy Kramer  
Assistant to the Town Manager

Linda Cook  
Selectboard Chair

Special Selectboard Meeting – January 6, 2016 at 6:30 PM

Next Regular Meeting – January 13, 2016 at 6:30 PM

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD.

Norwich Board of Listers  
Post Office Box 376  
Norwich Vermont 05055-0376

To: The Norwich Selectboard  
From: The Norwich Board of Listers  
Date: December 23, 2015  
Subject: Errors and Omissions

The Norwich Board of Listers has determined that the following parcel requires a change due to an error in the previous Errors and Omissions document approved by the Selectboard on November 30, 2015. The Town's Contract Assessor erred in the preparations of the document by incorrectly entering the tax status of certain farm-related buildings

Changes cannot at this date be made to the 2015 Grand List without prior approval from the Selectboard. Accordingly, the Listers request approval for correcting the following parcels.

**Owner:** Polashenski, Christopher & Lake, Norah  
**Location:** 742 VT Route 132  
**Parcel ID:** 05-095-300  
**2015 Assessed Value:** \$293,400

**Reason:** Revised current use allocation.

**2015 Grand List Revised Value Request**

The fair market value of the property does not change. This request is for permission to apply a revised current use deduction to the property.

**2015 Original Valuation**

Total Fair Market Value	293,400
2015 Current Use deduction	-107,700
Original Grand List Total	185,700

**November 30, 2015 Revised Valuation**

Total Fair Market Value	293,400
Current Use deduction	-40,300
Revised Grand List Total	253,100

**Proposed Valuation**

Total Fair Market Value	293,400
Current Use deduction	-105,500
Revised Grand List Total	187,900

The Listers request permission to apply a 105,500 deduction for Current Use to the Polashenski property, adjusting the taxable value to 187,900.

The Norwich Board of Listers

Liz Blum  
Cheryl A. Lindberg  
Lee Michaelides

Errors & Omissions request approved by the Norwich Selectboard:

_____	Date	<u>Christopher R. Ashley</u>	Date	<u>12/28/2015</u>
Linda Cook (Chair)		Christopher Ashley		
_____	Date	<u>Stephen Flanders</u>	Date	<u>12/23/15</u>
Stephen Flanders				
_____	Date	<u>Dan Goulet</u>	Date	<u>12-28-15</u>
Mary Layton (Vice-Chair)		Dan Goulet		