



SELECTBOARD MEETING OF OCTOBER 28, 2015

Members Present: Bob Beeman, Brian Kellogg, & Joni Lanphear.

Department Heads: Dan Lindley, Town Administrator; Todd Thomas, Health Officer; Mary Ann Wilson, Town Clerk/Treasurer; Charlie McArthur, Lister Coordinator & Denny Digregorio, Fire Chief.

Guests: Shawn Goodell, Judy Nepveu, Norm Nepveu, Karyn Allen, Polly McArthur, Nick Denoia, Duane Sprague, Jonathan Moger, Jimmy Goldsmith.

Bob Beeman called the Selectboard meeting to order at 6:00PM

I. AGENDA CHANGES OR ADDITIONS

1. Add Possible Executive Session for Attorney Client Discussion.

II. HEALTH ORDER- 82 PORTLAND STREET

1. Todd Thomas issued an Health Order on October 26, 2015 due to a partial collapse of a foundation wall of the building located at 82 Portland Street. Dave Nepveu was trapped under some debris and 911 was called. Town Administrator Dan Lindley called in Engineer Sam Ruggianno to inspect the stability of the building. He determined that the building could collapse into Portland Street and therefore recommended closing Portland Street and Hutchins Street. The Health Order dated October 26, 2015 stated that he needed to either shore up the building or tear it down. Dave Nepveu has installed steel beams and lally columns to temporarily shore the building. The State Building Engineer has inspected the building and agreed that the building is safe temporarily but made recommendations for permanent repairs to be completed. It was determined that a significant threat to public health remains on the property of Normand Nepveu at 82 Portland Street and that this health hazard must be mitigated by Mr. Norm Nepveu by 3:00 P.M. on 1 January 2016. The work that shall be completed to destroy the ongoing threat to public safety in downtown Morrisville shall be inclusive of the following items: (1) As stated in the landowner's engineering report, "a new concrete foundation wall will be constructed to replace the existing failed stone foundation wall and concrete wall will be placed under the existing sidewalk where soils have fallen into the building foundation area in the spot where the October 2015 collapse occurred (2) all the temporary emergency shoring is removed, incorporated or replaced by a newly poured concrete foundation (3) a signed and stamped letter from an engineer licensed in Vermont shall be submitted to the Board of Health stating that the repaired foundation is structurally sound and that it, along with the structure above it, poses no safety risk to the general public or the town's emergency responders who have answered rescue calls inside the structure at 82 Portland Street (4) a signed a letter from an engineer licensed in Vermont shall be submitted to the

Board of Health stating that the full foundation of the building is structurally sound and needs no repairs which includes locations where the foundation has collapsed that were not the cause of this most recent health order and (5) and needed repairs found by the engineer and stated in his correspondence shall be completed in a workman-like manner by 1 January 2016.

Several local business owners were present and expressed concerns regarding loss of business during the time Portland St. was closed down and wondered what happens next. Todd explained that if the work is not completed and Mr. Nepveu does not comply with the Health Order then the Town will proceed with a court order to tear the building down. If Mr. Nepveu does not comply he faces a fine of up to \$10,000 per day that the building does not come into compliance.

Motion made by Brian Kellogg, seconded by Joni Lanphear to approve Health Order for 82 Portland Street as presented. Motion carried. (3/0)

III. OTHER BUSINESS-

Legal Issue-

Motion made by Brian Kellogg, seconded by Joni Lanphear to find that premature general public knowledge of potential pending litigation will clearly place the town at a substantial disadvantage. Motion carried. (3/0)

Motion made by Brian Kellogg, seconded by Joni Lanphear to enter executive session to discuss potential pending litigation under the provisions of Title 1 Section 313 (a) (1) of the Vermont Statutes. Motion carried. (3/0)

Motion made by Brian Kellogg, seconded by Joni Lanphear to come out of Executive Session at 9:10PM. Motion carried. (3/0)

Motion made by Brian Kellogg, seconded by Joni Lanphear to adjourn at 7:30PM. Motion carried. (3/0)

Respectfully submitted and filed this 29th day of October 2015
Erica Allen, Scribe

Please note all minutes are in draft form and are subject to approval at the next Selectboard meeting.