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March 29, 2022

Julia L. Torti  
Chief, Civil Division  
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District of Vermont  
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Greetings Attorney Torti,

I am writing to you on behalf of the Wheelock Selectboard with a progress report according to Agreement 204-78-45 between the Town of Wheelock and the U.S. Dept. of Justice, Section 16.b), as below:

By Town Meeting Day, March 2022, the Town will hold a vote wherein residents vote on whether to approve the Town Hall Accessibility Proposal.

As I wrote in the last report on December 30, 2021, the Town Hall ADA Project Committee appointed by the Selectboard prepared two concept options in 2021 to bring Town Hall into ADA compliance. The Selectboard decided to give the choice of which option to pursue directly to the voters rather than make its own decision.

In January 2022 the Selectboard decided to hold Town Meeting voting on March 1, 2022 by Australian ballot rather than at the customary in-person meeting. The reasons were the Covid pandemic, and the Australian ballot Town Meeting in 2021 went well. A YES/NO vote is required on every Australian ballot article and there is no possibility to change the wording of any article. Changing the wording of an article is possible at a floor style meeting where the voters gather in person. If not for Covid, an in-person meeting would likely have been preferred by all. The state did not permit hybrid Town Meetings in 2022.

**March 1, 2022 - Town Meeting Ballot Results:**

Article 8, passed 109 to 41, with 4 blank and 1 spoiled. It read:

*Shall the voters of the Town of Wheelock appropriate the sum of \$30,000 to be added to the \$46,026 the Town Hall Project Reserve Fund to be used for major repair and rehabilitation work on the Wheelock Town Hall?*

Article 9, to raise \$16,500 for the reserve fund for construction documents passed 85 to 62 with 8 blank. It read:

*Shall the voters of the Town of Wheelock appropriate up to \$16,500 towards the cost of professional services related to the development of construction documents in connection with fulfilling its obligation to the U.S. Department of Justice with respect to the Town Hall accessibility issue as outlined in the Settlement Agreement?*

The following preamble preceded Article 16 and 17 on the ballot:

***The following articles are non-binding, advisory only, to meet the requirements of the Settlement Agreement with the U.S. Department of Justice. Their purpose is for the voters to express their preference for one of the two proposed design options.***

Article 16 Option 1 NO 86, YES 56, BLANK 13. It read:

*Given that the Town of Wheelock MUST address accessibility and code compliance issues for the Town Hall, does the town prefer the Board move forward with Design Option 1? It is a 2-story 20 x 30 square foot addition, 1200 square feet total, to the rear of the Town Hall; accessible restrooms on the lower level; non-commercial kitchen on the upper level; lift to meet accessibility requirements; walkways to meet accessible entry requirements, replacement of front steps; electrical upgrade. Estimated total cost \$980,090.*

Article 17 Option 2 NO 88, YES 56, BLANK 11. It read:

*Given that the Town of Wheelock MUST address accessibility and code compliance issues for the Town Hall, does the town prefer the Board move forward with Design Option 2? It is a 1-story 37 x 43 square foot side addition, 1591 square feet, to accommodate all building functions on a single level except for mechanicals (no lift needed); accessible restrooms; non-commercial kitchen; combination walkway and ramp to meet accessible entry requirements; heating and electrical system improvements. Estimated total cost \$1,515,400.*

The results are difficult to interpret and make it difficult to know how to proceed. Both concept proposals were defeated, but there were some supporters. The community is evenly split on the two concepts. However the voters are enthusiastic about voting funds for major repair and rehabilitation to the Town Hall. They are less enthusiastic but still supportive of voting funds for creating the construction documents.

### **March 8, 2022 – Selectboard Next Steps**

The Project Committee met on 3/7/2022. It had completed its charge to assist the Selectboard in managing a grants-funded project providing funds for community outreach and architectural concepts to help solve the Town Hall accessibility issues. Committee members concluded they should hand back the project to the Selectboard, and let them refine the ideas, find cost savings, and seek the support of the voters necessary to move the project forward.

The Selectboard met on 3/9/2022 and disbanded the Project Committee with appreciation for their work.

The Selectboard voted to warn a special meeting, a Listening Session, on Sunday March 27 to try to understand why people voted the way they did and how to move the project forward. It will be helpful to know the level of information that people have in considering the Settlement Agreement, project requirements, costs and how to finance it.

### **March 22, 2022 - Public Hearing - Vermont Community Development Program Planning Grant**

The Selectboard had previously voted to seek a Vermont Community Development Block Grant (CDBG) planning grant, application deadline April 12, 2022, and had secured assistance from Northern Community Investment Corporation (NCIC) in developing the grant application. Up to \$60,000 may be requested. The required public hearing was held on March 22, 2022, and Karen Geraghty, Project Manager at NCIC was present. If awarded, the Town will retain up to \$500 for administrative costs. The remaining funds, up to \$59,500 will be used to conduct planning and pre-engineering studies to create plans and cost estimates for the Wheelock Town Hall accessibility project. The project is necessary to bring the building into compliance with ADA specifications to create an inclusive public space for the activities of the Town. The grant proposal will include a statement of the issue to be addressed, an outline for an inclusive community process, and a proposal to develop a design and pre-engineering plan necessary to comply with the ADA goal. It will be important to give the community the scope it needs to reach the desired outcome. The plan may include importing and tweaking past work or starting over. Recognizing the significant knowledge of local people in the building trades it will be helpful to encourage input from local contractors.

At the hearing, the Selectboard voted to approve the submittal of the CDBG planning grant application. It also voted to authorize Ann Lawless, Selectboard member, to submit the application and sign or execute any and all document necessary to effectuate the potential CDBG contract. Grant award notifications will be made in early summer. If the grant is awarded, it is likely the project could start in late summer.

Assuming the Town receives this grant, we will be in a strong position to seek a VCDP Accessibility Modification grant to help pay for the construction costs. We will try to be ready for the fall 2022 deadline but more likely we would apply in spring 2023 when more work has been completed in the planning grant project. The maximum award is \$100,000.

### **March 27, 2022, 2pm Listening Session**

The Selectboard hosted the Listening Session as a special Selectboard meeting held in person at Town Hall and via Zoom for the purpose of hearing the ideas, comments, feedback, and suggestions of Wheelock residents about the Town Hall Accessibility Project. The town's elected moderator presided and Karen Geraghty from NCIC was also present in person. The Fire Marshall was invited but not available to attend. 22 people participated. Discussion was civil and wide ranging, with many opinions offered. All were invited to speak during the two hours. Some said they had not been listened to in previous efforts. Specific suggestions were made about where to place the lift and washroom. One person suggested a small west side addition and provided a sketch. High cost and impact on taxes were frequently mentioned. One person felt that the \$1M project proposed was affordable and reasonable, a good balance between keeping cost down and wise investment, particularly since grant support could be significant. Many were firm that the voters had rejected prior concepts and wanted the Selectboard to start over. The Selectboard members concurred they have no other choice. Several people just listened, or asked where to find more information - the list of ADA deficiencies and prior proposals (<https://townofwheelockvt.org/town-hall-ada/>). Karen stressed the importance of community participation in the planning project that she hopes will be funded with the CDBG planning grant.

### March 17, 2022 - ARPA Committee held its second meeting

In April 2022 the Selectboard formed an ARPA Committee to advise on how to wisely spend the town's allocation of \$246,912. The committee has met twice and developed a charge to be ratified by the Selectboard:

- (1) Research eligible uses for Wheelock's ARPA allocation (\$246,912) and other opportunities, with assistance from VLCT (VT League of Cities and Towns), NVDA (Northeastern VT Development Association) and others.
- (2) Actively engage with community groups and individuals, to keep people up to date on the Committee's activities and to solicit and welcome their ideas and participation.
- (3) Recommend a timeline and criteria to use when selecting projects, and create a list of priority projects and/or actions for the Selectboard.

As in many other Vermont towns, upgrades to our municipal building is on our list of possible projects to explore. A set of criteria and scoring matrix is in development to evaluate the projects proposed. Criteria may include (1) how closely the proposed project aligns with the goals for which the ARPA funding was established, (2) percentage of residents served, (3) cost, (4) whether other funding sources can be used instead or leveraged, (5) and whether the proposed project is identified in established plans, such as Wheelock's 2019 Town Plan and 2020 Hazard Mitigation Plan. Town Hall ADA compliance is prioritized in both plans.

In closing, I hope you will agree that people in Wheelock are working very hard to bring full accessibility to Wheelock Town Hall in the time frame outlined in the Settlement Agreement. The pandemic has made progress extremely difficult. Face-to-face meetings are the best way for people to explore ideas and suggestions in the company of their fellow citizens and to get their questions answered on the spot. As Covid recedes and with more grant help we hope to continue to make significant progress towards the benchmarks in the Settlement Agreement and to meet the goal of ADA compliance at Wheelock Town Hall.

Sincerely,



Ann Lawless,

Chair, Wheelock Selectboard

[alawless@wheelocktownvt.org](mailto:alawless@wheelocktownvt.org)



Jim Blackbird

Selectboard Member



Mike Richardson

Selectboard Member