

TO: Jennifer Frye, US Army Corp of Engineers
FROM: Kenneth F. Vittum, Interim Town Manager *KFV*
DATE: April 26, 2019
RE: The Meadows Project

I have received a copy of the letter from Friends of Abingdon, Inc. ("FOA"), which was signed by J.W. LeVine, to you dated April 23, 2019. The Town disputes much of the contents of this letter.

1. Email dated March 30, 2018. FOA claims in its letter that the March 30, 2018, email and four technical reports were not sent to consulting parties pursuant to the Memorandum of Agreement.

This statement is incorrect. On April 2, 2018, the Town provided correspondence and copies of (three) technical reports to FOA and the other consulting parties. Please see the attached correspondence labeled as Exhibit A. Further, as the Town has repeatedly stated, the Town has posted all relevant reports and information on its website. See <https://abingdon-va.gov/featured/meadows-project-update/>. In addition, FOA has submitted several FOIA requests for additional information and the Town has provided many documents to FOA in response.

Curiously, FOA had not raised concerns with my office that it had not received any documentation to which it would be entitled. Had FOA asked for additional copies of technical reports or other documents pursuant to the MOA, then the Town would have provided them. The Town does not know why FOA sent this letter to you prior to asking the Town to provide additional documents and information.

2. Email dated April 2, 2018. FOA claims that a "directive" to provide correspondence and reports to interested parties under the MOA "was disregarded." FOA also claims that "FOA has not been invited to consult or comment regarding work related to the MOA including restoration of the Meadows House."

These statements are likewise incorrect. As shown in Exhibit A, the Town provided correspondence and reports to the MOA interested parties on the same day as it received the April 2, 2018, email from you.

As to consulting with FOA regarding any restoration of the Meadows House, there is no such requirement currently. As the MOA makes clear, the predicate for any Town action is first the "completion of the work." See MOA, Stipulation IV (C), (E), (F), (G), Stipulation IX. Following the completion of the work, certain steps will be taken to determine whether the "Main House" remains eligible for listing in the NRHP and if so,

further action will take place at that point. The work has not yet been completed, so the MOA has no requirements to make or discuss plans for the Main House.

Further, FOA neglected to mention in the correspondence to you that Mr. LeVine and his wife were given an in-depth tour of the entire Meadows site on April 17, 2019, six days prior to FOA's letter to you. This tour included the Main House. Despite that the area is off limits to the public as it is an active hardhat construction area with significant safety hazards, arrangements were made for him and Mrs. LeVine to spend about two hours on site. During that time his questions were answered as fully as possible. Please note that no other citizen has been granted this access.

Weather has not been a friend of this project and has caused significant slippage in the timeline for completion of work. On April 25, Town Council considered a proposal to allow Final Grading and Utility Construction to begin on the Sports Complex. This work should be authorized at the June council meeting and completed by December 2019. The bids for the Sports Complex should be advertised and awarded by March 2020 with construction completed by March 2021.

3. Email dated February 11, 2019. FOA claims that FOA has not received a copy of the most recent annual report. Further, FOA claims that the Town has shown "apparent disregard" to inform consulting parties and "intentional abandonment of its obligation to administer a consulting process."

I would like to update you on the current situation in Abingdon. James Morani will be taking over on May 6, 2019, as the Town Manager. The Meadows Project, which includes the Sports Complex, The Meadows Commercial Development, and Green Spring Road Extension is a multiyear project that started in 2015 and will hopefully be completed by 2021.

During that time the Town will have had four managers. Mr. Bolick has also had significant issues that have resulted in his absence from work during the November 2018-March 2019 timeframe. With that in mind the Town has been meeting its obligations and commitments. The Town has contracted with S&ME to insure that Memorandum of Agreement compliance is maintained. The annual report was filed on February 21, 2019, and an e-mail sent to Mr. Bolick containing a link to this report. Due to the issues listed above and not from any intentional withholding on the part of the Town, the report was inadvertently not forwarded. It has now been forwarded. See Exhibit B. As the Corps knows, there is no information in the annual report that involves the issues FOA has raised in any event.

FOA completely misstates the Town's obligations under the MOA. As to the Main House, until the completion of the work, there is no consultative process for the Town to administer. The Town did not intentionally abandon something that was not

required in the first place. To the contrary, the Town has taken numerous actions above and beyond its requirements to provide information and move the Project towards completion.

4. Protection and Restoration of The Meadows House; MOA Regarding Project; Funding for Protection of Historical Properties.

Similarly to the other issues, FOA misstates the contents of the MOA and the Town's obligations under it. The MOA, in particular Stipulation IV, provides the Town's obligations in regards to the Main House. Because the work has not yet been completed, these additional obligations have not yet been triggered. Also, the language that FOA puts in quotation marks in its letter to you is not contained in the MOA at all.

The Town has previously removed items from the Main House consistent with the MOA and the Main House is protected from construction activities.

Regardless, as FOA has been informed, estimates have been created for work on the Main House to remove the addition, remove the swimming pool, landscape, and for exterior painting and repairs. This figure is approximately \$150,000 and, if required, would take place in 2020. In addition, Town Council has discussed plans to complete interior work subject to completion of the application to the Historic Registry as required by the MOA. If so, this work would start in FY21 and is estimated at \$200,000.

Further, in FY19 and 20 budgets include funds for the Fields-Penn House and Retirement, which are historic properties not in the above project, but are "certain historic properties" as noted in the June 20, 2016 Council meeting. Over the FY19-21 period, this amounts to about \$900,000. I am giving you this information since FOA's correspondence indicated the Town is not budgeting for any work on historic property. The application for Historic Registry and interior renovations are realistically planned for later 2021. This timeline was discussed on April 17th with Mr. LeVine

FOA's statements regarding the bond documents and the Town's use of funds are also inaccurate and have no application to the MOA in any event. FOA has raised this issue to the Town Council and Town staff on numerous occasions. The bond documents speak for themselves.

5. Concerns. FOA lists three "concerns":

1) Protection and Renovation of The Meadows House.

The Town has addressed these concerns. The Main House contents have been removed and the House is protected from construction activities. The remaining stipulations are not in effect until the work is completed.

2) FOA is a Consulting Party.

The Town has addressed these concerns. First, there is no restoration plan to discuss because the work is not completed. Also, contrary to FOA's claims, its members have been provided documents and an exclusive tour and explanation of the site and progress of the project. These actions by the Town were beyond what the MOA requires.

3) Reporting.

The Town has addressed these concerns. FOA has been provided documents consistent with the MOA and in addition the Town has posted this information on its website.

I am copying Mr. Morani on this and will brief him more fully on the project when he arrives on May 6. Thank you for your attention to this additional information. Please let me know if you have any questions.

Matthew Bolick

Exhibit A

From: Matthew Bolick
Sent: Thursday, April 25, 2019 10:40 AM
To: 'joe.vmi68@gmail.com'; James.moore@myhmg.com; 'viriniagirl71@gmail.com'; 'akersdonna66@yahoo.com'; 'Kathy Shearer'; 'hollyaustin94@gmail.com'; 'gentilalouette@hotmail.com'
Cc: 'mark.trent@deq.virginia.gov'; 'david.nishida@deq.virginia.gov'; 'Stephen Spangler'; Tim Kuykendall; 'Trent, Garrie C CIV USARMY CENAO (US)'
Subject: Town of Abingdon - The Meadows - Annual Report

All-

Please find a link included in this email to the annual report generated as part of The Meadows development. As always, please let me know if you have any questions or need additional information about the status of the project.

All Meadows related information, including the technical reports, are also posted online via the Town's website at <https://abingdon-va.gov/featured/meadows-project-update/>

Thank you,

<https://abingdon.sharefile.com/d-sc8912f60a0e45dc9>

Matthew Bolick, P.E.
Director of Public Services and Construction
Town of Abingdon
P. O. Box 789
Abingdon, VA 24212
(276) 628-3167
mbolick@abingdon-va.gov

Tyler Vencill

Exhibit A

From: Matthew Bolick
Sent: Monday, April 2, 2018 8:56 AM
To: joe.vmi68@gmail.com; james.moore@myhmg.com; virginia girl71@gmail.com; akersdonna66@yahoo.com; shearer44@gmail.com; hollyaustin94@gmail.com; gentilalouette@hotmail.com
Cc: mark.trent@deq.virginia.gov; david.nishida@deq.virginia.gov; Stephen Spangler; timkuyk@jastreet.com, Trent, Garrie C CIV USARMY CENAO (US)
Subject: Town of Abingdon - The Meadows - Technical Reports

All-

Please find a link included in this email to the most recent reports generated as part of The Meadows development. This included the following:

1. The asbestos report for the house addition and outbuildings,
2. Archaeological and Survey Report 2,
3. Building Salvage report – asbestos addendum.

As I have taken over the reporting responsibility for this project, I wanted to be certain that all interested parties received a copy of the first set of reports the Town submitted. These reports included,

1. Proposed Salvage of Architectural Properties,
2. Archaeological Monitoring and Survey Report.

<https://abingdon.sharefile.com/d-s88448b92f3d488db>

Please let me know if you have any questions or need additional information about this project and the reports.

Thank you,

Matthew Bolick, P.E.
Director of Public Services and Construction
Town of Abingdon
P. O. Box 789
Abingdon, VA 24212
(276) 628-3167
mbolick@abingdon-va.gov

Matthew Bolick

Exhibit B

From: Trent, Garrie C CIV USARMY CENAO (US) <Claire.Trent@usace.army.mil>
Sent: Monday, April 02, 2018 7:47 AM
To: Matthew Bolick
Cc: Frye, Jennifer S CIV USARMY CENAO (US)
Subject: [External]RE: Town of Abingdon - Meadows Project - Technical Report submittal (UNCLASSIFIED)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CLASSIFICATION: UNCLASSIFIED

Hi Matt

You need to ensure that correspondence and reports are sent to all interested parties as identified within the MOA. In addition to those already in receipt of your email, those others to be sent information are: Joe LeVine <joe.vmi68@gmail.com>, James Moore, MD <james.moore@myhmg.com>, Nan Harman <virginiagirl71@gmail.com>; Donna Akers <akersdonna66@yahoo.com>, Kathy Shearer <shearer44@gmail.com>, Holly Austin <hollymaustin94@gmail.com>, gentilalouette@hotmail.com, Greg LaBudde <gregory.labudde@dhr.virginia.gov>.

Also, you should copy 'Trent,Mark' <Mark.Trent@deq.virginia.gov>, and Nishida, David (DEQ) <David.Nishida@deq.virginia.gov> due to the SPGP authorization.

I'm assuming you have copied your project partners (Stephen Spangler <spanglers@FoodCity.com>, timkuyk@jastreet.com); if not, please copy to them as well.

Please be aware, that should you receive substantive comments that may lend you to revising or amending your report; any revisions should also be made available to the interested parties and identified agencies. You may copy me on the email transmittal to the others, so that I may track that you met your obligation in sharing reportable information.

Last thought, the hard copies are only sent per the language in the MOA. Copy of material to others may be accomplished electronically (emails and downloads). Should you have any questions, please contact me.

Thanks, Claire

G. Claire Trent, Project Manager
USACE Norfolk District Regulatory Office Western Section- Virginia Highlands Field Office PO Box 1295 Abingdon, VA 24212
Phone: 276-206-8347
E-mail: claire.trent@usace.army.mil
Internet: <http://www.nao.usace.army.mil>

-----Original Message-----

From: Matthew Bolick [mailto:mبوليک@abingdon-va.gov]
Sent: Friday, March 30, 2018 3:17 PM
To: Walker, William T Jr CIV USARMY CENAO (US) <William.T.Walker@usace.army.mil>; jeddins@achp.gov; julie.langan@dhr.virginia.gov

Cc: Trent, Garrie C CIV USARMY CENAO (US) <Claire.Trent@usace.army.mil>; Cathy Lowe <clowe@abingdon-va.gov>;
Greg Kelly <gkelly@abingdon-va.gov>
Subject: [Non-DoD Source] Town of Abingdon - Meadows Project - Technical Report submittal

Please find a link to 4 files regarding the latest technical reports for the Meadows project in the Town of Abingdon.

Hard copies are going out today as requested also.

Please let me know if you have any questions or need additional information.

Blocked<https://abingdon.sharefile.com/d-s9eadcb166e446c0a>

Matthew Bolick, P.E.

Director of Public Services and Construction

Town of Abingdon

P. O . Box 789

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(276) 628-3167

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