

# Transfer of Rochester High School: Status Update

## 12/04/2020

### Process Summary

The Rochester Stockbridge Unified School District (“RSUD”) is proposing to convey the Rochester High School building and associated land to the Town of Rochester in accordance with Article 6(c) of the Articles of Agreement that formed RSUD. The primary task to enable the transfer of the building is to subdivide the current Elementary and High School property so that RSUD can convey the High School building and a portion of its surrounding land to the Town. The people working on the specific steps of this process include a number of individuals. On behalf of RSUD, superintendent Jamie Kinnarney has graciously been assisting with coordinating some of these steps. The RSUD attorney David Rugh is also assisting us with this process to make sure that all of our “i’s” are dotted and “t’s” are crossed throughout the legalities of this process.

The subdivision process itself has a number of steps, some of which need to be completed by professionals outside of RSUD as well as outside of the Supervisory Union (SU). The engineering services of Mark Bannon Engineering and DuBois & King, Inc. (D&K) have been retained to take the lead on developing the subdivision plan and assist with the permitting aspect of this process. These two engineering firms are herein referred to as the “engineering consultants” in the text below.

RSUD recognizes that community members have a number of questions. Therefore, RSUD has developed a FAQ section to address many of the commonly asked questions. We encourage anyone with questions in regards to this matter to email the RSUD Board at RSUD-Board@wrvsu.org.

### Frequently Asked Questions (FAQ)

- See following page

### Task List and Status

1. **Bannon Engineering to prepare initial subdivision concept plan for wastewater permitting**
  - Task 90% Complete. Est. Complete: 12/10/20
2. **RSUD and Town representatives meeting to discuss subdivision plan, potential easement(s), and potential use agreement(s)**
  - See Next Steps, below
3. **Preparation of State water-wastewater permit (including final draft wastewater plan and boundary line adjustment application for approval by VT ANR)**
  - Est. Completion: Mid-Jan. 2021 <sup>\*1</sup>
4. **Prepare Town subdivision application (including preparation of survey plan by D&K)**
  - Est. Completion: Late-Jan. 2021 <sup>\*1</sup>
5. **Engineering consultants to prepare property description for review by Town’s attorney and draft deeds**
  - Est. Completion: Late-March 2021 <sup>\*2</sup>
6. **Closing and deed signing**
  - Est. Completion: April or May 2021 <sup>\*2</sup>

<sup>\*1</sup> - subject to timing of Task #2

<sup>\*2</sup> - subject to timing of Tasks #2, #3, and #4

### Next Steps

- A. Tasks for #2 above, including:
  - A1. RSUD to review Concept Plan and provide comments;
  - A2. Bannon Engineering to revise concept plans per RSUD comments;
  - A3. Scheduling a meeting with Town representatives to discuss the location of the proposed boundary line;
  - A4. Meeting with Doon Hinderyckx, Town Zoning Administrator, to review Concept Plan; and
  - A5. Bannon Engineering to revise the Concept Plan per comments received above.

## **Frequently Asked Questions (FAQ) – per 11/12/2020**

### **1. *Should the property be appraised? If so by whom?***

RSUD does not see a need to appraise the future Rochester High School property or the Elementary School. The voters previously approved conveying the school property to the Town for \$1.00. As a result, it is unnecessary to determine the fair market value of the property, and the funds that would be used to conduct an appraisal are best spent on other items related to the transfer.

### **2. *Who is responsible for subdivision?***

RSUD is taking the lead on the subdivision, and it has retained engineering consultants Mark Bannon Engineering and DuBois & King, Inc. to assist with preparation of a concept plan and survey, the Town subdivision application, and the State wastewater permit amendment application. Once a concept plan of the proposed subdivision is ready, RSUD representatives will meet with the Town's designated representatives to discuss the proposed property line that will be located between the two buildings, as well as the need for any potential easement(s). There may be some back and forth between RSUD representatives and the Town in order to finalize the subdivision plan.

### **3. *Who is investigating the raising of the underground oil tanks?***

RSUD is taking the lead on this issue. There is a 6,600-gallon underground storage tank (UST) at the Elementary School that was replaced in 2002 that has been permitted and is in good condition. There is another 10,000-gallon UST at the High School, which was installed in 1974 and which is at the end of its normal lifespan. RSUD has obtained an estimate from U.S. Ecology for removal of this UST. Further discussion is needed before any action on removing the old UST is taken.

### **4. *Is there a need to document contents of the High School building?***

At this time there is no inventory of contents of the Rochester High School (HS) building. This is something that the RSUD has discussed but has not taken any action on. If there are items that are not wanted by the RSUD that the Town would like as part of the transfer, these items can be addressed in a side agreement to be negotiated between the parties. At this time there is a washer and dryer in the HS building that RSUD will need access to (used for washing and disinfecting custodial supplies). In addition, if there are items which the RSUD would like to store in the Rochester High School building and it is acceptable to the Town of Rochester, the parties will negotiate this matter as well. RSUD will need to work with the Town to ensure it can continue to use the HS building as an emergency evacuation site. Further discussions will be needed to clarify the above.

### **5. *Will bonded indebtedness be transferred with the High School?***

No. There are two outstanding bonds associated with the Rochester schools. The first bond was originally issued in 2002 for improvements to both school buildings, which was then rolled over into a 2011 bond issuance. The second bond was issued in 2012 to perform asbestos abatement in the Elementary School building. Both outstanding Rochester school bonds mature by the end of December 2022. Because the 2012 bond pertained solely to the Elementary School, the obligations to repay it would not be transferred to the Town with the High School property. Furthermore, because the 2011 bond was issued for improvements to both school buildings, RSUD cannot now legally bifurcate portions of the remaining payments and assign them to specific improvements at each building. Therefore, the Town will not be responsible for payment of any bonded indebtedness associated with the High School property.

## **Frequently Asked Questions (FAQ) Continues – per 11/12/2020**

**6. *Do we need to obtain a new State Wastewater permit?***

Yes, Mark Bannon Engineering (of Bannon Engineering) will be preparing any applications for wastewater permit amendments.

**7. *Can the High School building be renamed?***

If the Town would like to rename the High School building, it may do so after ownership is transferred.

**8. *How will the High School building be used during winter months?***

RSUD will be safely and securely closing the High School building for the direct delivery of educational services during the 2020-2021 school year. The only facilities that may be used are the washer and dryer, which are used for washing and disinfecting custodial supplies, and some rooms that are used for storage.

**9. *What will costs be for transfer completion by each entity?***

RSUD is taking the lead on enabling the subdivision of the Elementary and High School properties, but the Town will be expected to bear its own legal and consultant fees associated with the transfer. The anticipated estimate for engineering consultants to assist with the subdivision and permitting costs is approximately \$10,000. RSUD has also incurred roughly \$7,000 in legal fees to date and anticipates roughly \$3,000-\$5,000 in additional fees to complete the process, though these fees are paid on an hourly basis. RSUD has not investigated what the expected fees are for the Town to complete this process.

**10. *Will the Town of Rochester need to reimburse RSUD for improvements?***

Per Article 6(c) of the Articles of Agreement that formed RSUD, the Town will not need to reimburse RSUD for any capital improvements made to the High School building since the formation of the unified school district if the Town owns the property for a period of five years and uses it for community and public purposes.

**11. *Can the Town of Rochester contract with RSUD for building maintenance?***

There are currently no plans for RSUD to conduct any maintenance of the Rochester High School building lot after the transfer of the building takes place. If this is something the Town would be interested in, further discussion would be needed regarding this matter.

**12. *Is flood insurance needed on the High School building?***

A portion of the High School building appears to be located within the Special Flood Hazard Area. Because the High School is not residential housing and there is no bank financing on the property, flood hazard insurance is likely not required, but it may be available. RSUD has not investigated this. It will be the responsibility of the Town of Rochester to attain flood insurance if the Town would like to obtain such.