Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, January 4, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh. Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe (via telephone), Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Planning Commission Chair Sharon Crossman, Town Moderator Doug Friant, Town Health Officer Richard Phelan, Road Foreman Josh Dryden (6:32 PM), Beautification Committee member Martha Dale. Others – Community Nurse Advocate Regina Downer, Residents Chad Stoddard and Jared Parker, Cherise Forbes (Chester Telegraph) and Darren Marcy (Manchester Journal).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:01 PM.

She noted that in response the Governor Scott's January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his "Stay Home, Stay Safe" executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on January 1, 2021, and still available on the Town's website, provided information on how the public could participate in the meeting.

She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

3. Minutes Approval – Meeting(s) of 12/21/2020

*Tom Cavanagh **moved to approve the minutes of the Selectboard meeting of December 21, 2020**, seconded by Vincent Annunziata, **passed** unanimously.*

4. Selectboard Pay Orders

Tom Cavanagh ***moved to approve the pay orders for payroll and accounts payable****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

5. Announcements/Correspondence

Kelly Pajala mentioned that 2021 dog licensing has begun, and that she'll be mailing out renewal forms again this year.

Shane O'Keefe noted that the town-wide road erosion inventory has been completed and submitted to the Vermont Agency of Natural Resources by the Windham Regional Commission by the December 31 deadline. This work is required under the Town's municipal roads general permit, and is being paid for from a Better Roads Grant received by the Town.

He mentioned that he had earlier that day distributed to the Selectboard the results of a recent traffic speed count data for northbound VT Route 100 traffic entering South Londonderry village. The data shows that the average speed in the 40 mph zone is 44.5 mph, but there are quite a few instances of heavy speeding. The range of speeds was 20 mph to 75 mph, and 85% of all vehicles were travelling at or below 52 mph.

O'Keefe mentioned that the Town Hall parking lot was again plowed by a contractor hired by the Solo restaurant. The Town's plowing contractor, Hart's All Season Maintenance, would like to know whether to continue to try and plow it or let Solo's contractor do it. Mora noted that the decision for the Town to plow it was because Solo was closed to the public due to COVID-19, but it appears that the restaurant is providing pick-up/takeout service and has been plowing the parking lot on its own, as in the past. There was discussion about whether to allow Solo's plowing contractor to continue to handle the plowing. O'Keefe noted that the Harts are fine not doing the work, but he expressed concern about whether Solo's contractor had liability insurance protecting the Town. O'Keefe will work on this matter.

He also noted correspondence included in the Board's meeting packet was as follows:

- The equalization study results for 2020 from the Vermont Division of Property Valuation and Review, which again show solid figures for the Town's Common Level of Appraisal and Coefficient of Dispersion.
- A public outreach letter from Comcast, dated 12/21/2020.

6. Visitors and Concerned Citizens

Richard Phelan raised the issue of the number of Road Crew members, and it was explained that the Highway Department is now back to three members. He expressed his thanks to Road Foreman Josh Dryden for the Road Crew's efforts at all hours of the night.

Doug Friant suggested addressing the matter of a new position as a separate Town Meeting warning article. It was mentioned that this matter would be addressed later in the meeting.

Mora suggested moving item 11.a, regarding the My Community Nurse Project, to the next order of business so the presenters do not have to stay for the entirety of the meeting. There was no objection from the other Board members.

a. Presentation on My Community Nurse Project – Regina Downer

Regina Downer explained the My Community Nurse Project, a not-for-profit organization which launched in February 2020, and serves the towns of Londonderry, Weston, Andover, Peru and Landgrove. She mentioned that she is the only paid employee, working about 24 hours per week, and discussed the growth of her case load and described the various beneficial services provided, such as meal delivery.

Goal of the Project is to provide care, advocacy and in-home safety assessments for residents in its catchment area. She noted that the volunteers deliver medications and groceries, and bring people to medical appointments and assist with on-line appointments.

She mentioned the program is part of a larger program called the Upper Valley Community Nurse project, which includes nine people in Vermont and New Hampshire doing similar work.

She mentioned that she was seeking to make a modest request for funding from the Town. Tina Labeau noted that the deadline for funding requests has passed, and Pajala noted that the Selectboard has the discretion to adjust the Town Meeting warning to add additional matters for consideration. Mora suggested that Downer submit a funding request as soon as possible for Board consideration, and Downer stated that she would shortly.

Prouty added that the program provides an invaluable service, and the Board should try to provide support. Phelan asked if private donations were accepted, and Downer confirmed that they are.

It was the sense of the Board that a funding request would need to be added as a separate warning article.

Downer thanked the Board and left the meeting at 6:26 PM.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Kevin Beattie noted that there is nothing much to report regarding COVID-19 other than that there was a large influx of visitors to the area over the holidays, which caused some anxiousness in town and hopefully there will be no significant impacts.

b. Emergency Management Director – Hazard Mitigation Plan

Beattie explained that the Town has received State funding to advance this project, and O’Keefe noted that because the cost would be over $7,500 it requires Board approval of the Request for Proposals, and Beattie added that the funding source also requires the RFP process. O’Keefe noted that the Board must also authorize execution of the grant agreement with the Department o Public Safety.

Taylor Prouty ***moved to approve the Request for Proposals for Local Hazard Mitigation Planning Services, and authorize the Town Administrator to take all necessary steps to solicit bids for review by the Board, and further authorize the Town’s Emergency Management Director to execute the grant agreement with the Vermont Department of Public Safety, which provides funding of $7,612.50 for this effort with a 25% local match, on behalf of the Town****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

Beattie noted that the local match is not necessarily in the form of money and staff time can be applied for it.

8. Transfer Station/Solid Waste Management

a. Updates

Labeau noted that 2021 Transfer Station stickers are available and selling well.

9. Roads and Bridges

a. Updates

Prouty mentioned that the new Road Crew member has passed his CDL test and the Road Crew now at full strength, which is good news.

Josh Dryden noted the following usage for the month of December 2020, through there may be some inaccuracies due to computer issues:

Salt – 298 tons   Sand – 564 yards   Vehicle Fuel – 1,483 gallons
Heating fuel (gallons):   N/A

He added that with the new employee on board, there will be some process, inventory, supply and equipment work taking place right away, and a full load of vehicle fuel may be ordered soon. He discussed salt supplies, noting that half of the budget has been spent on 10 loads of salt and felt that the balance will be used replenish the shed, which he added has approximately 350-400 ton in storage now. He noted that the Town uses between 800 and 1,400 ton per year.

10. Old Business

a. Discuss alternatives for 2021 Town Meeting

Pajala noted that while the Legislature is not yet in session, there appears to be a good-faith effort to pass a bill that would allow towns to reschedule Town Meeting due to COVID-19 concerns. She added that the legislation needs to pass the quicky to address statutory Town Meeting timeframes. Mora added that she felt that the sense of the Board at the previous meeting was to hope for a rescheduling of the Town Meeting but to work on the original schedule nonetheless in case the bill was not passed. Pajala suggested that the Board wait a few weeks for the new law to take shape and then warn a special meeting of the Board to make a decision on how to proceed.

The last day for petitions is January 25th for the standard Town Meeting timeline (1st Tuesday in March), she added, and the Board must then finalize the Town Meeting warning soon thereafter. Labeau noted to get the Town Report to the printer the warning needs to be approved as soon as possible after January 25th, and by law no later than January 31st.

All deadlines would get pushed back if the Town Meeting is postponed, said Pajala. And it was noted that the Town can switch to an Australian ballot Town Meeting by vote of the Selectboard at any time, though the Town Meeting warning would have to so indicate and there would need to be an on-line public information meeting, but that no amendments to articles could be made. The only way to hold a Town Meeting in March and still meet the COVID-19 safety precautions would be to hold the Town Meeting by Australian ballot.

Pajala reiterated that the idea of postponing the Town Meeting would be to allow for the continued practice of floor voting but in an outdoor setting. There was general agreement to look to postpone the meeting, but to be prepared to switch to an Australian ballot Town Meeting if necessary.

b. Discuss proposal to establish new Highway & Buildings/Grounds position

Following up from the budget discussion at the previous meeting, Mora noted that O'Keefe had drafted and distributed a proposed job description for the combined position which makes clear the intention of the position. She spoke of the many buildings and grounds needs, both physical and planning, that require attention. It was mentioned that existing funds for parks maintenance and other Town plowing and sanding contracts can be eliminated and used to cover the budget for this position. She explained that it was a $20 per hour full-time position, with benefits.

Tom Cavanagh expressed his concerns with the process for adding this position to the budget for consideration, noting that there had been no prior in-depth discussion by the Board on this and that there should have been. There was discussion about the budget drafting process.

Cavanagh stated that he opposed the hiring of the position and noted that it would be impossible to find someone that meets all of the qualifications, and cautioned against hiring a "jack of all trades and master of none". He suggested doing one or two projects with contractors each year using the building reserve fund. On the Road Crew, he stated that a 3-person crew was sufficient for Town needs if they can work together and efficiently.

Pajala raised the issue of waning volunteerism, and it was noted that Town officials who in the past had been available to assist the Highway Department with its needs are no longer there. There was discussion about availability of existing Town officials for volunteering, and Cavanagh stated that he was willing to help out if asked.

Vincent Annunziata suggested that the position be included on the Town Meeting warning as its own article separate from the budget. It was brought up that this has been a difficult year for people and that the Town should look to pull together with existing resources and volunteers to complete projects.

Mora raised the alternative of hiring a part-time buildings and grounds employee. Cavanagh recommended that the Town consider hiring a caretaker to help address the needs of Town buildings.

Regarding the needs of the Highway Department, resident Chad Stoddard suggested that the Road Commissioner should have a CDL and be able to operate the Town's equipment and fill in as necessary, and that another Road Crew member is not necessary.

Labeau spoke about the Town's years of reactiveness to the needs of its buildings, and the added expense of this approach as opposed to being proactive. And that having Road Crew members doing building maintenance work is an ineffective allocation of resources, as they should be addressing the Town's highway issues. She mentioned that that was approximately $24,000 of saving from other departments that could come from hiring this position, which she listed.

Sharon Crossman mentioned that the Planning Commission has been investigating structural components of the Town Hall for its eventual renovation, which could be addressed incrementally with the buildings reserve fund. She added that the Commission has also looked at the Town Office and has development a preliminary design plan.

Alternatives for various grounds keeping responsibilities and approaches were discussed. Prouty noted that he felt that everyone was on the same mind with regard to the needs of the Town with regard to buildings and grounds, but that the means to end vary. He added that the community want to see its investments properly maintained.

Beattie supported handling this matter a warned article instead of in the budget. He expressed his opinion that it is most important to establish who is responsible, though job description, for the buildings and grounds work.

Jim Fleming and Cavanagh stated that they were available to volunteer to help out as necessary at the Town Office with maintenance. The matter of increasing community volunteerism was discussed.

Mora suggested tabling the matter to the next meeting to further discuss options.

Tom Cavanagh ***moved that the new position for buildings and maintenance and Road Crew be removed from the budget for the next year****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

Vincent Annunziata ***moved that the new position for buildings and maintenance and Road Crew, as well as ae job description, be added as a separately warned article for Town Meeting****, seconded by Taylor Prouty.*

O'Keefe suggested that the Board continue to consider how the position would be structured, full- or part-time. Friant suggested including offsetting expenses in the Town Meeting article.

It was agreed to table the discussion to the next meeting and *Annunziata* ***withdrew*** *his motion.*

Pajala asked to ensure that there be a mechanism in any Town Meeting article on this matter to ensure that funding of parks maintenance is intact. Friant made some suggestions on how to carefully craft the article.

There was discussion about what other communities do you provide these services.

c. Review and discuss proposed FY2022 Budget

Labeau reviewed with the Board the most recent version of the proposed budget. Changes of note include:

- Minor increase to the Planning Commission budget, with some changes to line items.

  Martha Dale from the Beautification Committee inquired about plans to incorporate funds to support new or improved entrance signs to the town. O'Keefe noted that the Town can accept and carry over donations for a project like this. There was back and forth discussion on this, and the minutes from the December 7, 2020 minutes on this were read aloud, and it was agreed that design needs to be generated to help with further fundraising. O'Keefe agreed to assist the Committee on procurement efforts.

- Capital reserve funds were added into the budget as specific line items as opposed to being separate Town Meeting articles.

  Beattie as a citizen mentioned that he disagreed with the idea of including the reserve funds in the budget and that they should be separate Town Meeting articles. It was generally agreed to do this.

He also suggested as EMD adding back into the budget the local match for the Hazard Mitigation Plan update.

- There were some other minor office expense changes.
- Tom Cavanagh confirmed that the $11,000 in the Transfer Station budget was for a new compost dumpster.

d. Discuss 2021 Town Meeting appropriations

The Board again reviewed and discussed requested appropriations from various local and regional organizations. Changes agreed to were as follows:

- American Red Cross – eliminated, as no request was made
- Flood Brook Athletic Association – reduced to $1,500
- Friends of the West River Trail – reduced to $500
- Greater Northshire Access TV - reduced to $1,000
- Londonderry 4th of July – Eliminated, and may become a community fundraising effort
- Moover Rockingham (The Current) - eliminated
- Windham County Historical Society – eliminated
- Champion Fire Company – will be contacted to see if amount can be reduced. It was noted that the Phoenix Fire does not make an annual request due to its fundraising
- Londonderry Conservation Fund – reduced top $500
- Londonderry Historical Society – reduced to $500
- South Londonderry Library Association – will be contacted to see if amount can be reduced

It was emphasized that any of the organizations can petition to have their requests increased or reinstated. Labeau said she'd contact to those with appropriation changes.

11. New Business

a. Presentation on My Community Nurse Project – Regina Downer

Addressed earlier in the meeting.

b. Review draft Town Meeting Warning

The Board reviewed a first draft of the Town Meeting warning, which assumes a March 2, 2021 meeting.

Labeau mentioned that the Town Officials positions of Grand Juror and Town Agent have been removed due to statutory changes.

The reference to the Vermont State Police was removed from the policing services article to allow for contracting with other agencies. The cost of policing services was discussed, and it was noted that the Town has VSP coverage but the article allows for supplemental overtime coverage.

The reserve fund articles highway equipment and Town buildings, previously removed, should be will be restored as they were removed from the budget earlier in the meeting. Each has been reduced by $20,000 as to keep taxes down.

Appropriations are handled under two separate articles: one for municipal-type services, and one for all others. The two articles will be addressed sequentially in the Warning.

Adding an article establishing a 1% local option tax was discussed, and Mora noted that establishing this was the only way to take advantage of tax on eventual sale of cannabis. Pajala noted that Cannabis Control Board has yet to be appointed and there has been no rule-making as of yet, and suggested that the Town hold off until the rule-making process has taken place so the public is better informed. It was agreed that votes on opting in to retail cannabis sales and the 1% local option tax should wait until a special Town Meeting.

An article raising funds for radar speed signs was briefly discussed, and O'Keefe will provide additional information on the costs of these. It was agreed to seek approval for two of these units to see how well they can help with speeding.

Stemming from a discussion at the previous meeting, an article establishing a community economic reserve fund was reviewed and discussed. It would allow funding of economic development and revitalization efforts. It was decided only to establish the fund at this time and not raise and appropriate money to deposit into it.

A highway improvement reserve fund was reviewed which, similar to the highway equipment fund and the Town buildings fund, allows for non-lapsing funds to address larger expenditures, in this case Town road resurfacing and improvement efforts.

12. Adjourn

George Mora ***moved to adjourn the meeting****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

The meeting adjourned at 8:51 PM. The next regular meeting of the Selectboard is scheduled for January 18, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved January 18, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, January 18, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh. Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Town Moderator Doug Friant, Town Health Officer Richard Phelan, and Planning Commissioners Sharon Crossman (Chair), Larry Gubb, Andrew Rackear and Elsie Smith. Others – Town Attorney Robert Fisher (7:25 PM), and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:02 PM.

She noted that in response the Governor Scott's January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his "Stay Home, Stay Safe" executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on January 15, 2021, and still available on the Town's website, provided information on how the public could participate in the meeting.

She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

3. Minutes Approval – Meeting(s) of 1/4/2021

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of January 4, 2021****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

4. Selectboard Pay Orders

Mora noted that when meetings were held in person the invoices related to pay orders were circulated, and asked if Labeau could distribute scanned copies of invoices for future pay orders. Labeau said that she would.

Taylor Prouty ***moved to approve the pay orders for payroll and accounts payable****, seconded by Jim Fleming,* ***passed*** *unanimously.*

5. Announcements/Correspondence

Mora mentioned that she had been contacted by the School Board member Dick Dale who mentioned that the School Board would soon be distributing a two-question poll, and Selectboard members are asked to take the poll when it comes out.

Shane O'Keefe noted that Jeremiah Sund, the new Town Assessor, has begun work since the last meeting and all appears to be going well.

He also noted correspondence included in the Board's meeting packet was as follows:

- A mailer from the Southern Vermont Economy Project listing upcoming workshops and webinars sponsored by BDCC and SeVEDS.

Labeau reminded everyone to register their dogs.

6. Visitors and Concerned Citizens

Richard Phelan inquired about the number of miles for which the Town is responsible, and it was noted that the answer is 52 miles between class 2 and class 3 Town Highways.

He mentioned that both fire departments and the ambulance service was very busy this past Saturday night.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Kevin Beattie mentioned that COVID-19 vaccination sign-ups begin on 1/25/2021, with those 75 years or older going first, and registration can be by phone or on-line, with on-line preferred. Appointments will be arranged through the State of Vermont and not people's medical provider, and specifics have yet to be released. He mentioned that he would be volunteering to help people with the on-line signups.

Mora mentioned that Neighborhood Connections would also be helping with registrations, and Beattie said he'd coordinate with their Executive Director.

b. Town Clerk – Discuss alternatives for 2021 Town Meeting

Kelly Pajala noted that H.48 has been received by the Governor and he is likely to sign it in the very near future, and the Board will then be able to reschedule the Town Meeting, and also have the ability, if Australian balloting is used, to mail ballots to every voter instead of responding to requests for early or absentee ballots.

The Board would need to make a decision in short order on whether to postpone the Town Meeting as the deadline for petitions to get on the ballot for Town offices is 1/25/2021. And if the decision is not to postpone but to use the Australian balloting, that decision must also be made very quickly due to filing deadlines.

Mora suggested that the Board wait on the Governor's decision and be prepared to call a special meeting as soon as it becomes law to consider rescheduling. Pajala recommended rescheduling the Town Meeting to 5/1/2021 to ensure adequate timing for any reconsideration votes. She mentioned that the School Bord is also waiting for the Governor's decision, but only to determine whether to mail out ballots, as they are already going forward with the Australian ballot on 3/2/2021.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that the new part-time employee has given his two-week resignation notice, but that an applicant has stepped forward who will soon be interviewed by him and Esther Fishman.

9. Roads and Bridges

a. Updates

Prouty mentioned that there has been a lot of challenging road clearing work of late and while there were some learning curve issues with the new employee at first, things are getting better and will continue to improve.

He noted that Road Foreman Josh Dryden has passed his fuel tank certification and can now take on the fuel measuring responsibility.

b. Annual VTrans Certificate of Highway Mileage [19 VSA 305(b)]

This is a document that must be signed each year. It was noted that there were no changes to Town road mileage this past year.

Jim Fleming ***moved to approve the annual VTrans certificate of highway mileage, indicating no changes from the previous year, and authorize the Selectboard Chair to execute it on behalf of the Board****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

c. Approve rustproofing Release and Hold Harmless Agreement

Prouty stated that this document is signed each year for the vehicle rustproofing. The work is done twice per year and really helps with vehicle longevity.

Taylor Prouty ***moved to approve the rustproofing release and hold harmless agreement with Carrara's Rustproofing and authorize the Town Administrator to execute it on behalf of the Board****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

d. VTrans Better Roads Grant – Terminate and withdraw funding under FY2018 grant #BRO0347

O'Keefe noted that the Town had received a $4,000 grant for road inventory work several years back and the work was not completed but the project was rolled into a subsequent grant for $8,0000 that has just been completed. Mora clarified that the Windham Regional Commission was unable to do the work for the Town due to some staffing constraints.

*Taylor Prouty **moved to turn back funds granted under the Vermont Agency of Transportation Better Roads Grant #BRO0347, and hereby request both termination of the related grant agreement and withdrawal of grant funding. This FY2018 Better Roads grant was replaced by a FY2020 Better Roads grant**, seconded by Jim Fleming, **passed** unanimously.*

10. Old Business

a. Planning Commission – Project Londonderry update

On behalf of the Board members Mora expressed her appreciation for the work of Project Londonderry and all of its volunteers and committees, and mentioned the need to clarify the roles of all involved due to a recent article indicating that Project Londonderry would be taking over the Town's master planning efforts.

Sharon Crossman noted that there was something lost in translation with the article and spoke about the efforts of Project Londonderry and the transparent way in which it has been doing its business under the Planning Commission. She clarified that a 501(c)(3) not-for-profit organization has been established by Project Londonderry volunteers in order to help facilitate projects by being able to accept and spend funds, and explained that it could play a complementary role similar to other community organizations. It is called the Community Fund for Londonderry.

Crossman added that the Planning Commission has been very involved in trying to jump-start community revitalization efforts and the Project Londonderry work has grown over the past year. There were four primary working groups established early on (Economic Vitality, Recreation, Main Street, and Communications) with each chaired by Planning Commission member who reports back to the Commission each meeting on efforts, issues and needs.

Mora asked if the Commission would periodically meet with the Selectboard to provide updates on Project Londonderry efforts and the Commission's related. Crossman recalled that this had been done in the past and would be happy to do that, and it was agreed that the second Board meeting each month would be appropriate.

Mora noted that the Town Meeting warning includes an article establishing a reserve fund to support economic revitalization that would allow for donations to projects.

Elsie Smith mentioned the community engagement project with the Vermont Council on Rural Development, which will have its first event on February 3rd and asked the Board to participate and help get the word out. Larry Gubb added that this is a Planning Commission effort that came out of discussion held about a year ago, which helped to further develop the idea of Project Londonderry.

Crossman was clarified that the cost of the VCRD community mailing would be a Town expense, and Mora mentioned that it should paid from the Planning Commission budget.

b. Review and discuss proposed FY2022 Budget

Labeau noted that there are few changes from the previously reviewed budget, and noted that with the potential for the Town Meeting being rescheduled there may be more opportunity to adjust the budget. She noted that she had not heard from anyone about objections to the appropriations either.

There was a brief discussion about the request from the Phoenix Fire Company for a $20,000 appropriation and the need for a financial statement.

c. Discuss proposal to establish new Highway & Buildings/Grounds position

Mora mentioned that she had reconsidered some aspects of the proposal for a combined position and instead supported the idea of contracting with a caretaking service for a specific number of hours, and on the issue of additional help for the Road Crew, to arrange for a contractor to provide backup in case of special needs. Mora and Prouty mentioned that Hunter Excavating had agreed to be available recently for plowing when the Town was understaffed, and Prouty added that they can continue as a backup with short notice.

Tom Cavanagh mentioned that he had reached out to a caretaker who stated that for $125 per month he would check buildings twice per week, change lightbulbs, etc., with shovelings included and with some roof shoveling as well. A scope of services would need to be drafted for these services noted Mora. Prouty suggested that all departments have projects that could be handled with this effort.

Pajala mention that the Parks Board would wish to keep a parks employee to do parks-related tasks and not lump them into a caretaking contract.

Friant inquired how this effort would be handled; in the budget or through a Town Meeting article? Labeau stated that this should be handled within the budget, and O'Keefe added that expenses could be allocated to the maintenance budgets of each department as appropriate.

O'Keefe was asked to reach out to the various Town departments and get a sense of what their needs might be, and to put together a scope of services for a caretaking contract. He noted that the caretaking costs could be relatively fixed, the issues that come up from inspections will have additional costs.

Prouty mentioned the Road Crew can handle basic maintenance work but more comprehensive matters, such as the recently discovered moisture in the electrical panel, would need technical contractor help.

d. Discuss 2021 Town Meeting appropriations

Labeau noted that she had followed up from the last meeting by communicating with those organizations who had their appropriations lowered. She added that the South Londonderry Library Association and the Champion Fire Company were contacted about reducing their requests, and their wishes to keep them the same are reflected accordingly in the Town Meeting Warning. Appropriations stand at a little over $100,000, she mentioned.

The funding request for the My Community Nurse Program was added to the Warning as a separate article as it is a new request noted O'Keefe.

e. Review draft 2021 Town Meeting Warning [17 VSA 2641 & 2642]

The Board reviewed the latest draft of the Warning.

- An article was added for the My Community Nurse Program's request for $2,500.
- It was decided to add the $20,000 request from the Phoenix Fire Company to the list of appropriations and not have its own article.
- I was decided to remove the proposed article regarding a new employee dedicated to Town buildings and grounds maintenance.
- On funding for policing, presently pegged at $5,000, there was discussion about what the funding amount should be to address community policing needs. There was discussion about the history of policing costs and whether to keep the article, and Mora suggested increasing the amount to be considered. She also suggested that hearing from the Windham County Sheriff's Department might be helpful in determining the scope of services needed and services that they provide, and it was decided to invite the Sheriff to the next regular Board meeting. It was decided to leave the dollar figure as it is for now.
- Pajala spoke briefly about the decision at the previous meeting not to include at this time votes on the local option tax and permitting retail cannabis sales. She suggested that the Board continue to discuss if and when to hold votes on these if they wish to consider them further. If it is decided to hold Town Meeting by Australian ballot these matters could be addressed then. Mora suggested that these are big enough issues that they warrant a special Town Meeting, as the local option tax is critical to taking advantage of tax revenue benefits of retail cannabis sales. Pajala added that holding a special Town Meeting by Australian ballot this year to address these issues would not impact how Town Meeting is handled in the future due to recent legislation. The retail cannabis sales vote would be binding, she added, and the rule-making process has not begun yet so there is no way to address questions that my come from the public, and she suggested waiting on a Town vote on this matter.
- O'Keefe noted that the article seeking approving of funds for two radar speed signs was set at $7,000 based on figures from the Town of Chester.
- O'Keefe noted that an article seeking to raise $50,000 for a study of the Williams Dam was added to the Warning, the amount of which was derived from conversations with the Vermont Department of Environmental Conservation. Mora noted that it is important that the Town is aware of the issue, and O'Keefe added that the study will have to be done at some point based on new dam regulations.
- There was discussion about the proposed article establishing a Community Economic Improvement Reserve Fund. It was requested by Mora that it be made clear in the article that it is not proposed to be funded at this time, only established.
- It was noted that the Highway Equipment Reserve Fund and the Town Buildings Reserve Funds each to a cut of $20,000 to help reduce taxes.

f. Executive Session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

George Mora ***moved to find, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning pending litigation in the matters involving Vermont Woodchips Real Estate Holdings LLC and Vermont Woodchips, Inc. will clearly place the Town or Londonderry at a substantial disadvantage****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

George Mora ***moved to enter executive session to engage in attorney-client communications and discuss pending litigation in the matters involving Vermont Woodchips Real Estate Holdings LLC and Vermont Woodchips, Inc., to which the Board is a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E) and Section 313(a)(1)(F), and invite Town Attorney Bob Fisher and Town Administrator Shane O'Keefe to attend****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

The Board entered in executive session at 7:25 PM. The Board came out of executive session at 7:45 PM. No decisions or announcements were made.

11. Adjourn

Vincent Annunziata ***moved to adjourn the meeting****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

The meeting adjourned at 7:46 PM. The next regular meeting of the Selectboard is scheduled for February 1, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved February 1, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, January 21, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh. Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala (via telephone), Emergency Management Director Kevin Beattie, and Planning Commissioner Chair Sharon Crossman. Others – None.

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:03 PM.

She noted that in response the Governor Scott's January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his "Stay Home, Stay Safe" executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on January 20, 2021, and still available on the Town's website, provided information on how the public could participate in the meeting.

She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None. Mora suggested that a conversation on a vote on allowing for retail cannabis sales should be included in the scheduled agenda discussion.

3. New Business

a. Reschedule 2021 Annual Town Meeting

Mora noted that a constituent is proposing to circulate a petition to have an article on the Town Meeting warning on the question of whether to allow for the retail sale of cannabis in Londonderry. She added that this poses a problem as such a vote is required to be by

Australian ballot, which creates great difficulties with ensuring an in-person outdoor Town Meeting with traditional floor voting while maintaining ballot voting at the Town Hall. She said it is her position that it is premature to have this vote as the State rules have not been established as of yet. Mora noted that the constituent believes that the town must proceed with a vote on legalized retail cannabis sales right away in order to be considered for one of the seven locations state-wide that allow for integrated cannabis facilities.

Pajala mentioned that cultivation, testing manufacturing and processing of cannabis are allowed in communities without an opt-in vote, and are only subject to local zoning bylaws. She explained that the Town has three options with regard to votes to opt-in to retail sales of cannabis:

- To allow general licensed retail establishments;
- To allow for integrated operators licenses, which allow for the seven businesses that currently hold licenses as medical marijuana dispensaries, and which will be allowed to hold one of each of the cannabis-related licenses being created by the State, including retail sales; and,
- To allow for both standard retail and integrated license-holder establishments.

She mentioned that the constituent wants to ensure that the Londonderry can be one of the communities that can host one of the integrated facilities. She added that cultivation of cannabis is not considered to be agriculture and is therefore not statutorily exempt from local zoning.

There was discussion about what type of opt-in vote to hold. And whether a petitioned article must be addressed at a regular Town Meeting versus a special Town Meeting was considered, and Pajala will look into this. It was mentioned that the petition deadline for the March 2nd Town Meeting date has passed. Pajala explained that the Town cannot pick and choose whether to vote on some articles at Town Meeting by Australian ballot and some from the floor; it must be all one way or another. Labeau stated that with an Australian ballot for all Town Meeting matters there is no discussion other than an information session, and all matters are up and down votes, with no opportunity for amendment. Because the retail cannabis vote must be held by Australian ballot, and the vote on a local option tax vote is integrally tied to the retail cannabis concept, the two should be handed together, which suggests that a special Town Meeting would be best for them.

Annunziata emphasized the importance of floor votes to the community, and suggested that the constituent interested in advancing a vote on retail cannabis should be invited to meet with the Board to discuss his efforts.

Various deadlines for Town Meeting, candidate forms and the Town Report were discussed. The idea of holding a special Town Meeting by Australian ballot prior to a rescheduled regular Town Meeting was considered. Pajala suggested that from the Town Clerk's Office would prefer this option in order to preserve an outdoor regular Town Meeting with votes from the floor.

Pajala noted that if the Board were reschedule the regular Town Meeting to May1, 2021, the following deadlines would apply:

- March 15 – Last day for filing of Town Meeting articles to be added by petition (with physical signatures required).

- March 19 – Last day for consent of candidate forms to be filed (with no signatures necessary).
- April 1 – Last day for the Selectboard to warn the Town Meeting
- April 19 – Town Report must be in the mail.

Taylor Prouty ***moved, that in order to protect the health, safety and general welfare of the citizens of the town of Londonderry during the ongoing COVID-19 pandemic, and as permitted by Section 2(a)(1) of House Bill 48, which was signed into law by Governor Scott on January 19, 2021, to reschedule the 2021 Annual Town Meeting to May 1, 2021, the specific time and location of which shall be determined by the Board at a later date****, seconded by Jim Fleming,* ***passed*** *unanimously.*

O'Keefe will forward the Board's motion to the Chester Telegraph and upload the meeting video to GNAT.

4. Adjourn

Tom Cavanagh ***moved to adjourn the meeting****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

The meeting adjourned at 6:38 PM. The next regular meeting of the Selectboard is scheduled for February 1, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved February 1, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, February 1, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh. Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Town Moderator Doug Friant, Town Health Officer Richard Phelan, and Planning Commissioners Sharon Crossman (Chair), Larry Gubb, Andrew Rackear and Elsie Smith. Others – Town Attorney Robert Fisher (7:25 PM), and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:02 PM.

She noted that in response the Governor Scott's January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his "Stay Home, Stay Safe" executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on January 29, 2021, and still available on the Town's website, provided information on how the public could participate in the meeting.

She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

Mora stated that the real estate discussion scheduled for agenda item 11.a. would not be held in executive session. There were no other changes to the agenda.

3. Minutes Approval – Meeting(s) of 1/18/2021 & 1/21/2021

*Taylor Prouty **moved to approve the minutes of the Selectboard meeting of January 18, 2021**, seconded by Vincent Annunziata, **passed** unanimously.*

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of January 21, 2021****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

4. Selectboard Pay Orders

Tom Cavanagh ***moved to approve the pay orders for payroll and accounts payable****, seconded by Jim Fleming,* ***passed*** *unanimously.*

5. Announcements/Correspondence

Sharon Crossman noted that registrations for the 2/3/2021 One Londonderry event with the Vermont Council on Rural Development has surpassed 100.

Kelly Pajala announced that the Taconic and Green School District voting will take place on Town Meeting Day, and ballots will be mailed to Voters per the School Board's decision. Polls will be open from 7:00 AM to 7:00 PM as always, and people can vote early by mailing in or dropping off ballots at the Town Office.

Shane O'Keefe gave a reminder that the Energy Committee has a vacancy, so anyone interested in energy matters as they affect the community should submit a Town committee request form, which can be found on the Selectboard page of the Town website. Phelan expressed his interest in serving on the Committee, and it was recommended that he submit a written notice of interest and possibly attend a meeting of the Energy Committee.

O'Keefe also mentioned the untimely passing of long-time resident and Development Review Board member John Lancaster. Mora added that this is a sad loss for the town.

Correspondence included in the Board's meeting packet was as follows:

- An article from the Chester Telegraph, dated 1/25/2021, on the upcoming One Londonderry community forum.
- A printout of the FY2021 year-to-date budget 12/31/2020.

6. Visitors and Concerned Citizens

a. Meeting with Windham County Sheriff

Mora welcomed Sheriff Mark Anderson to the meeting and mentioned that the Board was interested in hearing an overview of the various services his office provides. She mentioned the work and recommendations a few years ago of the Policing Committee, which at the time was mostly concerned with break-ins and arson, and not so much traffic enforcement, but that traffic enforcement appears to be the primary concern these days.

Sheriff Anderson introduced himself and noted his 17 years with the Windham County Sheriff's Department (WCSD), and his appointment as Sheriff in 2019. He noted that by statute his department provides the following services:

- Civil process of notices.
- Transport of prisoners to and from court.
- Policing services as it sees fit to address matters affecting the county, towns in the county and other organizations. He noted that the WCSD is the coordinator of the grant-funded Regional Highway Safety Taskforce. He also explained that it also provides contracted

services which act to fill the space between the Vermont State Police (VSP) and a full-service municipal law enforcement agency.

He noted that the contracts can be tailored to the specific needs of the community, and this often includes traffic enforcement, and cost sensitivity tends to drive the services. His traffic control methodology, he explained, involves attention to education, engineering, and enforcement.

Anderson noted that the VSP does an excellent job with traffic enforcement but has limited resources, and the WCSD can step in to augment their services to the degree that communities wish. He mentioned he has also noticed that speeding is an issue in the community and that his department recently deployed a radar feedback cart with a data logger at the request of the Town at no cost, which is a service the Department provides to its contracted communities.

The Sheriff stated that the WCSD currently contract with 3 communities for 40 hours per week, with a full law enforcement presence including E911 response. Both Putney and Westminster have 40 hours positions but they work together due to proximity so they in fact share16 hours per day response between them. Vernon has one officer assigned from 7:00 AM to 3:00 PM. Hours not covered by the WCSD are covered by the VSP, and he noted the very good relationship with the VSP Westminster barracks.

In answer to a question on the extent of the WCSD services, Anderson suggested that smaller contract communities not use the WCSD for more extensive investigations, but instead use the VSP, as the limited WCSD hours can be eaten up by the investigations.

Anderson mentioned that Jamaica has a 20 hour per week contract at this time, and he suggested that if Londonderry wished to use WCSD services there could be contracts for the two towns like the Putney-Westminster model that would allow for greater potential for coverage at a reduced cost. Service rates are $41/hour for contracts over 2,000 hours per year, and $52/hour for those under that figure. Jamaica's current contract is $50,000.

Anderson stated that he would be agreeable to hiring a full-time staff member for the two towns if they are both agreeable as well. He said he feels that 20 hours per week would work well for Londonderry, but he would need some time under contract to determine the best service level. He mentioned that the Town does receive fines if it has relevant ordinances.

There was discussion about radar speed signs, and the WCSD will be looking to purchase more for use by towns in the region. The Town could rely on the ones owned by the WCSD instead of the Town purchasing its own as recently discussed.

Board members thanked Anderson for his time, and he left the meeting at 6:33 PM.

Mora stated that she'd like to explore this matter further as it could enable more reliable policing in the community. Prouty noted that it would cost the Town $42,640 for 20 hours per week of a shared officer at $41/hour, and Mora noted that it could even be less. Joining with Jamaica would generate a savings of upwards of $12,000 Prouty noted stated.

Cavanagh that the VSP contract used to be budgeted at $86,000. O'Keefe added that he had spoken to the VSP barracks commander and there continues to be uncertainty on their ability to provided contracted services to the Town in the future.

Mora mentioned that she would contact her counterpoint in Jamaica to discuss policing options with the WCSD and find out if they are satisfied with the services provided.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Kevin Beattie mentioned that there is no report, but that those 75 and older are now eligible to receive vaccinations and that Neighborhood Connections is available to help people to sign up for this, as is Beattie himself.

b. Board of Listers – Annual certificate of no appeals/suits [32 VSA 4155]

Tina Labeau spoke about this briefly and noted that Sandra Clark stated she has been a Lister for 20 years and has had no appeals over that time.

Tom Cavanagh ***moved that the Board approve and sign the annual Certificate of No Appeal or Suit Pending****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman suggested that the Board may wish to consider reopening the take-it or leave-it shed one day per week and has said that Candy Bliss is agreeable to monitor its use.

She mentioned that the facility recertification is final and is valid through 2030 is on file at the Town Office.

She also spoke to the Board about the interest of Hunter Excavating in taking the Town's brush, leaf and yard waste, and all of the wood in the stump dump. The company would prefer to handle the stump dump work at the site. There was also interest in the collected food scraps which could help the mulching process. Food scrap collection funding grants would possibly need to be adjusted if this possible arrangement with the company takes shape. Savings to the Transfer Station could be $10,000 with this food scrap collection change. Additional savings are to management efforts and wear and tear on heavy equipment. Where and how this operation would take place – at the Transfer Station versus the property owner's property on Derry Woods Road – was discussed, and impacts at each location were considered. It was recommended that Fishman request that the company provide a detailed proposal and operations plan for consideration by the Board.

The VTrans road signs are still on order and she'll continue to push to get them up.

b. Consider temporary facility closure on Sundays

Regarding the part-time Sunday position, for which the Board received notice at the last meeting was being vacated, Cavanagh noted that one of the backup employees was willing to do the Sunday work subject to an hourly wage increase for this and his coverage work, which would obviate the need to close on Sundays.

Vincent Annunziata suggested it was not unreasonable to close on Sundays. Prouty suggested closing another day in order to stay open on Sundays.

Cavanagh will speak to the backup employee about the desired wage rate, and the Board may need to hold a special meeting on this matter later in the week.

9. Roads and Bridges

a. Updates

Prouty mentioned that bulk vehicle fuel had been delivered, and that the remaining salt in the budget is soon to be delivered, and salt usage overall is up so supply at the end of the season will be down.

He also noted the following usage for the month of January 2021:
Salt – 300 tons   Sand – 930 yards   Vehicle Fuel – 1,998.9 gallons
Heating fuel (gallons):   Town Office Generator - 5, Transfer Station - 131.5

b. Discuss special weight limits for highways and bridges **[23 VSA 1400b & 1400c]**

By February 10 each year the Town must declare to VTrans whether it wished to establish special weight limits on Town highways. Prouty noted that the Town has not made it a practice to post its roads and suggested that there be no new weight limits as long as drivers continue to be responsible.

It was agreed to pass over making any decisions to establish special weight limits for Town highways and bridges.

c. Consider application(s) for excess vehicle weight permits **[23 VSA 1400a]**

The Board reviewed an overweight permit application, and it was noted that the applicable fee was paid and insurance certificate received.

Taylor Prouty ***moved to move to approve the excess weight permit for Newport Sand & Gravel Co., Inc. / Carroll Concrete Co., Inc.****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

It was agreed that the Town Administrator can sign the overweight permits on behalf of the Board.

10. Old Business

a. Discuss special Town Meeting on retail cannabis sales and local option tax

Mora spoke about the interest of a citizen to have a vote at the regular Town Meeting to authorize the retail sale of cannabis and noted that the Town Meeting was recently rescheduled to May in order to allow for a floor vote to be held outside if possible. The issue with the cannabis vote, she explained, is that it must be done by Australian ballot and to hold a regular in-person floor vote at one location while balloting was taking place at a different location would prove extremely difficult. She explained that she had spoken with the citizen, Emmet Dunbar, about this and the possibility of holding a special Town Meeting in the summer, but there appears to be an urgency on Dunbar's part due to an interest in the limited number of licenses for integrated facilities and an early vote would put the town in a better position to attract one of them.

She suggested setting a meeting for some time in April, and added that the Vermont League of Cities and Towns has recommended looking at a number of impacts of retail cannabis in preparation for such a vote, and asked that O'Keefe and Pajala work with her on that.

Dunbar raised several issues and recommendation with the process of holding a special Town Meeting vote on this matter, and urged the Board to hold a Town Meeting vote as soon as possible. There was some discussion that the need to adopt a local option tax in order to benefit from the taxation of local retail cannabis sales.

Pajala recommended having more than one formal informational meeting prior to a special Town Meeting on this matter. There was discussion about the types of retail cannabis entities that can be voted on: either retail or integrated facilities, or both.

Mora stated that the Board would set a special Town Meeting date at the next regular Board meeting, in two weeks.

b. Discuss Water/Wastewater project and Pingree Park

Mora noted that currently a wastewater feasibility of the two villages is underway and in a very preliminary engineering report Pingree Park is shown as a possible site for a wastewater system. She noted that the Parks Board has submitted a letter voicing opposition to the use of the park for this purpose.

O'Keefe provided some background and clarified that the Town received a grant of $32,000 to study solutions for water and wastewater limitations in the villages, noting that there is an economic standstill in the villages due to the inability of businesses to expand in any significant way. With Pingree Park as one of the solution sites, the project working group felt that the Parks Board should be consulted as early as possible. The question for the Selectboard at this time he noted is whether the engineer should continue doing the engineering work to consider Pingree park or not.

Crossman added that the villages were looked at by the engineering consultant end-to-end and mapped the adequacy of soils, and noted that there are additional site review steps such as borings to complete the site ratings.

Cavanagh brought up that the project was looking at wastewater facilities that would handle up to 6,500 gallons per day, and that it would take 8 such sites to address the 55,000 gallons per day needs in the north village area. He also brought up the potential for disruption to Pingree Park by placing temporary test pits there. Crossman noted that the project is continuing to look for adequate sites.

There was a brief discussion about the deed restrictions on the property.

Fleming stated that he thought it was a horrible idea to site a wastewater system at the park.

Mora acknowledged that without workable wastewater treatment the future of the villages is in real jeopardy, and having such systems are vital, but noted that Pingree Park is a beautiful recreation resource that many have worked so hard to get it to where it is today and putting a wastewater system there would be a misuse of the property.

There was a brief discussion about the prohibitive cost and permitting complexity of establishing single large facilities in each village.

Crossman clarified that the working group has looked at a number of properties and continues this effort as it will take several sites to accommodate the needs of each village.

Pajala, speaking as a member of the Parks Board, stated that the Parks Board would not like to see engineering efforts continue that involve Pingree Park as indicated in their letter to the Selectboard.

Mora clarified that the question before the Board is not whether to put a septic system in Pingree Park, it is that in a group of sites potentially suitable for a wastewater system should we continue to consider Pingree Park or take it off the table.

Annunziata stated that he did not think the park should be considered at all. And Fleming questioned using any further funds on a site, and that it should be taken off the list.

George Mora ***moved to ask the engineering initiative to take Pingree Park off the table as a potential location for a community wastewater system****, seconded by Jim Fleming,* ***passed*** *unanimously.*

Pajala thanked the Board for considering the Parks Board's concerns and said that the Parks Board is not unsupportive of looking at wastewater initiatives in the villages in general. Board members thanks the Parks Board for its letter.

c. Review draft 2021 Town Meeting Warning [17 VSA 2641 & 2642]

O'Keefe pointed out that the Warning draft includes changes made at the last Board meeting, and highlights the inclusion of the Phoenix Fire Company in the appropriations and wording in the two new reserve funds clarifying that they would be funded at future Town Meetings and not this one.

Due to Town Meeting having been rescheduled, and the ongoing discussion and research on several of the articles, it was agreed that no decision needed to be made and the matter was passed over.

11. New Business

a. The negotiating or securing of real estate purchase or lease options

Mora explained that she had been contacted by the Planning Commission Chair about a piece of property in South Londonderry village that had gone on the market which was one of the properties being considered for the wastewater study, and had inquired how the Town would go about considering its purchase. She mentioned she had spoken with O'Keefe about it and it was agreed to put in on the agenda and it was originally thought that an executive session was appropriate. The Town is going to need locations for wastewater solutions she added.

Crossman noted that the property, like all those in the study, was in the early stages of consideration. As it was on the market whether she felt it would be prudent to see if the Town could discuss its potential for acquisition.

Cavanagh raised that the property is on the National Register of Historic Places and required archaeological studies could be expensive and prevent its intended use. Pajala added that if there is federal funding involved then the Nation Register classification takes on greater importance.

Prouty spoke to the value of developing creative solutions, and said he appreciates the proposals and to keep considering new solutions for future problems. Mora noted that the Town will likely have to buy properties to deal with the situation. Prouty said that if the Town does nothing the villages could fail and the Town will end up owning the property, which would be tragic. Crossman added that this scenario is already happening, and water quality and public health are being affected, as is the local economy. Mora added that the need for wastewater solutions is not only is necessary for future economic development but is critical for the viability of existing businesses and their interest in selling property.

Prouty noted that system technologies are advancing, and the Town can take advantage of those improvements as they develop.

Chad Stoddard spoke about alternatives for septic systems, including two recent ones installed along rivers in the area. He said that houses and businesses can spend the money and install their own systems. He described a buried system installed on ledge next to a river and noted that the technology has been around for 25 to 30 years. Stoddard stated that the villages will not die, and that the wastewater initiative is ridiculous and should be shot down and stopped, citing these exiting system technologies and the need for so many systems to address the wastewater problems. He claimed that others feel the same way as he does.

Mora noted that the Board would not be talking about purchasing a property that evening.

12. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

The meeting adjourned at 8:21 PM. The next regular meeting of the Selectboard is scheduled for February 15, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved February 15, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, February 4, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh. Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe. Others – None.

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:00 PM.

She noted that in response the Governor Scott's January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his "Stay Home, Stay Safe" executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on February 3, 2021, and still available on the Town's website, provided information on how the public could participate in the meeting.

She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

3. Old Business

a. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Tom Cavanagh ***moved to enter executive session to discuss the appointment or employment or evaluation of a public officer or employee per 1 V.S.A. Section 313(a)(3), and invite Town Administrator Shane O'Keefe to attend****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

The Board entered in executive session at 6:01 PM, and came out of executive session at 6:05 PM.

b. Consider employee compensation matter

Tom Cavanagh ***moved to assign part-time Transfer Station employee Dana Griswold to the attendant position on Sundays, and increase his hourly pay for all Transfer Station hours from $15.30 to $17.00, as of this pay period****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

Policing – Mora noted that she has spoken with Jamaica Selectboard Chair Greg Meulmans about the two towns working together on policing services with the Windham County Sheriff's Department, and he is very interested in discussing this. She said that she has asked O'Keefe to arrange for a meeting of Selectboard Chair and Vice-Chair of each town and the Sheriff. She reported that Meulmans has been very satisfied with the service received from the WCSD. She noted that the towns band together the WCSD could hire one full-time officer to serve both towns, which could provide more focuses services.

Special Meeting – The Board briefly discussed scheduling a special meeting for the following week to discuss a special Town Meeting vote on retail cannabis. Mora noted that there needs to be some coordination by Kelly Pajala regarding other attendees, and it was agreed to suggest the evening of Wednesday, 2/10/2021 as the date that works best for the Board.

4. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

The meeting adjourned at 6:09 PM. The next regular meeting of the Selectboard is scheduled for February 15, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved February 15, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Wednesday, February 10, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh. Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Clerk Kelly Pajala, Planning Commission Chair Sharon Crossman, Town Health Officer Richard Phelan. Others – The Collaborative Executive Director Maryann Morris.

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:03 PM.

She noted that in response the Governor Scott's January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his "Stay Home, Stay Safe" executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on February 5, 2021, and still available on the Town's website, provided information on how the public could participate in the meeting.

She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

3. Old Business

a. Discuss special Town Meeting on retail cannabis sales and local option tax

Mora gave an overview of the potential for aa Australian ballot special Town Meeting on whether to allow for retail cannabis sales in town and a separate but related vote on establishing a local options tax. She explained that the only way to take advantage of cannabis-related taxes is to have a local option tax.

She stated that she felt trying to have a special Town Meeting in April would be rushing it because there is so much information that we do not know as a community. The Board reviewed information from the Vermont League of Cities and Towns legislative update on the new cannabis legislation (Act 164).

Mora clarified that there are five integrated licenses state-wide instead of the seven previously mentioned. There was further discussion about these types of licensees. Kelly Pajala noted that the Town has three cannabis opt-in voting options: to authorize cannabis retailers, to authorize integrated licenses, or both. Taylor Prouty noted that the decision on which article or articles to vote on is a critical decision.

There was discussion about integrated licenses and whether such a facility can be located in Londonderry. Also discussed was the extent of authority of a local Cannabis Control Commission. It was noted that the rules on this have not yet been developed at the State level so there is little definition or guidance for the community. Jim Fleming read from the VLCT report that "local voters will only have a little say about whether to allow retail establishments in their community".

Maryann Morris showed a presentation that included timelines for the State to act and for local actions as well, which target 2022 licensing for the most part, and therefore there is time for the community to get it right. She added that the State is behind scheduled already. Pajala noted that there are likely to be some changes to the current law this year.

Mora noted the following passage from the VLCT report:

> **Local Licensing and regulatory authority**. Municipalities that host cannabis establishments may create a local cannabis control commission. This commission (for examples, a selectboard or city council) must administer the rules furnished to them by the Cannabis Control Board. No additional local standards will be allowed beyond signage and nuisance ordinances and very specific zoning provisions of 24 VSA 4414. It should be noted that local governments may already regulate signage, nuisances and 24 VSA 4414. Therefore this provision is meaningless and adds no new authority to towns. Rather, it restricts the local regulatory authority a town may use that currently exists under state and local laws. Local governments are forbidden from adopting local ordinances to regulate the time, place, and manner of cannabis operations as part of local licenses and permits. These licenses will perfunctory, and cannabis control commissions are designed to be the "rubber stamping" approval entity of local licenses from municipalities.

There was general concern from Board members about the concept of the local commission simply acting as a rubber stamp for licensees. There was discussion about whether a petition must be added to the annual Town Meeting or whether it can be addressed in a special Town Meeting. Timing of a special Town Meeting in the future beyond the annual Town Meeting was considered.

Morris inquired about and suggested waiting on any decision until such time as the State develops its rules and procedures on Cannabis sales. She offered to continue to work with the Board on public health education on the subject.

There was a discussion on how the existing and proposed new Zoning Bylaw addresses cannabis establishments. Sharon Crossman mentioned that the first draft of the new Bylaw will go public in mid-March with public hearings with possible changes over some months thereafter. The Board reviewed the proposed language in the most current draft, which addresses licensed facilities. Whether to include cannabis enterprises in the new Bylaw now or later once State rules are in place was discussed.

Mora stated that she is not prepared for the Board to call a special Town Meeting at this time.

Regarding integrated licensees, Cavanagh read from the VLCT report:

> **Voter approval of cannabis operations**. Local voters will only have a little say about whether to allow a retail establishment in their communities. To allow retail sales in their community, they must opt in, however thy have no voice in whether growers, manufacturers, laboratories, or processors are allowed. Some communities that currently have medical cannabis dispensaries will also be able to vote on integrated licenses in addition to retail establishments. An integrated license allows a licensee to engage in cultivation, wholesale, manufacturing, retail, and testing and are only available to applicants that hold a dispensary registration…

Pajala noted that this was not her understanding on the law. The integrated license matter may be moot given the VLCT report. It was agreed that O'Keefe would follow up with VLCT to get better information about integrated licenses and report back to the Board. Pajala also offered to ask the legislative counsel.

It was the general position of the Board members that they were not necessarily opposed to retail cannabis sales, but just want to see that the process is done properly, thoroughly and with due diligence.

While the Board previously signaled that it would be setting a special meeting at the next regular meeting, Mora stated that it was her feeling that the Board is not prepared, despite reviewing available documents and presentations on the matter, to set a special meeting date at this time because there is insufficient information available to make a reasonable decision about the needs of the town.

4. Adjourn

*Vincent Annunziata **moved to adjourn the meeting**, seconded by George Mora, **passed** unanimously.*

The meeting adjourned at 7:05 PM. The next regular meeting of the Selectboard is scheduled for February 15, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved February 15, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, February 15, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Thomas Cavanagh. Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: Georgianne Mora.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Town Health Officer Richard Phelan, and Planning Commissioner Chair Sharon Crossman. Others – Deerfield Valley Communications Union District representative Jeff Such, John Hankin, and US Forest Service representatives Martina Barnes and Dana Strout, and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

Selectboard Vice Chair Tom Cavanagh, acting as Selectboard Chair in the absence of George Mora, called the meeting to order at 6:00 PM.

He noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

He noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

Cavanagh noted that Emergency Management Director Kevin Beattie was not present and ***moved to delete from the agenda the Emergency Management Director COVID-19 response update****, seconded by Taylor Prouty,* ***passed*** *unanimously* suggested.

O'Keefe recommended deleting the year-to-date budget review.

Taylor Prouty ***moved to delete from the agenda the Town Treasurer's year-to-date budget review, under item 7.d., and to move item 9.b. to the Visitors and Concerned Citizens part of the agenda update****, seconded by Jim Fleming,* ***passed*** *unanimously* suggested.

3. Minutes Approval – Meeting(s) of 2/1/2021, 2/4/2021 & 2/10/2021

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of February 1, 2021****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of February 4, 2021****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of February 10, 2021****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

4. Selectboard Pay Orders

Vincent Annunziata ***moved to approve the pay orders for payroll and accounts payable****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

5. Announcements/Correspondence

Kelly Pajala announced that ballots for the Taconic & Green Regional School District have been mailed to Voters and they can be returned in the included envelopes or dropped off at the Town Office during regular business hours, or brought to the polls at the Town Office on March 2nd between 7:00 AM and 7:00 PM. The District will be hold its informational meeting 7:00 PM on February 23rd, with meeting-related information available on the BRSU website.

She also reminded dog owners to renew their dog licenses.

Tina Labeau noted that the office would likely be closed the following day due to foul weather.

Shane O'Keefe gave a reminder that there are vacancies on both the Energy Committee and Development Review Board, and anyone interested should submit a Town committee request form, which can be found on the Selectboard page of the Town website.

He also noted that he had received phone calls from a property owner on Cross Street claiming that his drinking water well has been contaminated by road salt. O'Keefe mentioned that he had consulted with the Town's insurer and per their instructions have asked the person to put their complaint in writing along with any evidence they may have.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- A proposal from Waite-Heindel to conduct a hydrogeology study related to the expansion of activities at the Mad King Quarry on Rowes Road. O'Keefe explained that one of the conditions of the Development Review Board's 9/14/2020 decision on the project required a hydrogeology study within nine months, with the consultant hired by the Town and paid for by the property owner. He noted that he had issued an RFP to three consultants, received two proposals and decided, with concurrence from the DRB Chair, Zoning Administrator and the property owner to work with Waite-Heindel. He mentioned that this is the same hydrogeology firm hired for the former septage fields work, and that he is going forward with them for the project.
- A letter, dated 2/10/2021, from the Vermont Transportation Board about local land use guidelines regarding private helipads and landing trips, which has been forwarded to the Planning Commission and Zoning Administrator.

Richard Phelan inquired about the work of the Energy Committee, to which O'Keefe noted their recent efforts.

Prouty noted that the next and second meeting for the One Londonderry effort is scheduled for the evening of February 25th.

6. Visitors and Concerned Citizens

a. Discuss US Forest Service concerns with footbridge and trail construction in vicinity of Brophy and Rawley Lanes (Martina Barnes, USFS Manchester District Ranger)

Martina Barnes introduced herself as the new U.S. Forest Service District Ranger in the Manchester office, and that she is reaching out to connect with and establish relationships with District towns. She mentioned that there are 437 acres of National Forest within Londonderry. She introduced Dana Strout from the District's recreation staff.

She said that they develop a Schedule of Proposed Actions (SOPA) list and communicate with communities seeking feedback on projects.

One issue that she would like to address is some unauthorized trail construction in Sherwood Forest at the end of Rowley Lane. She noted that a footbridge was constructed 1½ years ago there over Flood Brook near Brophy Lane that is not to adequate specifications and is not safe. Barnes suggested dismantling the bridge to prevent use of the unauthorized trails. Strout noted that there is a fair amount of use of the bridge, which has a wide span and crosses a class 4 Town road, and that it is unsafe and is causing some river scouring.

Prouty noted that there had been some discussion and agreement with property owners about light roadside maintenance along the class 4 Town road, but authorization of bridge or trail improvements were not given to his knowledge.

It was agreed to schedule a time in the spring to scout the area, and Cavanagh and Prouty volunteered to work with the USFS on this.

Barnes and Strout thanked the Board and left the meeting at 6:26 PM.

7. Town Officials Business

Kevin Beattie mentioned that there is no report, but that those 70 and older can begin signing up for COVID-19 vaccinations the following day, and predicts that those 65 and older will be able to do so within a month. He stated that people should sign up through the State of Vermont via internet or phone.

a. Planning Commission – Monthly update

Sharon Crossman provided the Board with updates as follows:

- The Vermont Council on Rural Development's One Londonderry community visit event on February 3rd was a great success, with 115 participants and over 150 comments in response to the discussion. The next event is on February 25th and those who may not have participated are invited to do so, and it will be about prioritizing the many great ideas raised in the first session and how those priorities are supported. The 3rd step, scheduled for March, will be an event on how to tackle and those priorities through implementation. She encouraged everyone in the community to participate, and spoke about the good fortune Londonderry has through the expertise of the team of state, federal and regional professionals working on the behalf of the community.
- Crossman noted that the Planning Commission was not successful in receiving the $95,000 grant from the Preservation Trust of Vermont for the Town Hall restoration. But she noted that the PTV contacted her after the One Londonderry event about an

outstanding $10,000 not drawn down in the past for a Town Hall infrastructure grant that is now available for use within the next 6 months. She said that she would confer with others working on the Town Hall restoration on the many studies recently done and look to use the $10,000 to address one or more of the priority projects, and come back to the Board. Labeau suggested window replacements, and Jim Fleming suggested building envelope work.

- On the wastewater project for decentralized systems the villages, there has been some good progress in the south village, she noted.
- Regarding helipads and landing strips, mentioned earlier in the meeting, Crossman stated that the Planning Commission will discuss this at the next meeting, and she has requested an opinion on this matter from the Town's zoning consultant.
- She reported that the final draft of the proposed new Zoning Bylaw is expected to receive by the Commission's March meeting.

b. Appointment of Alternative Representative to both the Deerfield Valley and Southern Vermont Communications Union District Boards of Governors

John Hankin introduced himself to the Board and described his experience with IT infrastructure and his interest in volunteering to help expand broadband internet access and fiber to the area.

Jeff Such gave brief updates on the Communications Union Districts, noting 1) that a request for proposals has gone out from DVCUD seeking proposals for a public-private partnership for system buildout, and 2) a memorandum of understanding between the two CUDs is in process to coordinate on some efforts such as network design and general knowledge sharing. He noted that he would be coming to the next regular Board meeting for a more in-depth update.

Taylor Prouty ***moved to appoint John Hankin as the Town's second alternate representative to both the Deerfield Valley Communications Union District Board of Governors and the Southern Vermont Communications Union District Board of Governors****, seconded by Jim Fleming,* ***passed*** *unanimously.*

O'Keefe will forward the Board's decision to each of the CUDs. He noted that Vermont statute requires that the Town's CUD representatives will need to be reappointed before the end of this coming April.

Such and Hankin left the meeting at 6:35 PM

8. Transfer Station/Solid Waste Management

a. Updates

None.

9. Roads and Bridges

a. Updates

Prouty mentioned that with the weekly snows we're burning through road salt, and that we'll likely be over budget on salt usage this year

b. Consider application(s) for excess vehicle weight permits [23 VSA 1400a]

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid and insurance certificates received.

Taylor Prouty ***moved to approve the excess weight permits for R.K. Miles, Inc., Valley Crane Services, Inc., and Renaud Brothers, Inc., and to authorize the Town Administrator to execute the permits on behalf of the Town****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

10. Old Business

a. Discuss special Town Meeting on retail cannabis sales and local option tax

Prouty noted that the Town of Chester has decided to wait on more information with regard to a vote on cannabis, and Cavanagh noted that other communities have done the same. It was acknowledged that the majority of the Board would also like to have more information prior to setting a vote on this matter.

Pajala raised the matter of a vote on a local option tax, and inquired about what the Board was considering, noting that this is also a large decision that needs greater public engagement. In-depth conversations are needed to determine which local option taxes would be applicable in Londonderry: rooms & meals, alcohol, and/or sales.

There was discussion about applicability of taxes on cannabis. The regular 6% sales tax would apply to cannabis and there will be an additional State-imposed excise tax. Collection of taxes related to cannabis would be contingent upon adopting a local sales tax. Pajala said she would share any new information she receives from an upcoming meeting with the legislative counsel. And she suggested that the Town do proper due diligence on this matter as well, and to be clear to the Voters about which local option taxes would be sought.

Cavanagh reiterated that the Board plans on doing a special Town Meeting when the Board has the information it needs. O'Keefe pointed out that the meeting packet included additional related information from The Collaborative, and that other information is available on request, and Pajala offered to get advice from the legislative counsel as may be requested by the Board.

The timing and process for the formation of the Cannabis Control Board was discussed, and it was noted that it is well behind schedule.

Regarding integrated licensees, Pajala clarified that integrated licensees will be able to establish recreational retail establishments in communities other than where they have their existing medical dispensaries, and locations will be dictated by which towns have opted in to allow these licensees and by their geographic distribution. She added that the integrated licenses would be issued before other licenses. She also pointed out that the Town's statutory authorization to have Australian ballot voting is due to the pandemic and will expire at the end of the year, so the special Town Meeting should be held before then.

b. Discuss options for police services

Cavanagh mentioned that he Board Chair George Mora had met with their counterparts from the Town of Jamaica and the Windham County Sheriff Mark Anderson to discuss the concept of the Sheriff's Department providing 20 hours per week to each town, which would allow for reduced hourly cost for each community. O'Keefe noted that the Jamaica Selectboard members were very interested in joining forces in an effort to save costs. The Windham County Sheriff's Department normally charges $52/hour for towns contracting less than 2,000 hours per year, and $41/hour for those contracting for more hours. The contracts for the towns, while separate, would allow each town to take advantage of the lower rate when considered together according to the Sheriff Anderson.

Cavanagh noted that the Sheriff stated he would look to hire a new officer, preferably someone that lives or would live near the two towns. O'Keefe added that very good information was shared between the parties at the meeting and that the Jamaica Selectboard members noted the Town's satisfaction with the services they have been receiving from the WCSD.

O'Keefe mentioned that the Board would need to amend the Town Meeting warning article already on the draft Town Meeting warning to reflect a WCSD contract. Pajala spoke to the Town Meeting schedule that she an Labeau are working on, and Prouty mentioned that the Warning deadline is March 15th.

There was discussion about timing of Town Meeting deadlines depending on having a floor vote versus Australian ballot, should pandemic conditions require that, and it was agreed that it made sense to recommend that consent of candidate forms for elected offices be done early so as not to worry about that decision.

Board members discussed an increased call for police services, and whether to add funding for a contract with the WCSD and for how much. It was agreed to hold off on finalizing that until all Board members were in attendance.

c. Septage Fields Project – Discuss PFAS groundwater monitoring plan

O'Keefe mentioned that a proposal from hydrogeologist consultant Waite-Heindel to develop a mandated PFAS groundwater monitoring plan was approved a few months ago by the Board and the plan has been developed and presented to the Vermont Agency of Natural Resources, Department of Environmental Conservation.

He added that the cost of the groundwater sampling, which will require an additional new test well, is approximately $4,800 and this expense will occur in FY2022. The sampling plan itself cost almost $2,000, and O'Keefe noted that none of the PFAS planning and sampling work was budgeted as it came up after the budgets were set, but that the Town is continuing to tally the expenses in the hope of recovering funds spent through State actions against the manufacturers of PFAS. He suggested budgeting $5,000 in the FY2022 budget for this effort.

O'Keefe brought up the Energy Committee's effort to explore reuse of the former septage fields as a solar farm, which could generate funds to offset the ongoing testing expenses. He added that there may be the need to spend some money up-front on engineering due to the site being in a flood hazard area.

Taylor Prouty ***moved to acknowledge receipt of the work plan for monitoring PFAS in groundwater at the former septage fields, prepared by Waite-Heindel Environmental Management, and to include $5,000 in the Septage Testing Services budget line of the proposed FY2022 budget to cover the cost of this testing service****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

11. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

The meeting adjourned at 7:24 PM. The next regular meeting of the Selectboard is scheduled for March 1, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved March 1, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, March 1, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Emergency Management Director & Tree Warden Kevin Beattie, Town Health Officer Richard Phelan, Road Foreman Josh Dryden, Planning Commissioners Sharon Crossman (Chair) and Mimi Lines, and Solid Waste Manager Esther Fishman. Others – Hunter Kaltsas and Bret Carter of Hunter Excavating, Inc., and residents Lana Prouty and Brian Cameron.

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:00 PM.

She noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

She noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

3. Minutes Approval – Meeting(s) of 2/15/2021

*Tom Cavanagh **moved to approve the minutes of the Selectboard meeting of February 15, 2021**, seconded by Vincent Annunziata, **passed** 4-0-1 by roll call vote as follows: Cavanagh – aye, Prouty – aye, Annunziata – aye, Fleming – aye, Mora – abstained due to absence from the meeting.*

4. Selectboard Pay Orders

*Tom Cavanagh **moved to approve the pay orders for payroll and accounts payable**, seconded by Vincent Annunziata, **passed** unanimously.*

5. Announcements/Correspondence

Kevin Beattie, in his role as Tree Warden, noted that Green Mountain Power is gearing up to remove ash trees along Middletown Road.

Shane O'Keefe gave a reminder that there are vacancies on both the Energy Committee and Development Review Board, and anyone interested should submit a Town committee request form, which can be found on the Selectboard page of the Town website. He added that Planning Commission appointments are also coming up at the end of this month and he was aware that one member is not seeking reappointment.

He added that at the recommendation of the Town's IT consultant he is planning to go ahead with a paid anti-phishing program for all of the Town's email system users. It will cost $2.50 per user per month for an annual total of about $600, which he said would pay for itself in a single phishing incident.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- Information from the previous week's One Londonderry community meeting, including the agenda and the list of ideas and opportunities with the ranked choices indicated.
- An email of 2/17/2020 from the Vermont Department of Environmental Conservation approving the Town's PFAS groundwater monitoring plan for the former Septage Fields and approving the request to push the work to fiscal year 2022.
- A thank you letter from Neighborhood Connections for Town funding, dated 2/1/2021.
- Regarding the Act 250 permit application for the proposed new Blue Flame Gas Company propane distribution center in Landgrove, next door to the Flood Brook School, a 2/19/2021 letter from Vermont Natural Resources Board and a neighbor's 2/18/2021 Memorandum in Opposition.
- An application filed by Esther Fishman on behalf of the Londonderry Solid Waste Group seeking grant funding for 40% of the cost of container equipment for handling food scraps.

6. Visitors and Concerned Citizens

Cavanagh mentioned that he was aware of many in the community who were not aware that Town Meeting has been postponed. There was discussion about whether there has been a formal announcement, other than on the Town's web site, and Mora stated she would speak with Town Clerk Kelly Pajala and Treasurer Tina Labeau on this. There was discussion about sending out a mailer, or printing a notice in a newspaper such as *The Shopper*, or sending a notice to the Town's email list. It was agreed to post notices at the Town Office and two post offices.

Mora mentioned that she had shut down the Community Forum Facebook page over the previous weekend due to rampant negativity and lack of adherence to rules.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Kevin Beattie mentioned that the winter surge of COVID-19 has levelled off nation-wide and locally, but that there are approximately 100 new known infections per day state-wide. Signups for vaccination of those 65 years of age and older started that day he noted, and also that the Johnson & Johnson vaccine is coming online.

8. Transfer Station/Solid Waste Management

a. Updates

There was a brief discussion on the take-it-or-leave-it shed, which Esther Fishman noted remains closed. She mentioned that she was informed that the Transfer Station employee who had volunteered to do the work cannot legally volunteer for job similar to that she is already doing, and would therefore have to be paid. She said that there may be other opportunities to open it up.

Fishman mentioned that the State has erected the northbound and southbound Official Business Directory signs leading to the facility.

b. Consider proposal from Hunter Excavating, Inc. to coordinate on handing of organic materials

Esther Fishman spoke about the evolution of the possibilities of working together with Hunter Excavation, Inc. on mutual needs with relation to organic materials, including the Town's brush pile, leaf and yard pile, stump dump, and food scraps. The Board reviewed a written proposal from the company, which called for different aspects of the services being handled at both the Transfer Station and Hunter Excavating's property at the corner of VT Route 11 and Derry Woods Road. Bret Carter of Hunter Excavation noted that Fishman's description of the project was accurate, and that the proposal speaks for itself.

Fishman described the food scrap infrastructure grant presently under consideration, which seeks funding for a 14-yard container and a food tote tipper. She noted that the application could be modified depending on the outcome of the Hunter Excavation proposal.

An abutter to the Derry Woods Road property, Lana Prouty, noted that while she supports the Town's recycling and volunteering efforts, she said that food scrap collection and processing should take place at the Transfer Station or a location away from one of the entryways to a village area being considered for improvement. Other issues raised included: the need for a buffer zone between the food scrap handling facility and residential areas; dust control of compost piles, spring run-off into neighboring wetlands, the potential for mulch fires. She stated that the proposal from Hunter Excavation is vague and does not address how impacts are to be mitigated.

Fishman noted that no materials are presently going from the Transfer Station to the Derry Woods Road property, and any materials presently there are belong to the owner. She noted that a meeting with a Vermont Department Conservation representative about permitting of the Derry Woods Road facility took place. Carter noted that food scraps proposed for use at the Derry Woods Road facility would be in a separate mixed woodchip pile and would be miniscule in comparison to the rest of the facility.

Kevin Beattie stated that he understood the Derry Woods Road property to be permitted locally as a gravel pit and is likely to need a zoning permit for the existing and proposed use of the land, and inquired as to whether the Zoning Administrator had been consulted. Fishman indicated that she had asked Zoning Administrator Will Goodwin to connect with Hunter Kaltsas; Kaltsas stated that he had yet to be contacted.

Mora stated that the Board should make sure that the zoning status is address before any part of the proposal moves forward.

Lana Prouty noted that the biomass pile at the site now gave off foul odors last summer and fall, and adding rotting food would only make it worse and should be considered.

Crossman inquired about, and Fishman discussed, the leaf and yard pile at the Transfer Station, and it was acknowledged that few people use this resource.

VT Route 11 resident and neighbor Brian Cameron to the Derry Woods Road property complained of nauseating odors from the biomass stockpiled on the property which at times prevents him and family members from going outside. He also expressed concern for bears being attracted to the food scraps, and stated that he did not want a transfer station as a neighbor. He has been a neighbor for many years and the smells are a recent development. Regarding the Hunter Excavating proposal itself, Cameron clarified that his objection was to the addition of food scraps, but he questioned whether the existing biomass stockpiling was properly permitted.

Mora suggested that before the Board goes forward with an agreement on the proposal or a vote the Zoning Administrator needs to clarify applicable zoning matters.

Taylor Prouty suggested coming up some new ideas for how to address some of the matters raised in the proposal, such as the stump grinding efforts. Mora clarified that the proposal was to process all of the stumps at the Transfer station and then all future stump grinding would take place at the Derry Woods Road property. Taylor Prouty suggested the possibility of continuing all stump work at the Transfer Station instead, with Hunter Excavating doing the grinding, to which Kaltsas was amenable. Fishman mentioned that food scrap composting at the Transfer Station could be done but it would need additional permitting and significant process management.

O'Keefe noted that he had contacted DEC and confirmed that stump grinding at the existing stump dump would have no impact on the PFAS testing protocols going on with the adjacent former septage fields.

Mora thanked the participants and stated that the Board would reconsider this matter once it has heard back from the Zoning Administrator. Kaltsas, Carter, Cameron and Lana Prouty left the meeting at 6:40 PM.

c. Ratify emergency purchase of hydraulic cylinder for the backhoe

Cavanagh noted that a hydraulic cylinder for the stabilizer on the backhoe broke last week and fixing it would take at least a month, so a new one was purchased. It should be installed that week, he added, at a cost of $4,000 with installation.

Taylor Prouty ***moved to determine that the immediate purchase of a new hydraulic cylinder for the Transfer Station Backhoe constituted an emergency purchase under the Town's Purchasing Policy, as delay would result in substantial impairment of***

delivery of on an important Town service, and hereby ratify that purchase**, seconded by Jim Fleming,* ***passed *unanimously.*

d. Discuss facility closure for Town Meeting

Mora noted that historically the Transfer Station is closed on the regular Town Meeting day, but because Town Meeting has been postponed to May 1st, the staff recommendation is to keep open the facility the following day (March 2nd) and close it on the rescheduled Town Meeting (May 1st). O'Keefe noted that the Personnel Policy calls out the 1st Tuesday in March as the official Town employee holiday.

Tom Cavanagh ***moved to close the Londonderry Transfer Station on May 1, 2021 for the rescheduled Londonderry Town Meeting Day, and to remain open on March 2, 2021, the traditional Town Meeting Day****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

Fishman noted that she had informed the facility employees of the Board's decision via text message.

9. Roads and Bridges

a. Updates

Josh Dryden noted some weather issues of late. And he noted the following usage for the month of February 2021:

Salt – 282 tons	Sand – 967 yards	Vehicle Fuel – 2,124.5 gallons
Heating fuel (gallons):	Town Office Generator - 0, Transfer Station - 0	

He mentioned that equipment and staff are holding up fine, but that hydraulic hose and hydraulic fluid have been troublesome of late. He noted that he had to order more salt and that salt expenditures would be over budget y about 350 tons primarily due to last year's expenditures having been booked to this year. There are four more loads are on the way now, and the shed presently has between 150-200 tons, he reported. And there are about 1,500-2,000 yards of sand in the shed.

Prouty and Dryden noted that while there is enough salt for the season, we won't have funds to fill the shed at the end of the fiscal year as planned. Prouty said that he would need to clarify with Treasurer Tina Labeau the salt budget for this and next year. It was agreed that an invoice for all salt use must be received before the end of this fiscal year

The matter of how to handle the Town Meeting holiday for the Highway Department now that the Town Meeting has been rescheduled was discussed briefly. Dryden mentioned that the Road Crew planned on working the following day to road conditions, and it was suggested that staff could receive a floating holiday in the summer. Mora mentioned that this matter should be added to the agenda for the next meeting.

Dryden was thanked for keeping the roads in good conditions despite the weather. Prouty noted that the Town roads were in better shape than the State roads recently.

b. Consider application(s) for excess vehicle weight permits [23 VSA 1400a]

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid and insurance certificates received.

*Taylor Prouty **moved to approve the excess weight permits for Record Concrete, Inc., New England Quality Service, Inc., and Hunter Excavating, Inc., Hunter Transport & Hunter Timber Harvesting, and authorize the Town Administrator to execute the permits on behalf of the Town**, seconded by Tom Cavanagh, **passed** unanimously.*

10. Old Business

a. Town Hall Renovations – Authorize hiring of construction engineer and authorize use of Town Buildings Reserve Fund

Sharon Crossman reminded the Board that Londonderry had a $10,000 credit from the Preservation Trust of Vermont for Town Hall improvements from that needs to be used within the next six months. She spoke to the Board to request funds from the Town Buildings Reserve Fund to augment this credit to address critical elements of the building renovations as recommended in the several building evaluation studies over the past year. She noted that engineer Chris Cole has created a list of critical items to address similar to a recent project he did in Rupert, Vermont with similar needs, and he would handle construction management services for this project on behalf of the Town. She mentioned that there is a group of work, including construction management, that could run to $100,000 to $125,000, and address such items as windows, doors, roofing, and structural elements.

It was added that the construction work would have to go out to bid but that the work of the Cole Company would be continuation of professional services previously provided. Cole will prepare a scope of work to done for an invitation to bid, and he would charge a 10% construction management fee.

There was a discussion about how much of the reserve fund should go to this project as the annual contribution to the fund proposed at Town Meeting has been reduced this year to $80K. It was noted that additional funds for the larger amount of work can possibly be raised from outside sources, such as grants and charitable contributions. The importance of timely spending the $10,000 credit was mentioned, and O'Keefe noted that the balance in the Town Buildings Reserve Fund was approximately $226,000 at this time.

There was consensus on the importance of this building and the wish to move forward on its restoration. There was discussion on various potential uses of the reserve fund for this and other facilities, and the sequencing of the work at the Town Hall.

*Taylor Prouty **moved to authorize the hiring of the Cole company for professional construction engineering services for renovations to the Town Hall as recommended, and to authorize use of up to $80,000 from the Town Buildings Reserve Fund for these renovations subject to Board approval of construction bids for the renovation work**, seconded by Vincent Annunziata, **passed** unanimously.*

b. Review bids and award contract for Local Hazard Mitigation Plan

Kevin Beattie spoke to the procurement process for the plan development services, and noted that we received 6 proposals, which was then reduced to three finalists for further consideration. He stated that it was his strong recommendation to accept the proposal from the Windham Regional Commission in the amount of $7,560 based on their experience with these plans in the region and their strong familiarity with the Londonderry community. He spoke about the other finalists, which did not have the same level of experience, though one had a lower price.

He explained that the Town received a grant from the Vermont Department of Public Safety in the amount of $7,612.50, which must be matched at 25% with Town officials and staff time.

Taylor Prouty ***moved to 1) accept the proposal from the Windham Regional Commission to for Local Hazard Mitigation Planning Services, and 2) authorize the Town Administrator or Emergency Management Director to enter into a consultant services agreement on behalf of the Town****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

c. Platt Elevation Project – Discuss project status

This matter was last discussed by the Board on 12/21/2020. O'Keefe provided a recent history of this project, noting that the property owners, Tom and Judy Platt, were the successful bidders on the building elevation project in the fall of 2019, but because the implementation cost was higher than the original grant the Town went back to Vermont Emergency Management for a FEMA funding increase, which took almost a year to have approved. The Town was given notice in December that the project would have to wait until spring 2021 due to pandemic-related issues with a subcontractor, and O'Keefe wrote to the Platts in early January requesting confirmation that the construction bid was still valid. The Board reviewed a 2/23/2021 response letter from the Platts stating that they'd hold their $122,622 bid price, and also place funds into an escrow account in conformance with a memorandum of understanding with the Town in their roles as property owners.

O'Keefe asked whether the Board was amenable with waiting for a few more months for the project, and suggested two other options: to rebid the project, which would run the risk of an even higher bid, or to withdraw from the project altogether. O'Keefe suggested that if the Board wishes to continue with the project as-is, that there be a requirement to sign a contract in the next month or so to ensure the project proceeds forward.

O'Keefe expressed his concern about having the same entity being on both sides of the project; as owner and as contractor, noting the administrative challenges it would cause with flow of grant funds. He suggested some sort of performance assurance. He also noted that the construction contract is drafted to become null and void if the if the Platts fail to meet their escrow payment obligation to the Town.

Prouty said it was clear that the Platts want to get the project done, and that the building is important to the north village and needs to be saved.

O'Keefe mentioned that project completion is also dependent on Vermont Emergency Management getting FEMA approval of extension of the work completion date from 5/2/2021, which he noted was in the works and is very likely. He will get a status report from VEM on the schedule change request. O'Keefe also mentioned that the Town would not receive a grant increase if the project cost were to come in higher through rebidding.

Mora advocated to accept the letter from the Platts, and Prouty agreed as he felt that any cost overrun would be on the property owner anyway.

Taylor Prouty ***moved to accept the 2/23/2021 letter from Thomas and Judith Platt regarding performance of the building elevation project at 2152 North Main Street, as previously approved by the Board on 10/7/2019, subject to their execution of the Town's construction contract by no later than 4/1/2021****, seconded by Jim Fleming,* ***passed*** *unanimously.*

d. Discuss Town Meeting article on policing services

The Board discussed this matter at the previous meeting, and it was decided then to hold off on any decisions until there was a full Board present. Mora stated that she felt that the Windham County Sheriff's offer is the best option for active policing of the community, and Prouty agreed that the gist of the previous discussion was that an increase in the amount to be voted on to support policing services was appropriate. The Board reviewed several options for a revised Town Meeting article and Mora noted that it was not necessary to vote on including any one option at that time, but to include reference to the contract with the Windham County Sherriff's Office for the sake of specificity and transparency for the Voters.

11. New Business

a. Approve letter of support for BDCC application for USDA Community Facilities and Technical Training Grant

The Board reviewed a draft letter of support for a grant being sought by the Brattleboro Development Credit Corporation to help fund community facilities in the region. O'Keefe explained that Londonderry was requested to provide the letter as the Town benefitted from the program last year when O'Keefe applied for and received almost $6,000 to offset design costs for the Town Office renovations.

Crossman added that BDCC and SeVEDS have been very helpful to the Town on many fronts, including providing a letter of support for the Town's recently successful application for a Municipal Planning Grant for a north village master plan.

Taylor Prouty ***moved to approve a letter of support for the Brattleboro Development Credit Corporation's application for Community Facilities and Technical Training funds from the U.S Department of Agriculture, and to authorize the Selectboard Chair to sign the letter on behalf of the Board****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

b. 2nd Class Liquor License – AGS Vermont, Inc., DBA Londonderry Village Market

The Board reviewed and discussed an application for a liquor license.

*Jim Fleming **moved to approve the 2nd Class Liquor License for AGS Vermont, Inc., doing business as Londonderry Village Market, related to property located at 5700 VT Route 100**, seconded by Tom Cavanagh, **passed** unanimously.*

12. Adjourn

*Tom Cavanagh **moved to adjourn the meeting**, seconded by Vincent Annunziata, **passed** unanimously.*

The meeting adjourned at 7:32 PM. The next regular meeting of the Selectboard is scheduled for March 15, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved March 15, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, March 15, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, and Planning Commissioner Chair Sharon Crossman. Others – Deerfield Valley and Southern Vermont Communications Union Districts representative Jeff Such, Town Attorney Robert Fisher (7:25 PM), and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:03 PM.

She noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

She noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

George Mora ***moved that the executive session scheduled as item 10.c., be moved to after the New Business section of the meeting****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 3/1/2021

Tom Cavanagh ***moved to approve the minutes of the Selectboard meeting of March 1, 2021****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

4. Selectboard Pay Orders

Tom Cavanagh ***moved to approve the pay orders for payroll and accounts payable****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

5. Announcements/Correspondence

Mora mentioned that the Facebook community forum is back up and running, with Rick McDonough having taken over administration.

Mora stated that she will not be seeking another term on the Selectboard, primarily due to work conflicts. She said that serving on the Board has been rewarding but that she must step away at this point, but may run again in the future. Prouty said that he appreciates her professionalism and all she has done for the Town, and he hopes that others will step up.

O'Keefe noted that he was informed that Katherine Stone has resigned from her position on the Conservation Commission, which he noted expires in May anyway. And he reminded the Board that there are still vacancies on the Energy Committee, Development Review Board and Planning Commission, which are being advertised.

He noted that the mediation on the Contos tax sale case was scheduled for the following day and that he. Mora and Cavanagh would be involved with that in addition to Town Attorney Bob Fisher and the attorney assigned by VLCT.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- Emails back and forth between Vermont State Police Barracks Commander Anthony French and him, where French indicated that the VSP will not be able to provide contracted services in the coming year, and O'Keefe let him know that the Town is hoping to contract with the Windham County Sheriff's Office subject to Town Meeting approval.
- The final Town audit for fiscal year 2020, which he noted was not added to the agenda as it was essentially the same as the draft reviewed by the Board back in October.

Kelly Pajala noted that there was a vacancy on the Parks Board that needed advertising as Nadine Van Houten has stepped down.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Mora noted that she had heard from Emergency Management Director Kevin Beattie that there were no updates at this time.

b. Deerfield Valley CUD & Southern Vermont CUD Representatives – Periodic Update

Jeff Such, the Town's representative to the Southern Vermont Communications Union District (SVCUD), and alternate representative to the Deerfield Valley Communications Union District (DVCUD), gave an update to the Board on the activities of each of the Districts. He noted that he is now the chair of the SVCUD.

He noted that with the recent passing of the federal stimulus package there may be funds for broadband infrastructure buildout, accessibility and education connectivity, but it is uncertain how it applies to the CUDs.

The DVCUD is nearing submission phase of the Request for Proposals process to attract a private sector partner to design and buildout the fiber network to all 21 towns in the CUD, including Londonderry.

He spoke to the issues with Bennington County and its future for buildout. He reported that, absent federal or State funds coming to the area for this effort, it will be difficult to provide broadband service to those in the community without existing broadband service anytime soon. Specific to Londonderry, he stated that the town is near the end of the buildout line due to geography and the fact that community is relatively well-served with broadband as defined by the FCC.

To help address this, an informal working group with fellow mountain towns has been established, he reported, to supplement the work of the CUDs and work with the CUDs on prioritization. And like Londonderry, Winhall has decided to join both CUDs, he said, and Weston is also considering this. The group will look to fill in the gaps to address broadband needs, and as the CUDs are dedicated to fiber buildout, the group is considering other new and emerging technologies,

He reported that only 13% of households have had their broadband connectivity addressed since the beginning of the COVID-19 pandemic.

There was further discussion about the working group as being advantageous to Londonderry and surrounding towns, and all involved have a goal of establishing solid "future-proof" internet. He reported that there are bills in the legislature that could be helpful to the efforts.

c. Planning Commission – Monthly update

Sharon Crossman stated that the 3rd and final One Londonderry session with the Vermont Council of Rural Development (VCRD) would be held the following evening, primarily to form community groups to address issues brought up at the previous meeting. She described future efforts of the groups to be formed. Crossman added that there are many openings in working groups and other activities for One Londonderry effort, and they are an open door for new faces and voices. Pajala asked if the working groups are being formed as part of Town Government or groups apart from government, to which Crossman responded they would be community volunteer groups. Mora noted that VCRD would be conferring with the Vermont League of Cities and Towns (VLCT) about the structure of the working groups moving forward, and Crossman noted that she had received a written note from VLCT on the question posed by Pajala, and the matter is expected to be discussed further the following evening. It's important, she noted, that there be clarity and that, while not yet decided, groups would neither be part of a Town board nor have too many Town board members in the groups. Crossman stated that she'd distribute the VLCT opinion on the matter.

She mentioned that a meeting had taken place with engineer Chris Cole with regard to efforts to restore the Town Hall with funds authorized at the previous Board meeting, and she clarified that the $10,000 of unused funds from the Preservation Trust of Vermont must be spent by August 1, 2021. She expects preliminary steps to take place in March and April, followed by construction in May through July, and into August if needed.

Work scheduled would be a combination of needs, with priorities being to protect the building and life safety issues.

Regarding the North Village master plan, funded through a Municipal Planning Grant, she reported that O'Keefe is working on the Request for Proposals and she hopes to be interviewing consultants in the next month or so.

Closeout efforts for the previous Municipal Planning Grant, for the proposed new Zoning Bylaw, is in process, she reported. And noted that the Commission is still waiting on the final draft from the consultant, which will then undergo public comment, legal review by the Town Attorney, followed by public hearings. She noted that it is still months until that will be wrapped up.

Crossman noted that the wastewater/water supply study is ongoing and expects there to be another project meeting with the consultant in the next few weeks.

She spoke of Dwight Johnson not seeking reappointment to the Commission due to some community efforts to which he is devoted, which will result in a vacancy needing to be filled. She said that there may be another vacancy coming up as well.

d. Town Treasurer – Year-to-date budget review

Tina Labeau noted that the Town budget is on-track barring unforeseen circumstances, except for salt and backhoe repairs. She mentioned that a lot of delinquent tax revenue has been received in the past few weeks.

Following up on the last meeting and the discussion about the salt budget, Mora confirmed with Labeau that what we have budget for next year will be sufficient provided the supplier submits invoices before the end of the fiscal year. Labeau noted that invoices have come in and there are no more deliveries scheduled for the year.

e. Delinquent Tax Collector – Discuss upcoming Tax Sale & appoint Town representative

The Board reviewed the list of 11 properties scheduled for tax sale on April 22, 2021, and Labeau noted that one of them had dropped off the list that day. She added that the sale would be held at the Town Office and could be held outside in the parking lot depending on attendance, and hopefully a number of sales will drop off the list before then. The need to appoint someone to bid on behalf of the Town was discussed, and Jim Fleming volunteered to handle this responsibility.

O'Keefe cautioned that the Town should not bid on any property with the potential to contain hazardous materials, as the Town does not want to inherit a cleanup responsibility. Pajala raised whether the Town can avoid ownership if no one else bids on a property, and suggested this should be clarified before the sale.

George Mora ***moved to appoint Jim Fleming as the Town's representative for the upcoming delinquent tax sale on April 22nd at 10:00 AM****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

f. Acknowledgement of extension of terms of Town officials & officers [Act 1(H.48) of 2021]

O'Keefe suggested adding this matter for the record as local officer appointments are usually made at the second meeting of March each year, and the postponed Town Meeting has altered the schedule.

Taylor Prouty ***moved to acknowledge that, due to the rescheduling of the annual Town Meeting to May 1, 2021, and as provided for under State Legislative Act 1 of 2021, all elected Town officers shall serve their terms until the Town Meeting elections, and furthermore all appointed officials shall retain their appointments until the Selectboard meets following the Town Meeting****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

Crossman inquired whether there would be a candidates night this year, and Mora mentioned it would have to be a remotely held meeting but there has been very little interest in this in the past few years. Cavanagh suggested announcing the vacancies on the Facebook community forum, and it generally agreed that candidates could then make statements on the forum their own.

Cavanagh announced that he would be running again for the Selectboard.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that the backhoe repair has been made at a cost of $4,251.71.

9. Roads and Bridges

a. Updates

Prouty said that there was nothing to report due to the break in the weather. Mora noted that the Road Crew was putting down quite a bit of gravel on West River Street to get ahead of mud season as the road has taken a beating this year. Prouty mentioned that there would be other locations in need of gravel due to mud season.

b. Annual VTrans Certification of Compliance with Town Road & Bridge Standards and network Inventory

This is an annual approval required by VTrans.

Tom Cavanagh ***moved to approve the annual VTrans certification of Town Road and Bridge Standards and Network Inventory****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

c. Discuss VTrans FY2022 Structures Grant application

O'Keefe note that this is the same project as applied for last year, and there is a better chance of its approval this year. He added that if the application is successful this project -- replacement of culvert #12 on Spring Hill Road at Eddy Brook -- would be constructed during the summer of 2022 under the FY2023 budget.

Taylor Prouty ***moved to authorize the Town Administrator to submit an application for funding under the VTrans Municipal Highway Grant program for replacement of culvert #12 on Spring Hill Road approve the annual VTrans certification of Town Road and Bridge Standards and Network Inventory****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

d. Consider application(s) for excess vehicle weight permits [23 VSA 1400a]

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received.

Taylor Prouty ***moved to approve the excess weight permits for Beacon Sales Acquisition, Fabian Earth Moving, Inc., St. Pierre, Inc., Connecticut Valley Trucking, Inc., and David Chaves Excavating, Inc., and authorize the Town Administrator to execute the permits on behalf of the Town****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

There was some question about the application and insurance for Beacon Sales, and O'Keefe will request additional information before he issues the permit for that company.

10. Old Business

a. Review proposed FY2022 Budget

Labeau presented the proposed budget, noting that there haven't been changes from the previous version. The budget shows non-tax revenues of $737,962 and expenses of $2,082,259.84, resulting in the amount to be raised by taxes of $1,344,298 before adding in appropriations and other expenses subject to Town Meeting approval, which represents a 1% tax increase. Budgeted expenses are down from the previous year, but once all appropriations and other voted expenses are added in taxes would be up by 2%.

O'Keefe raised the matter of funding the replenishment of the unassigned fund balance, which is needed for unforeseen circumstances, and suggested that it be discussed. He stated that the fund balance is recommended to be no less than the equivalent of two months of operating expenses and it is quite a bit less than that, and noted a $280,000 shortfall. He suggested addressing this over a several year period by either budgeting a surplus or by including a Town Meeting article specifically raising the funds.

Labeau noted that the budget was gone over very closely this year and made expenditure cuts that normally would not be made, and that this is not the year to address this. Mora agreed that this is not a good year but mentioned that having this deficit leaves the Town in a dicey place, and suggested adding into the budget a small amount and including a separate article to give the Voters something to consider.

Labeau stated that it was her opinion that it was not fiscally responsible to address this this year. O'Keefe suggested there is never a good year to address a financial matter such as this and mentioned that one unforeseen circumstance could blow the budget. Labeau stated that the Town could borrow money if necessary.

Prouty suggested the possibility of including a Town Meeting article for consideration that at least brings awareness to the citizens even if voted down. Cavanagh, Annunziata and Fleming all agreed that this was not the year to address this, but there was general agreement for mentioning it at the Town Meeting so that people are aware. Mora stated that at the Town Meeting when she outlines the budget and the work done to meet the goal of keeping the budget low, she will bring awareness of this issue to the Voters.

O'Keefe noted that to the extent that we underspend this fiscal year and bring additional funds, we could have some impact on the unassigned fund balance. There was discussion about available reserve funds and borrowing capabilities, and the possibility of federal relief funding becoming available. O'Keefe noted that the Town can only borrow without Voter approval for highway expenses or for notes of less than a year.

It was agreed to keep the budget as presented.

Tom Cavanagh ***moved to approve the proposed FY 2022 budget subject to Town Meeting approval****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

b. Discuss annual Town Meeting & 2021 Town Meeting Warning [17 VSA 2641 & 2642]

Mora spoke to the Board's previous decision to postpone the Town Meeting to May 1st in the hope of preserving the traditional in-person meeting and floor vote, and noted that the alternative is an Australian ballot vote preceded by an informational meeting. She noted that the original conditions and justifications that lead to the rescheduling still stood, and she supported going forward with the floor voting to do Democracy together. All other Board members agreed with this sentiment.

Pajala noted that that day was the deadline for petitions and that none were received.

George Mora ***moved to proceed with the plan to hold a floor meeting for the 2021 Town Meeting on May 1st at Pingree Park****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

Whether there would be rain date was discussed, and Pajala mentioned looking in to possibly getting an event tent for the Town Meeting, and Cavanagh mentioned some tents owned locally that could potentially be used. Pajala noted that the Town can be creative in its solutions for this.

The Board reviewed the latest draft of the Town Meeting warning, which included an article seeking approval of $45,000 for a police services contract with the Windham County Sheriff's Office, and removes the article that sought to raise finds to install radar speed signs. Labeau confirmed that the appropriations add up to the proper amounts.

Annunziata raised the idea of voting for Town Officers to later in the meeting. Pajala clarified that until newly elected officers are sworn in they haven't started their term, so incumbents can remain to discuss Town Meeting matters.

George Mora ***moved to approve the Warning as presented for the 2021 Town Meeting****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

Cavanagh brought up issuing the Town Report early and Labeau said she'd try to make this happen. Logistics of signing the Warning was discussed.

c. Executive Session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

This matter was addressed later in the meeting.

11. New Business

a. Allow for Town employee use of Town Meeting Day holiday as a floating holiday

Mora mentioned that this was discussed at the previous meeting, that the Road Crew could take a floating holiday. O'Keefe suggested that others who worked that day be included, and Pajala and Labeau stated that they didn't feel it applied to them.

Taylor Prouty ***moved, due to the rescheduling of the annual Town Meeting this year, to waive the provision of the Town's Personnel Policy establishing Town Meeting Day as a paid holiday for the Road Crew and Town Administrator and instead provide these employees with a floating holiday to be used before June 30, 2021****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

b. Planning Commission Board annual appointments

The Board briefly discussed Planning Commission appointments, and reviewed an application submitted by Sharon Crossman. It was again noted that Commissioner Dwight Johnson would not be seeking reappointment.

Vincent Annunziata ***moved to reappoint Sharon Crossman to the Planning Commission for a three-year term ending 3/31/2024****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

c. 2nd Class Liquor License – O'Connor's Corner Store, LLC, DBA The Corner

The Board reviewed and discussed this application for a liquor license.

Vincent Annunziata ***moved to approve a 2nd Class Liquor License for O'Connor's Corner Store, LLC, doing business as The Corner, related to property located at 1 Main Street****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

d. 2nd Class Liquor License – Michael & Tammy Clough, DBA Mike and Tammy's Main Street Deli/Market

The Board reviewed and discussed this application for a liquor license.

Jim Fleming ***moved to approve a 2nd Class Liquor License for Mike and Tammy Clough, doing business as Mike & Tammy's Main Street Deli/Market, related to property located at 2170 VT Route 11****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

d. Executive Session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

Taylor Prouty ***moved to find, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning pending litigation in the matters involving Vermont Woodchips Real Estate Holdings LLC and Vermont Woodchips, Inc. will clearly place the Town of Londonderry at a substantial disadvantage****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

Taylor Prouty ***moved to enter executive session to engage in attorney-client communications and discuss pending litigation in the matters involving Vermont Woodchips Real Estate Holdings LLC and Vermont Woodchips, Inc., to which the Board is a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E) and Section 313(a)(1)(F), and invite Town Attorney Bob Fisher and Town Administrator Shane O'Keefe to attend****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

The Board entered in executive session at 7:35 PM. The Board came out of executive session at 7:46 PM. No decisions or announcements were made.

12. Adjourn

Tom Cavanagh ***moved to adjourn the meeting****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

The meeting adjourned at 7:47 PM. The next regular meeting of the Selectboard is scheduled for April 5, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved April 5, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, April 5, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, and Planning Commissioner Chair Sharon Crossman. Others – None.

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:02 PM.

She noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

She noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

3. Minutes Approval – Meeting(s) of 3/15/2021

*Tom Cavanagh **moved to approve the minutes of the Selectboard meeting of March 15, 2021**, seconded by Vincent Annunziata, **passed** unanimously.*

4. Selectboard Pay Orders

There was concern raised about an invoice submitted for payment website development for the Project Londonderry effort, and whether it was an appropriate municipal expense. Sharon Crossman spoke to the transition of Project Londonderry, which was established by the Planning Commission, to the One Londonderry effort that has evolved from the recent community visit process from the Vermont Council on Rural Development. She spoke to the Project Londonderry need to get the word out to the public on its activities while under the wing of the Planning Commission, which was the reason for the website effort.

There was discussion as to whether to hold off on payment of this expense pending further information. Mora noted that the work has been done and the Town should pay the contractor, but whether the Town should pay for this sort of expense in the future was of concern. O'Keefe read from the Town's Procurement Policy on purchases of less than $1,000.

There was further discussion on the recent formal establishment of the One Londonderry group, and there was general agreement amongst the Board members that there would not be any further expenses on these groups. Crossman confirmed that there is no intention of financially supporting the newly named initiative with Town funds.

Taylor Prouty ***moved to approve the pay orders for payroll and accounts payable****, seconded by Jim Fleming,* ***passed*** *unanimously.*

5. Announcements/Correspondence

Kevin Beattie noted that there is a high fire danger status with red flag warnings, with additional dry conditions predicted, and as a result the Fire Warden is not issuing burn permits at this time and requested that the public refrain from lighting any fires.

Kelly Pajala noted that liquor licenses should be filed in time for the next Selectboard meeting.

She also mentioned that Town Meeting is on for May 1st at 9:30 AM at Pingree Park and arrangements are in process as she is working on details. She noted that recommended masking and distancing guidelines will be observed and that attendees are asked not to mingle as is usually the case at the Town Hall. People are invited to bring chairs, but they will be provided. She will continue to put out announcements to the public on the procedures, she added.

Tina Labeau noted that Town Reports should be received in the mailed shortly.

O'Keefe noted that this meeting makes it a year that the Board has been meeting remotely due the COVID-19 pandemic. And he reminded the Board that there are still vacancies on the Energy Committee, Conservation Commission, Parks Board, Development Review Board and Planning Commission, which are being advertised. He also mentioned that the tax sale is scheduled for Thursday, April 22 at 10:00 AM, and Labeau said that she thought there were only 6 properties on the list at this time.

O'Keefe mentioned that the Town received a written request from a Vermont photographer seeking to conduct aerial photography of all 251 Vermont towns, which asks if there is some local insight as to the best time to visit the community, and best spots to see. Annunziata volunteered to follow up with the person, and O'Keefe agreed to forward the email to him.

Pajala reiterated that there is an opening on the Parks Board and invited those interested to attend the meeting the following evening. She also gave updates on parks activities and mentioned that the goal is to open Memorial Park this summer, but that this is subject to change due to the pandemic. And they are also hoping to host Music Mondays at Pingree Park again, she added, from 6:00 to 8:00 PM on July 5 & 19, and August 2, 16, & 30, and September 6, with musical guests to be determined, and subject to applicable health guidelines.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- A copy of the March 9, 2021 email from the Vermont League of Cities and Town's staff attorney regarding the One Londonderry question about whether its committees are subject to the Vermont Open Meeting Law.
- A postcard from the Vermont Rural Fire protection Task Force on the availability of Rural Fire Protection grants, which I have forwarded to the Champion and Phoenix and Fire Departments.

- An invitation to the annual Southern Vermont Economy Summit, which is scheduled for May 12 through 14th, and will be held virtually.

6. Visitors and Concerned Citizens

Rich Phelan inquired as to whether agenda items 9.b. & 9.c. were related, and Mora stated that they were not.

Regarding the site of the former Thompsonburg Schoolhouse, Beattie brought up the recent installation of a traffic control sign by VTrans in the midpoint of the property within the right-of-way, and asked whether it could be moved off the lawn toward VT Route 11. O'Keefe noted that the sign was likely placed there as part of the recent road safety grant and would need some level of State approval to be moved, and volunteered to contact the project manager to see this through.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Emergency Management Director Kevin Beattie stated that he had report but was open to questions.

b. Town Administrator – Periodic update

Mora noted that when the Board discussed the division of labor of O'Keefe's position in December there was some concern that he was not going to have enough work on his plate to fill a full-time position, and he was asked to submit reports, such as his time accounting and "to do" lists for the Board to review. She mentioned that these have been received and demonstrate that he is absolutely "earning his keep". She opened the discussion up for questions from the Board members, and there were none.

O'Keefe gave a rundown of a number of matters he has been working on including several ongoing long- and short-term projects, a large number of requests for proposals of late for various departments, two complicated legal matters on which he is coordinating with the Town Attorney.

He noted that he has primarily working remotely due to the pandemic but noted that he would be fully vaccinated in time for Town Meeting, and hoped to go back to work in the office at least three full days per week around then.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that Hunter Excavating has decided not to move forward with any of the items in their recent proposal to the Town.

Jim Fleming noted that the Thrifty Attic in now opened, and he inquired about reopening the take-it-of-leave-it shed at the Transfer Station. Mora and Cavanaugh mentioned that we have not been able to get a community volunteer to oversee the operation, and existing employees are unable to volunteer.

It was noted that there is likely to be a spike in donations once it opens. It was the generally agreed that now is not the time to reopen the shed.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of March 2021:

Salt – 30 tons   Sand – 228 yards   Vehicle Fuel – 999.3 gallons
Heating fuel (gallons):   Town Office Generator - 0, Transfer Station - 0

He mentioned that the Road Crew is down a man for the moment but that is temporary, and the Crew has been working hard. He mentioned that they start grading the following day, and there are potholes to fix and parks to maintain.

Phelan remarked that the Highway Department did a great job this past winter, and others agreed with this sentiment.

Fleming raised a resident wishing to have a “hidden drive” sign on VT Route 100 in the vicinity of the Montessori School. Dryden noted that this is a State highway, and the resident should therefore contact VTrans on this.

b. Access Permit 2021-01 – Melendy Hill Road, Parcel #105020.400 (Emberger)

The Board reviewed and discussed the proposal, which is related to new home construction, and Taylor stated that he had looked it over with Dryden and it was “good to go”.

Taylor Prouty ***moved to approve access permit application No. 2021-01, submitted by Raymond Smith for Oliver & Deborah Emberger for parcel #105020.400, located on Melendy Hill Road, and authorize the Selectboard Chair to sign the permit on behalf of the Board****, seconded by Jim Fleming,* ***passed*** *unanimously.*

c. Consider application(s) for excess vehicle weight permits   [23 VSA 1400a]

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received.

Tom Cavanagh ***moved to approve the excess weight permits for Bazin Brothers Trucking, Inc., Camp Precast Concrete Products, Inc., Frost Wells & Pumps, Inc., Fuller Sand & Gravel, Inc., Gurney Brothers Construction, Inc., Suburban Propane, LP, and G.W. Tatro Construction, Inc., and authorize the Town Administrator to execute the permits on behalf of the Town****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

10. Old Business

a. Discuss Town facilities repair and maintenance

O’Keefe presented to the Board a list of Town facilities with prioritized maintenance and repair work for each, which he had prepared with the input from Labeau, Dryden and Cavanagh, and noted that the next step is to assign approximate costs for the work. He described some of the projects and raised the need for annual maintenance contracts for some systems such as the garage doors and air-handling units at the Town Garage. Dryden suggested adding electricity to the cold storage barn adjacent to the Town Office.

The Board members were asked for comments and suggestions.

Pajala mentioned that the American Rescue Plan will see each Vermont town receiving significant funds for municipal infrastructure, and while the specific spending guidelines have not been determined, the Board should begin to work on infrastructure project prioritization.

O'Keefe stated that he'd like to bring on engineer Chris Cole at $95 per hour to help develop scopes of work for some of the projects and to develop cost estimates.

Mora suggested that Board review the list further and look to prioritize a few projects at the next meeting.

b. Platt Elevation Project – Discuss project status & Consider proposals for construction engineering/oversight

O'Keefe noted that the Board had voted on March 1, 2021 to accept a letter from Thomas and Judith Platt regarding performance of the building elevation project at 2152 North Main Street subject to their execution of the Town's construction contract by no later than 4/1/2021. He mentioned that FEMA and Vermont Emergency Management have yet to authorize the extension of the project period of performance end date, and also the project oversight engineer must be hired.

O'Keefe recommended that the Board waive off the April 1st deadline until such time as the period of performance date is amended.

Regarding project engineering, he noted that he had gone out to bid back in November 2020 for the engineering services and received two proposals, both of which are still valid, and noted that the original engineer was not interested in the project. He recommended authorizing the hiring of the low bidder, Mance Engineering Partners, PC, which would be brought on assuming timely action by FEMA and the State.

Mora noted that there is a significant concrete shortage at the time, which could affect the project.

George Mora ***moved to waive the April 1st deadline for the Platts to sign a contract on the elevation project****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

Taylor Prouty ***moved to 1) accept the proposal from Mance Engineering Partners, PC for the provision of construction engineering and oversight services for the Platt Elevation project located at 2152 North Main Street, which is funded through the Vermont Department of Public Safety's Hazard Mitigation Program, the maximum cost of such services shall be $5,641.25, and 2) authorize the Town Administrator to sign any documents necessary for the hiring of the firm to conduct the necessary work, including a service contract after review by the Town Attorney****, seconded by Jim Fleming,* ***passed*** *unanimously.*

c. Town Hall Renovations – Authorize approval of construction engineer services contract

O'Keefe noted that the Board had voted on March 1, 2021 to authorize the hiring of the Cole company for professional construction engineering services for renovations to the Town Hall, but did not authorize execution of the contract. He noted that the Town Attorney has reviewed the contract as to form, but that final negotiations on scope of work and payment schedule were just concluded, and the contract calls for a lump sum of $8,500 paid after specified milestones, with any additional work beyond the scope to be paid at his hourly rate of $95.

Taylor Prouty ***moved to supplement the Board's decision of March 1, 2021 to approve the hiring of the Cole Company for professional construction engineering services for renovations to the Town Hall by authorizing the Town Administrator to execute the required service contract after review by the Town Attorney****, seconded by Jim Fleming,* **passed** *unanimously.*

11. New Business

a. 1st & 3rd Class Liquor Licenses – Manzana, Inc., DBA Manzana, Inc. (SoLo Farm & Table)

b. 1st & 3rd Class Liquor Licenses – Jake's Marketplace Café, Inc., DBA Jake's Marketplace Café

c. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Ski Magic, LLC, DBA Magic Mountain Ski Area

d. 2nd Class Liquor License – Jelley Enterprises, Inc., DBA Jelley's Auto Care Center

e. 2nd Class Liquor License – Derry Downtown LTD, DBA The Garden Market

The Board reviewed and discussed these applications for liquor licenses, and Pajala recommended handling them all under a single motion. O'Keefe stated that they are set up as separate motions for each licensee in case there are issues with one of them.

George Mora ***moved to approve A) 1st and 3rd Class Liquor Licenses for Manzana Inc., Inc., doing business as Manzana, Inc, also known as SoLo Farm & Table; B) 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Jake's Marketplace Café, Inc., doing business as Jake's Marketplace Café; C) 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Ski Magic, LLC, doing business as Magic Mountain Ski Area; D) a 2nd Class Liquor License for Jelley Enterprises, Inc., doing business as Jelley's Auto Care Center; and, E) a 2nd Class Liquor License for Derry Downtown, Limited, doing business as the Garden Market****, seconded by Jim Fleming,* **passed** *unanimously.*

Labeau asked the Board members to come by the Town Office to sign the permits. And Pajala noted that those licensees who have not submitted applications yet have been reminded of need to for the next Board meeting.

12. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Tom Cavanagh,* **passed** *unanimously.*

The meeting adjourned at 7:10 PM. The next regular meeting of the Selectboard is scheduled for April 19, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved April 19, 2021.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, April 19, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Town Moderator Douglas Friant, Town Health Officer Richard Phelan, Zoning Administrator William Goodwin, and Planning Commission Chair Sharon Crossman. Others – Residents Esther Fishman, Elsie Smith, Stephen and Heather Swinburne, and Town Attorneys Robert Fisher and James Carroll.

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:02 PM.

She noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

She noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

*Taylor Prouty **moved that the executive session scheduled as item 10.c., be moved to after the New Business section of the meeting**, seconded by Vincent Annunziata, **passed** unanimously.*

3. Minutes Approval – Meeting(s) of 4/5/2021

*Tom Cavanagh **moved to approve the minutes of the Selectboard meeting of April 5, 2021**, seconded by Vincent Annunziata, **passed** unanimously.*

4. Selectboard Pay Orders

*Jim Fleming **moved to approve the pay orders for payroll and accounts payable**, seconded by Tom Cavanagh, **passed** unanimously.*

5. Announcements/Correspondence

Kevin Beattie spoke to the process of developing the Local Hazard Mitigation Plan, for which the Windham Regional Commission was hired with FEMA funding. WRC's Alyssa Sabetto is the project manager, and she proposes holding two public meetings in May to include Town officials such as the Selectboard, Planning Commission, Health Officer, Road Foreman, Road Commissioner, and Town Administrator. It was agreed that the meetings would potentially be on the 2nd and 4th Wednesdays in May and would last an hour or two; Beattie will send out an invitation.

Esther Fishman and Elsie Smith, chairs of the steering committee of the new One Londonderry effort, updated the Board on One Londonderry, which developed as a result of the Vermont Council on Rural Development community visit process. Fishman mentioned that Project Londonderry is no longer in existence and some of its committees were absorbed into the One Londonderry effort, which contains the following 5 focused committees:

- Economic vitality
- Recreation
- Housing
- Community center
- Village main streets

The first One Londonderry meeting was last month, Fishman reported, and the committees have been asked to come back to the next meeting with a mission statement and goals. She added that a website is being developed, and Smith mentioned that the not-for-profit Community Fund for Londonderry has been established as a fiscal agent to support One Londonderry projects and other community projects, and that it is looking for additional board members. Smith described the roles of the Beautification Committee and the Friends of Main Street with regard to flower plantings in the community.

Smith noted that she and Fishman as One Londonderry chairs would report back to the Selectboard on occasion, and added that Selectboard members should feel free to reach out to them.

Shane O’Keefe reminded the Board that there are still vacancies on the Energy Committee, Conservation Commission, Parks Board, Development Review Board and Planning Commission.

He also mentioned that the Septage fields will be mowed again this year by Duane Hart in exchange for the hay.

On the VT Route 11 Paving project, O’Keefe stated that he had been in contact with VTrans, and the contractor is expected to get going around the first week of May, and we can expect weekly updates soon.

He mentioned that the Cemetery Commission has announced that cemeteries will open on May 1st, and clean-up by caretakers has already begun, and people are asked to please remove all decorations that have been added to the cemeteries over the winter or they will be removed of on May 1st. Plantings in the cemetery are not allowed the announcement continued.

The tax sale is scheduled for Thursday, April 22 at 10:00 AM, and Tina Labeau mentioned that we are down to only 4 properties for sale.

O’Keefe noted correspondence included in the Board’s meeting packet was as follows:

- A notice of award, dated April 9, 2021, from the Vermont Department of Environmental Conservation to the Londonderry Solid Waste Group on its application for funding for food scrap collection equipment in the amount of $7,800.

- A copy of the April 9, 2021 letter from VLCT-PACIF acknowledging receipt of the Town’s insurance claim regarding a Cross Road property owner’s allegation of well contamination due to road salt, which had been previously mentioned on 2/15/2021.

- Following up on the previous meeting discussion, an email dated April 15, 2021 from VTrans conditionally approving the relocation of the advance warning curve sign near the former schoolhouse property on Thompsonburg Road.

Labeau mentioned that Town Reports should have been received by citizens in the mail already and that there are extras at the Town Office if needed.

Kelly Pajala announced to anyone looking to come to the May 1st Town Meeting that protective masks will be required, and households are asked to stay together. The meeting will follow State health and safety guidelines.

6. Visitors and Concerned Citizens

Steve Swinburne spoke to the Board about continued vehicular speeding on Main Street, and thanked the Board for posting speed limits signs, but said they were ineffective and suggested the installation of "speed table" in the roadway. He stated that there are 8-10 children living along the road at this time. He described characteristics of speed tables and noted the success of Barre, Vermont has had with them for slowing vehicles in a residential area. He implored the Board to pay attention to the speeding issue on the road.

Mora stated that the Board is taking traffic enforcement concerns at this location and others very seriously and there is a Town Meeting warning article seeking to fund a contract with the Windham County Sheriff's Office for 20 hours of police service per week, primarily to address issues with traffic enforcement. She suggested waiting to see how the vote goes, as the Town would have frequent police coverage beginning in July if the vote passes, and that the Board can ask the WCSD to focus on certain areas. Mr. Swinburne stated that he is willing to wait and see how the vote goes but expressed that many people on the road are very concerned. Mora suggested that the writing of speeding tickets in other communities has proved to be very effective deterrent to speeding, and expressed a concern that installing a speed table at this location might prompt requests throughput the town for them.

Beattie agreed that once active traffic enforcement takes hold in a community people begin to adhere to the speed limits. O'Keefe noted that installation of speed tables and the like require warning sign that increase the cost and sigh clutter. Mr. Swinburne stated that installation of a speed table and accessory signage would cost $1,500 per location.

The recent history of policing contracts with the Vermont State Police for the Town was briefly discussed. The Swinburnes were encouraged to attend the Town Meeting to discuss the policing contract, and they left the meeting at 6:27 PM.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Emergency Management Director Kevin Beattie stated that he had no report at time, and suggested discontinuing the COVID-19 updates as response is not so much of an emergency management function at this point.

b. Emergency Management Director – Discussion & update on Local Emergency Management Plan

Beattie presented the annual Local Emergency Management Plan, which includes changes from the previous year's version. He noted that it is due by May 1st even though changes to Town Officials will take place on that date and a revised version will have to submitted soon thereafter.

Taylor Prouty ***moved to adopt the 2021 update of the Town of Londonderry Local Emergency Management Plan, and authorize the Selectboard Chair to execute any documents necessary for this action****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

c. Planning Commission – Monthly update

Sharon Crossman updated the Board on activities of the Planning Commission.

On the Town Hall restoration project, she mentioned it is getting off the ground with engineer Chris Cole soon under contract. The Invitation to Bid for the restoration work is schedule to out later in the week and bids are scheduled for consideration by the Board on May 24th. She stated that the building really needs the intended work, and is a project the entire community can get behind. The emphasis will be on creating an inviting front façade in the short term and create an attractive community meeting space long-term. Coordination of use of the building over the summer during construction will have to done carefully, she added.

The Request for Proposals for the Main Street Study and Master Plan consultant procurement went out the previous week she noted, and she described some of the scope of work being sought for the project.

Crossman noted that the wastewater/water supply study has been somewhat discouraging of late as there are challenges and issues, that limit availability of suitable sites for small community systems, though there are better opportunities in the south village that are being explored.

At Mora's request, Crossman spoke about the transition of elements of Project Londonderry into the new One Londonderry organization, and mentioned that the affordable housing and community center committees are new while the others mentioned earlier by Fishman were had been part of Project Londonderry. She spoke briefly about project funding opportunities.

Pajala inquired about the efforts of the One Londonderry recreation committee to explore pedestrian trails and how it would coordinate with the VTrans Bicycle and Pedestrian grant to be discussed later in the meeting. O'Keefe clarified that the pedestrian study he would be proposing for the grant was being pursued at the suggestion of VTrans as it is a recommendation from the Road Safety Audit it had conducted in late 2020. Coordination on the Main Street Study and Master Plan and a pedestrian study was discussed, and O'Keefe mentioned that the pedestrian study could provide added detail work to the master planning effort.

d. Zoning Administrator - Periodic update

Mora mentioned that the Board wanted to hear an overview of activities of the Zoning Administrator's office. Will Goodwin stated that he has been very busy with a sort of land rush going on; properties are being gobbled up that have been on the market for a long time. He expects and hopes that things will calm done soon.

He mentioned lack of access to the vault and office noise as occasional limitation, and mentioned the need for a large computer monitor for better productivity. Goodwin spoke of Town computers being a bit quirky, but noted that his working for numerous towns can create software issues. He thanked Labeau for her assistance with technology matters.

Crossman raised the matter about permit issuance during the period after the Selectboard first gives notice of a public hearing for the proposed new Zoning Bylaw, and referenced 24 VSA 4449 which states that for 150 days applications are to reviewed under both the existing and proposed Bylaws, and apply the more restrictive. Goodwin inquired about the schedule on the Zoning Bylaw adoption, and Crossman noted that the consultant has been busy with tother projects and there was no update on schedule at this time.

e. Town Treasurer – Year-to-date budget review

Labeau stated that the budget is doing OK so far this year and we may even have a surplus. Taxes and delinquent taxes are coming in nicely, and she's available for questions anytime.

f. Discuss upcoming annual Town Meeting – Saturday, May 1st at 9:30 AM at Pingree Park

Pajala noted that the Board of Civil Authority would be meeting as required before the Town Meeting, and if any Selectboard matters need to addressed last minute that that might be an opportunity. The meeting will be on April 26th.

The various warning articles were discussed. Whether and how the Board members or others would do a presentation on the various articles was raised by Mora. Friant stated that it is the Voters' meeting, and these presentations would have to be done by unanimous consent.

She suggested presentations or remarks would have to be done for the following articles:

- Article 9 – Funding for a policing contract (George)
- Article 10 – Engineering study for the Williams Dam (Kevin/Shane)
- Article 14 – Establish an economic development reserve fund (Shane/Tina)
- Article 15 – Establish a highway improvement reserve fund (Shane/Tina)

Friant stated that he will be do some research on this, but suggested just having someone ready to speak informally on each article.

Pajala stated that she'd like to discuss the American Rescue Plan as well as other Legislative matters, and it was agreed that this would happen after Article 8 and before the Town Government items. Explanation of the American Rescue Plan can augment discussions on the proposed new capital reserve plans, she mentioned.

Mora recommended that Regina Downer be contacted to speak to Article 8, which proposes to raise funds for the My Community Nurse Program.

On Article 10, Fishman discussed a recent Conservation Commission presentation on dam removal. Beattie noted that the proposed engineering study is required by statute, and the decision to keep or remove the dam is not up for discussion at this time and to steer away from this subject. It was agreed that O'Keefe would forward to Beattie and Friant information on the necessity for the dam engineering study.

Friant asked Pajala about pandemic safety protocols, and Pajala stated that the meeting will abide by the State mask mandate and suggested that she could prepare a script for him to read to the Voters on meeting safety. There will be new universal guidelines and sector-specific guidelines to which the meeting will adhere, she added. She described some of the specific safety requirements such as mask-wearing and households sitting together, and noted that for paper ballots staff and volunteers will go around to collect ballots from Voters.

Labeau stated that that chairs will be available, but Voters are requested to bring their own, and the availability of tents was discussed, which are scheduled to be erected on Thursday before the meeting stated Pajala. The Board discussed closing the Pingree Park gate prior to the meeting to help protect equipment and furniture. It was agreed that an announcement should be made that cleanup should be left to staff and volunteers.

Friant inquired about the additional public work personnel discussed this past year. and it was noted by Labeau that this proposal is no longer in play and not in the proposed budget.

Seating and separation of the staff and Board members was briefly discussed.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh had no updates. Fishman spoke about the food collection infrastructure grant that the Londonderry Solid Waste group received, where the State covers 40% of equipment costs, and mentioned that the option of employing on-site composting is being explored. This could dramatically reduce the amount of equipment expenditures and thus downsize the Town's grant share from $11,700 to as low as $3,000, she mentioned. She will report back on the progress of this effort

9. Roads and Bridges

a. Updates

Prouty mentioned that he had no updates other than to note that the Road Crew had to plow one last time (hopefully).

b. Consider annual purchase of calcium chloride/magnesium

The Board reviewed the cost proposal for calcium chloride and magnesium chloride ice control from Innovative Surface Solutions.

Prouty mentioned that Josh Dryden had mentioned that the Highway Department used about 13,000 gallons of the product this past summer, and that using the proper amount made a very big and positive difference. O'Keefe noted that he believed that Dryden wished to switch from using calcium chloride to magnesium chloride, which would result in additional cost savings.

Taylor Prouty ***moved, in keeping the 3-year equipment rental agreement with Innovative Surface Solutions authorized by the Board on May 4, 2020, and its minimum annual supply purchase of 12,500 gallons of product, to accept the proposed unit cost of $1.00 and $1.04 per gallon for magnesium chloride and calcium chloride, respectively, and authorize the Town Administrator to execute any documents necessary for this purchase on behalf of the Town****, seconded by Jim Fleming,* ***passed*** *unanimously.*

c. Consider application(s) for excess vehicle weight permits [23 VSA 1400a]

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received.

Taylor Prouty ***moved to approve the excess weight permits for A.S. Clark & Sons, Crandall Logging, LLC, and Washburn Vault Company, Inc., and authorize the Town Administrator to execute the permits on behalf of the Town****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

10. Old Business

a. Prioritization of Town facilities repair and maintenance

The Board reviewed and discussed the list of needed work on Town facilities and come up with the following list of projects to pursue further:

- Town Garage - Electric water infiltration into electrical panel
- Town Garage - Garage door maintenance agreement

- Cold Storage Building - Replacement of the two garage doors
- Town Office - Roof above & sill below Treasurer & Clerk's Office entrance
- Town Office - Meeting room sound insulation
- Town office - Exterior scraping & painting
- Transfer Station - Bollards and chains at the C&D area

O'Keefe noted a proposal received for the garage doors came in at just under $10,000, so he is seeking an additional estimate. He mentioned he was in contact with engineer Chris Cole on assisting with developing work scopes.

Crossman mentioned some of the work planned for the Town Hall project could be handled along with some of the Town Office work in order to save costs.

O'Keefe was asked to do more legwork on these projects, rank those discussed during the meeting, and come back to the Board with a presentation at the next regular meeting

b. Platt Elevation Project – Extension of Memorandum of Understanding

O'Keefe noted that the previously-approved Memorandum of Understanding for the Platt elevation project, last amended on March 2, 2020, expired on December 31, 2020, and the Town Attorney proposed language extending the MOU, which the property owners had already signed. He recommended that the Board likewise approve it. He added the zoning permit for the project was scheduled for time extension by the Development Review Board later in the week.

Taylor Prouty ***moved to extend the effective end date of the March 2, 2020 Amended Memorandum of Understanding between the Town and Thomas and Judith Platt related to the Platt's property at 2152 North Main Street, from December 31, 2020 to September 30, 2021, and to authorize the Selectboard Chair to execute an acknowledgement on the document on behalf of the Town****, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

c. Executive Session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

This matter was addressed later in the meeting.

11. New Business

a. Use of Town Office Meeting Room

Mora noted there was recently a question about whether the Beautification Committee could use the Town Office meeting room and whether Selectboard approval for such use was needed, and this needs to be clarified as the Selectboard owns the building and has authority over its use. She stated that she'd like there to be some leeway for the Town Clerk's office to allow for use of the meeting room by Town boards and committees without Board approval. Pajala mentioned that for the time being, to limit the number of building users, that there should be no meeting room usage by boards and committees during office hours, but after-hours should be fine.

Mora noted that the Board voted to close the building to the public this past year, but that Town boards and committees are not generally considered to be the public, but it was noted the building is limited to 8 people at this time per State guidelines.

The Board's Facility Use Policy was reviewed and it specifies that commercial uses of the building require prior Selectboard approval. Birthday and anniversary parties take place at the Town Office on occasion, Pajala noted.

Crossman inquired as to when boards and committees would be able to have in-person meetings at the Town Office. Mora suggested waiting for a new Board to come to office for that decision, and Pajala added that new State guidelines become effective on May 1st.

b. Volunteer cleanup of Buyout property (434 Main Street – Baccash site)

O'Keefe mentioned that two neighbors wished to continue their work maintaining this Town-owned property, and he suggested that this be conditioned on their executing volunteer waiver forms for liability purposes.

*Taylor Prouty **moved to authorize Stephen Swinburne and Gary Longley to maintain on a voluntary basis, the lawn and plantings at the neighboring Town-owned buyout property located at 434 Main Street, provided they have each a signed volunteer waive**, seconded by Tom Cavanagh, **passed** unanimously.*

c. Green Up Day Coordination – May 1st

Information from the Champion Fire Company's wish to continue coordinating Green Up Day was considered which also inquired about having a vehicle from the Highway Department available to help out, which is typically is what happens. It was noted that the Transfer Station would be closed that day due to Town Meeting, and it was agreed that trucks would be available at both the firehouse and at The Mill on North Main Street.

Crossman inquired about added safety measures for cleanup volunteers due to COVID-19. Pajala noted that the webpage of the Green Up Day organization has that covered in its public information.

*Tom Cavanagh **moved to appoint the Champion Fire Company as the Town's 2021 Green Up Day Coordinators**, seconded by Taylor Prouty, **passed** unanimously.*

d. Discuss 2021 VTrans Bicycle & Pedestrian Grant program

O'Keefe mentioned that this grant program has just become available and that he was contacted by VTrans with the suggestion that the Town follow up on the recommendation of the recent VTrans Road Safety Audit to pursue a pedestrian study for the north village. He said it would dovetail nicely with the soon-to-commence north village master planning effort, to which Crossman agreed.

*Taylor Prouty **moved to authorize the Town Administrator to submit an application for funding under the VTrans Bicycle and Pedestrian Grant program for a pedestrian study for the north village**, seconded by Tom Cavanagh, **passed** unanimously.*

e. Annual appointments – Representatives of the Deerfield Valley & Southern Vermont Communications Union Districts [23 VSA 1400a]

Mora remarked that the CUDs were making good progress and there is more to come, and that the telecommunications companies are responding to them and the State, and suggested reappointing the existing representatives.

*Tom Cavanagh **moved to appoint Ellen Seidman as the Town's Representative to the Deerfield Valley Communications Union District Governing Board, and both Jeffrey Such and John***

Hankin as Alternate Representatives, for one-year terms*, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

Tom Cavanagh ***moved to appoint Jeff Such as the Town's Representative to the Southern Vermont Communications Union District Governing Board, and both Ellen Seidman and John Hankin as Alternate Representatives, for one-year terms****, seconded by Jim Fleming,* ***passed*** *unanimously.*

f. Annual appointments – Parks Board

The Board reviewed applications for reappointment for the Parks Board from Elizabeth Labeau and Marge Fish.

Tom Cavanagh ***moved to reappoint Elizabeth Labeau and Marge Fish to the Parks Board, each for a three-year term ending April 30, 2024****, seconded by Vincent Annunziata,* **passed** *unanimously.*

g. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Upper Tamarack, Inc., DBA Upper Pass Lodge

h. 1st & 3rd Class Liquor License – Turner Enterprises, LLC, DBA The New American Grill

i. 2nd Class Liquor License – Mountain Energy of Vermont, Inc., DBA Mountain Energy

The Board reviewed and discussed these applications for liquor licenses.

Jim Fleming ***moved to approve A) 1st and 3rd Class Liquor Licenses for Upper Tamarack, Inc., doing business as Upper Pass Lodge, related to property located at 420 Magic Mountain Access Road; B) 1st and 3rd Class Liquor Licenses for Turner Enterprises, LLC, doing business as The New American Grill, related to property located at 5700 VT Route 100; and, C) a 2nd Class Liquor License for Mountain Energy of Vermont, Inc., doing business as Mountain Energy, related to property located at 3590 VT Route 100****, seconded by Tom Cavanagh,* **passed** *unanimously.*

j. Schedule for May Selectboard meetings

O'Keefe noted that the first regular Selectboard meeting in May would normally be Monday, May 3rd but as this is only two days after the rescheduled Town Meeting and there are five Mondays in May this year, he suggested pushing the meetings out a week.

Taylor Prouty ***moved to reschedule regular Selectboard meetings this May to be held on May 10 & 24****, seconded by Tom Cavanagh,* **passed** *unanimously.*

k. Executive Session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

Taylor Prouty ***moved to find, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning pending litigation in the matter of Contos v. Londonderry will clearly place the Town or Londonderry at a substantial disadvantage****, seconded by Jim Fleming,* **passed** *unanimously.*

Taylor Prouty ***moved to enter executive session to engage in attorney-client communications and discuss pending litigation in the matter of Contos v. Londonderry, to which the Board is a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E) and Section 313(a)(1)(F), and invite***

Town attorneys Jim Carroll and Bob Fisher, Town Administrator Shane O'Keefe and Treasurer and Delinquent Tax Collector Tina Labeau to attend*, seconded by Tom Cavanagh,* ***passed*** *unanimously.*

The Board entered in executive session at 8:11 PM. The Board came out of executive session at 8:30 PM. No decisions or announcements were made.

12. Adjourn

Tom Cavanagh ***moved to adjourn the meeting****, seconded by Vincent Annunziata,* ***passed*** *unanimously.*

The meeting adjourned at 8:31 PM. The next regular meeting of the Selectboard is scheduled for May 10, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved May 10, 2021.

LONDONDERRY SELECTBOARD

____
Tom Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 10, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, Melissa Brown, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Town Health Officer Richard Phelan, Solid Waste Manager Esther Fishman, and Planning Commission Chair Sharon Crossman. Others – None.

1. Call meeting to order

Selectboard Vice Chair Tom Cavanagh called the meeting to order at 6:03 PM.

He noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

He noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

3. Organization

a. Elect a Selectboard Chair and Vice-Chair [24 VSA 871(a)]

*Vincent Annunziata **moved to elect Thomas Cavanagh as Selectboard Chair**, seconded by Jim Fleming. The **motion passed** unanimously.*

*Taylor Prouty **moved to elect Vincent Annunziata as Selectboard Vice Chair**, seconded by Jim Fleming. The **motion passed** unanimously.*

b. Set Regular Meeting Schedule & Location [1 VSA 312(c)(1)

*Taylor Prouty **moved to hold regular meetings of the Selectboard on the first and third Mondays of the month at 6:00 PM at the Town Office building at 100 Old School Street in South Londonderry, or at the discretion of the Selectboard Chair and during a state of emergency, meetings may be held without a physical presence using publicly available remote meeting software**, seconded by Vincent Annunziata.*

There was a brief discussion about when the Board would be going back to in-person meetings.

*The **motion passed** unanimously.*

c. Designate newspaper of record [17 VSA 2641(b)]

*Vincent Annunziata **moved to designate the Vermont Journal as the Town's newspaper of record**, seconded by Taylor Prouty. The **motion passed** unanimously.*

d. Designate member with authority to sign warrants & pay orders [24 VSA 1623(a)(1)]

*Taylor Prouty **moved to appoint Tom Cavanagh as the designated Selectboard member with authority to sign warrants and pay orders**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

e. Adopt Rules of Order

Kevin Beattie requested that the Board change its rules to more closely follow Roberts Rules of Order, where a motion is made and seconded, then the discussion tales place before the Board vote. He noted that the public does not have an adequate chance to speak to a motion after it is made as it goes to a vote immediately. He suggested that discussion should take place after the motion is made.

O'Keefe noted that the Board is not obligated to follow Roberts Rules of Order, and Cavanagh added that he believed the Board's Rules of Procedure are based on those recommended by the Vermont League of Cities and Towns. Prouty mentioned that changes made last year helped to cater the Rules to how meetings were being conducted.

Pajala noted that Board members have recommended motions before them as they begin their discussions, which may drive the direction of the conversation, and the public is not aware of the motion. She agreed that making motions at the beginning of the discussion made sense.

Prouty mentioned that he appreciates having recommended motions prepared ahead of time as a jumping off point for the Board. He asked whether changes to the Rules of Procedure were needed to provide for motions stated up front, or if the Board could just follow that process. Annunziata stated that having discussion before and after a motion would be acceptable.

It was agreed to pass over this matter and address it at the next meeting, and O'Keefe will review the Rules of procedure to see if there is language that would codify stating the motion first.

4. Minutes Approval – Meeting(s) of 4/19/2021

*Vincent Annunziata **moved to approve the minutes of the Selectboard meeting of April 19, 2021**, seconded by Taylor Prouty. The **motion passed** unanimously.*

O'Keefe clarified that the minutes show changes to the previous draft distributed to the Board.

5. Selectboard Pay Orders

Taylor Prouty ***moved to approve the pay orders for payroll and accounts payable****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

O'Keefe mentioned that a $330 invoice from the Cole Company was for inspection and a report on work at both the Town Garage and the Town Office. He mentioned that the report is included in the meeting packet, and he will come back for Board approval to pay for this from the Town Building Capital Reserve fund.

Labeau noted the $389,000 payment to the education fund, which is higher than last year, but the Town will receive a $50,000 refund from the school, and noted that we'll be a bit better off than last year.

The ***motion passed*** *unanimously.*

6. Announcements/Correspondence

Sharon Crossman announced that the West River Farmers Market had submitted an application for an Itinerant Vendor Permit and pointed out it seeks to hold the market from Labor Day through Columbus Day weekend, and would abide by all State of Vermont safety guidelines.

Esther Fishman stated that there will be an electronics collection event on May 22nd from 9:00 AM to 100 PM at the Flood Brook School, which will be open to anyone in the state.

Shane O'Keefe stated that he had received word that day that the Town was successful in receiving the VTrans structures grant for replacement of culvert #12 on Spring Hill Road at Eddy Brook. The application was for $175,000 of the approximately $226,000 project, and he mentioned that he would look to handle the engineering work this year for construction next summer in FY2023.

He added that he had signed the construction contract for Tom and Judy Platt's post office building elevation project, and hopes to meet soon on the construction schedule. Mance Engineering will be handling the construction engineering services for the project, he said.

O'Keefe mentioned that the Town received notice of a local concerns meeting to be held by the Town of Windham at its May 17th Selectboard meeting regarding a federally funded proposal is to replace a deteriorated culvert with precast box concrete structure in 2023 on the gravel section of Route 121 not far from the intersection with Windham Hill Road. The Windham Town website should have remote meeting login information, he added.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- An announcement of the public meetings on the update of the Town's Local Hazard Mitigation Plan, scheduled for May 19th and June 2nd.
- A letter from the Windham Regional Commission regarding its intention to readopt the Windham Regional Plan. The complete document is on the Selectboard's shared file, he added and mentioned he would print them out if requested. Comments are due no later than June 21st.
- A notice regarding intended blasting at Mad King Quarry on Rowes Road, scheduled for May 14th.

- A dog complaint from Windham resident Margaret Dwyer regarding her dog being bitten while being walked along Magic Circle. Because no person was bitten there is no requirement for the Board to conduct an investigation and hearing on the matter, and it defaults to the Animal Control Officer.
- A letter of thanks from the Second Congregational Church for allowing the church to use Pingree Park for an outdoor Easter worship service.
- An invitation from the Chester Snowmobile Club to a landowner thank you BBQ.
- Petition documents for minor modification to existing cell tower at Magic Mountain.

For the Parks Board, Pajala announced that free Music Monday concerts would take place every other Monday from 6 PM to 8 PM at Pingree Park, beginning July 5th and running through September 6th.

Regarding the dog bite matter on Magic Circle, mentioned earlier, Annunziata inquired as to whether there should be some further investigation. O'Keefe suggested that Animal Control Officer Pat Salo should be asked about this matter and the applicable requirements, and Annunziata suggested that Salo be invited to the next Board meeting. Pajala suggested looking at the Town's Dog Ordinance for revisions.

7. Visitors and Concerned Citizens

Phelan congratulated Cavanagh and Annunziata on their appointments as Chair and Vice-Chair, respectively, and Brown on her recent election to the Board.

8. Annual Appointments

a. Road Commissioner [17 VSA 2646(16) & 2651(a)]

*Vincent Annunziata **moved to appoint Taylor Prouty as the Town's Road Commissioner**, seconded by Melissa Brown. The **motion passed** unanimously.*

b. Emergency Management Director [20 VSA 6(a)]

*Taylor Prouty **moved to appoint Kevin Beattie as the Town's Emergency Management Director**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

c. Windham Regional Commission Representatives (2) [24 VSA 4343(a)]

*Taylor Prouty **moved to appoint Georgianne Mora and Denis Pinkernell as the Town's representatives to the Windham Regional Commission**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

d. Tree Warden [24 VSA 871(b)]

*Taylor Prouty **moved to appoint Kevin Beattie the Town's Tree Warden**, seconded by Jim Fleming, **passed** unanimously. The **motion passed** unanimously.*

e. 911 Coordinator [30 VSA 7056(a)]

Pajala suggested that the Board appoint Bonnie Cobb as an Assistant 911 Coordinator.

Taylor Prouty ***moved to appoint Kelly Pajala as the Town's E911 Coordinator and Bonnie Cobb E911 Assistant Coordinator****, seconded by Tom Cavanagh. The* ***motion passed*** *unanimously.*

f. Animal Control Officer **[20 VSA 3549]**

Vincent Annunziata ***moved to appoint Pat Salo as the Town's Animal Control Officer****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

9. Town Officials Business

a. Emergency Management Director – Discuss formation on an Emergency Management Committee

Kevin Beattie suggested that an emergency management committee be formed to better address local emergency response needs and preparedness. Committee membership discussed included the Emergency Management Director, Town Administrator, Town Treasurer, Town Clerk, Town Health Officer, with involvement from emergency response providers.

It was agreed to address this further at an upcoming Board meeting.

10. Transfer Station/Solid Waste Management

a. Updates

Fishman mentioned that there had been a meeting with State of Vermont representatives to explore the possibility of on-site composting at the Transfer Station, she spoke about site constraints at the facility such as flood hazard areas. She described several options for contracting for this service.

She also mentioned that she is exploring bottle redemption at the Transfer Station. Cavanagh noted that the facility has stopped accepting returnables due to the redemption center closing on May 18th, which explains the effort to consider doing this at the facility.

Regarding the recently approved equipment grant, use of the grant is still pending a decision on how to handle the food scraps. She mentioned that she believed the Town has until June 2023 to use the funds.

O'Keefe noted that he is working with the Energy Committee on the possibility of a solar array at the former upper septage field, and that through that process has found that the field is above he base flood elevation and can possibly be removed from the flood hazard area.

11. Roads and Bridges

a. Updates

Noting a concern about through trucks on Thompsonburg Road raised at Town Meeting, Prouty mentioned that "no through trucking" provisions and signs must be backed up by local ordinance, and should be added to a future agenda, as should additional speed limits on other roads. He mentioned that the Windham Regional Commission had conducted speed studies on a few paved roads that can help with setting speed limits.

Fleming suggested the Town talk to those companies receiving overweight permits and instruct them to slow down.

Vehicular speeding in general was briefly discussed, as was speeding enforcement.

Prouty noted that we're gearing up for invitations to bid for salt and sand.

For paving, he stated that the projects may include some work by the Road Crew, and smaller projects were anticipated this year, such as Mansfield Lane, Howard Hill and Magic Access Roads due to their close proximity to one another. Regarding Mansfield lane, there is a large pine tree preventing proper ditching that should be removed professionally. Beattie mentioned the need to stabilize the bank on Mansfield Lane as well, and Prouty agreed that it will take a significant effort and this is one of the most challenging roads in town and costs of the work needs to be addressed going forward.

Culvert repairs on paved roads were discussed, particularly those needed on Spring Hill Road and Middletown Road, and mentioned a beaver issue on Green Mountain Trail.

b. Disposal of surplus vehicles/equipment

Prouty mentioned various pieces of equipment and vehicles located in the cold storage barn adjacent to the Town Office that are considered to be surplus and unneeded for Town purposes, including as follows: fire truck; tractor; tiller; sweeper; sickle bar mower. Most are non-functional, but may be needed for use by folks in the community.

He described some of the changes to the way equipment is proposed to be acquired and used in the future. Prouty recommended clearing out the shed of this surplus and generate some revenue by selling it. With the installation of new doors and eventually electricity he and Josh Dryden would like to make it a better building for Town purposes.

There was discussion about selling items locally or regionally. O'Keefe mentioned the successful sale last year of a mower that was advertised and sold locally. He also mentioned and recommended using an auction company that he has used that will take care of all aspects of the sale, with the bidder paying any fees. A local auction was also discussed as an alternative.
It was agreed to assemble a list of all surplus items in the cold storage barn for further consideration by the Board.

c. Consider application(s) for excess vehicle weight permits [23 VSA 1400a]

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received.

Taylor Prouty ***moved to approve the excess weight permits for Duquette Forestry Transportation, United Natural Foods, Inc., and Cardinal Logistics Management Corporation, and authorize the Town Administrator to execute the permits on behalf of the Town****, seconded by Vincent Annunziata.*

Fleming asked that a note be put on the permits for them to please ask drivers to respect the Town's speed limits. This was discussed, and it was agreed that O'Keefe would add this to the notice that goes along with the issued permits.

The ***motion passed*** *unanimously.*

12. Old Business

a. Prioritization of Town facilities repair and maintenance

O'Keefe presented to the Board an update on progress with various facilities prioritized at the previous meeting, as follows.

Priority	Work Item	Notes	Est. Cost
	TOWN GARAGE - Garage doors service (and annual service contract)	Selectboard decision requested for 5/10/2021	400
	COLD STORAGE BLDG - Replace last two garage doors	Selectboard decision requested for 5/10/2021	8000
1	TOWN GARAGE - Electric panel water infiltration	See 4/30/2021 Cole letter, waiting for return contact from electrician	
1	TOWN OFFICE - Roof above & sill below Clerk's Office door	See 4/30/2021 Cole letter, Scope of work needed for estimates	
1	TRANSFER STATION - Need bollards & chains for C&D concrete/dumpsters	Needs scope of work for estimates	
2	TOWN OFFICE - Paint (scrape) building - N/E/W sides	Needs scope of work for estimates	
2	TOWN OFFICE - Paint (scrape) building - S side	Needs scope of work for estimates	
2	TOWN OFFICE - Meeting room sound insulation	Needs further research	

O'Keefe shared with the Board an inspection report from engineer Chris Cole for several sites as noted, and mentioned that all work is still a work in progress. No action was taken by the Board.

O'Keefe mentioned that the mandatory pre-bid walk-through for the Town Hall restoration project was scheduled for the following day.

b. Approve contract for new garage doors at cold storage building

O'Keefe described the bids received, as follows.

- Overhead Door of Rutland – $7,800
- Champion Overhead Door – $8,772

The low bid will provide for the building having three different types of doors, he noted. And Prouty noted that carpentry for the door openings to allow for the door installation was required. Prouty and Fleming volunteered to handle this.

Prouty noted that the low bidder is a very good company with which to work.

Taylor Prouty ***moved to 1) accept the proposal from Overhead Door of Rutland as submitted for the installation of two new garage doors at the cold storage building adjacent to the Town Office, estimated to cost of $7,800, 2) authorize the Town Administrator to sign any documents necessary for the hiring of the firm to conduct the necessary work,***

and 3) authorize the expenditure to be paid from the Town Building Reserve Fund*, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

c. Approve contract for garage door maintenance at Town Garage

O'Keefe reviewed with the Board the proposal from Overhead Door of Rutland, the company that had originally installed the doors. There was an inquiry as to whether they would also maintain the new doors being installed at the cold storage building, and it was agreed that they could also do that work as necessary.

Taylor Prouty ***moved 1) accept the proposal from Overhead Door Company of Rutland for annual planned maintenance of garage doors at the Town Garage as submitted, and 2) authorize the Town Administrator to sign any documents necessary for the hiring of the firm to conduct the necessary work****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

13. New Business

a. Discussion of funding opportunities through the American Rescue Program Act (ARPA)

O'Keefe briefly discussed federal funding that would be coming to the Town and the need to gear up on how we want to use the funds as efficiently as possible. Guidelines on the ARPA funds are continuing to roll out, including some that day. He encouraged the Board to start thinking about what structure the Board wished to take on to address how to best the Town should participate in ARPA, be it through any combination of staff, boards or committees.

Pajala clarified that some money would come directly to the municipalities, and there would be various infrastructure programs for which the Town can apply. The Town should pay attention to its capacity, what are its top priorities, how much funding to apply for.

Regarding the high cost of infrastructure, Crossman noted that the cost of water and wastewater improvements in the north and south villages is estimated to cost as much as $7-8 million. She added that there are information sessions on ARPA to be held by the Brattleboro Development Credit Corp. and the Vermont League of Cities and Towns, on May 18th and 19th, respectively.

Pajala noted that the Vermont League of Cities and Towns will get funding to provide technical assistance and support to communities. She encouraged the Board to think outside the box and also about regional needs, such as solid waste and broadband.

b. Appointment to fill vacancy – Parks Board

The Board reviewed an application from Andrew Kubica, who recently located to the community. Pajala mentioned that he has already attended Parks Board meetings and has volunteered to help with Music Mondays, and the Parks Board is supportive of his appointment.

Vincent Annunziata ***moved to appoint Andrew Kubica to fill a vacancy on the Parks Board for a term ending April 30, 2022****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Outside Consumption Permit – Jake's Marketplace Café, Inc., DBA Jake's Marketplace Cafe

Vincent Annunziata ***moved to approve an Outdoor Consumption Permit for Jake's Marketplace Café, Inc., doing business as Jake's Marketplace Café., related to property located at Mountain Marketplace, VT Route 100****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

14. Adjourn

Melissa Brown ***moved to adjourn the meeting****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The meeting adjourned at 7:51 PM. The next regular meeting of the Selectboard is scheduled for May 24, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved May 24, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 24, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, Melissa Brown, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Town Health Officer Richard Phelan, Animal Control Officer Pat Salo, Planning Commission Chair Sharon Crossman, Energy Committee members Will Reed (Chair), Bruce Frauman and Larry Gubb. Others – Ralph Meima of Green Lantern Solar, Mark Fisher of the West River Farmers Market Board of Directors.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:02 PM.

He noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

He noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

O'Keefe recommended adjusting the agenda to hear from the Animal Control Officer before the year-to-date budget report.

Taylor Prouty ***moved to adjust the Town Officials Business section of the agenda to hear first from the Animal Control Officer****, seconded by Tom Cavanagh. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 5/10/2021

Vincent Annunziata ***moved to approve the minutes of the Selectboard meeting of May 10, 2021****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Jim Fleming ***moved to approve the pay orders for payroll and accounts payable****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Shane O'Keefe mentioned that the kickoff meeting for Tom and Judy Platt's post office building elevation project has taken place and that he had received a proposed construction schedule. He also noted that he has extended the deadline for submission of bids for the Town Hall restoration project to June 2 due to feedback from the three contractors who attended the mandatory pre-bid meeting regarding availability of subcontractors.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- The final report on the One Londonderry initiative.
- An amended discovery and dispute resolution stipulation regarding the case of Emanual Contos v. Town of Londonderry.
- Revised Overweight Vehicle Notice to be included with Excess Vehicle Weight Permits that requests compliance with speed limits.

Tina Labeau mentioned that the Town Clerk and Treasurer's offices would be closed June 21 - 25, but other office staff would be available.

6. Visitors and Concerned Citizens

Rich Phelan mentioned that next Monday is Memorial Day and noted that we all should take the time to stop and think about the ultimate sacrifice 1,354,664 men and women in the armed services have given to make this world a safer place for someone else; not just on Memorial Day, but every day.

He also asked about when the Board would once again have in-person meeting. Cavanagh mentioned it would be discussed later by the Board.

7. Town Officials Business

a. Animal Control Officer – Update on recent dog matters, and discuss revising the Dog Ordinance

Pat Salo spoke to the Board about resolution of recent dog concerns in the vicinity of magic Circle.

With regard to the existing Dog Ordinance, he stated that the existing ordinance was adequate for his needs. O'Keefe noted that the Vermont League of Cities and Towns has a model ordinance for towns to use.

Melissa Brown inquired about relooking at all Town ordinances and policies periodically.

Cavanagh recommended reviewing the VLCT model at a future meeting and seeing if there are changes that should be made.

b. Town Treasurer – Year-to-date budget review

Tina Labeau reviewed the year-to-date budget with the Board. She mentioned that were pretty much on track so far and with two months left in the year she predicts a surplus. She offered for Board members to forward questions whenever they like, and Brown asked to schedule a time to discuss the budget with Labeau.

c. Planning Commission – Monthly update

Sharon Crossman mentioned that the Commission is still seeking another member. Regarding projects she noted as follows:

- Regarding the Town Hall restoration project there was a pre-bid meeting earlier in the month, and the time for submitting proposals has been extended into June due to a shortage of contractors and subcontractors.
- The water-wastewater project is still underway and noted that there is better potential for system sites in the south village. One site in particular needs better information on soils and property acquisition.
- On the American Rescue Plan Act, she thanked Pajala for keeping people abreast of public meetings on the program and looks forward to additional information.
- The Town received four proposals for the north village master planning project, and a proposal review team reviewed three of them and conducted interviews. This was discussed later in the meeting.

d. Energy Committee – Consider solar array project on former Town septage field

Energy Committee member Larry Gubb discussed the committee's efforts to develop a solar array at the former septage fields behind the Transfer Station, and spoke to some of the challenges to do this, particularly the timeframe necessary to take advantage of better financial incentives.

Ralph Meima of Green Lantern Solar, the solar developer that has been working with the Committee, discussed the proposal he had submitted, which called for the company to handle all aspects of permitting and installing the 500 kW array and paying to the Town an annual rental fee with annual adjustments, with an alternative for a single up-front payment to the Town.

Meima stated that the upper field is a very good site for solar development, but because of the tight time frame an application and notice is required by July 1st in order to receive a Certificate of Public Good by September 1st.

There was discussion about the provisions of the proposal, including rental amounts as well as solar taxes. Frauman noted that this is likely the only reasonable use of the property, and the income can offset other site and off-site Town expenses.

In response to a question from Prouty, Meima confirmed that removal of the array at the end of the useful life of the facility would be both a permit and lease condition. O'Keefe noted that a lease agreement had been received that day but had yet to be reviewed. He added that normally the town would conduct a public solicitation for this sort of development, but that time did not allow for that. He noted that the Town Attorney was familiar with this same lease agreement for another community, and recommended that the Board task the Energy Committee with negotiating further with GLS on the agreement on behalf of the Board.

Meima clarified that after September 1st the net metering credit from 13.5 to 11.5 cents per kilowatt hour, which may make projects of this type unfeasible. He also described the proposal and the lease agreement, and also the schedule for various responsibilities. He stated that while the acceptance of a proposal would need to in place to proceed further, but the lease would not be required until September.

Discussion about other communities with solar array was discussed. Public input on the project was also discussed.

The various financial benefits of the project were discussed, including the Town as an off-taker or net metering customer from this or another array facility.

O'Keefe noted that a "joint letter of support" would be needed from the Board and the Windham Regional Commission to qualify as a preferred site before the Public Utility Commission.

Will Reed expressed strong support for the project despite the expedited nature of it and encouraged the Board to accept the proposal.

Taylor Prouty ***moved to accept, in concept, a proposal from Green Lantern Solar to construct and operate a 500 kilowatt solar array on the northerly of the two former septage fields located on parcel 103010.000, subject to further negotiation of provisions of the offer by the Energy Committee, and subject to final approval of any agreements by the Board****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

e. Selectboard – adopt Rules of procedure

Following up on the discussion from the previous meeting, O'Keefe mentioned that the structure of the Rules did not easily provide for a way to ensure that motions were made at the beginning of a specific agenda matter, and suggested that some topics may not be best served with a motion to begin discussion. Beattie noted that the way the Chair has been asking for discussion before calling a vote was satisfied his issue raised at the previous meeting.

Brown suggested in the future that new Board members receive a copy of the Rules of procedure, and also that agendas contain information about whether there is to be an action, or just discussion. Prouty pointed out the agenda includes careful wording about what is being proposed for each agenda item.

O'Keefe suggested that the Board could post the meeting packet on the Town website so that the public has access to the meeting information at the same time as the Board. It was agreed that this was a good way to proceed going forward, and that the posted agenda would include a notation that further information is available on the Town's website.

Vincent Annunziata ***moved to adopt the Selectboard Rules of Procedure****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that Dana Griswold has given notice of resignation for the Sunday part-time position effective June 27 due to other work commitments, so recruit for a replacement should begin.

He also noted that we may have found a company to pick up bottles, cans, and plastic containers, and he'll report back this.

9. Roads and Bridges

a. Updates

None.

b. Review bids and award contract for FY2022 Winter sand

It was noted that only one response was received in response to the Town's Invitation to Bid, from Hunter Excavating, and the cost is higher than the previous year.

	FY 2021	FY2022
- 4,000 yards (delivered)	$14.50/cy ($58,000)	$17.00 ($68,000)
- 4.000 yards (picked up)	$14.00/cy ($56,000)	$18.00 ($72,000)

Labeau noted there is $45,000 in the FY2022 budget for sand, and Prouty mentioned that there will be sand left. Increased costs are likely due to uncertainties with fuel prices, which are higher than this time last year.

Taylor Prouty ***moved to accept the bid from Hunter Excavation for FY2022 supply of winter sand, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work****, seconded by Jim Fleming.*

O'Keefe noted that he would use a previously approved contract.

The ***motion passed*** *unanimously.*

10. Old Business

a. Consider rescission of 7/15/2020 Emergency Health Order requiring wearing of protective face masks

Given recent changes to the State of Vermont emergency orders on COVID-19, the Board discussed whether to lift the emergency order requiring face masks. Cavanagh noted that vaccinated people are no longer required to wear a mask indoors or outdoors. Beattie confirmed this and supported rescinding the order, but noted that there is some discord out there and that businesses still have their choice to require masks, and there is good reason for them to do that. He added the Governor is close to removing all restrictions due to the high vaccination rates

It was agreed that local businesses need support with whatever choices they make as to continued mask wearing requirements.

Vincent Annunziata ***moved to rescind the emergency health order requiring wearing of protective facemasks, as adopted on July 15, 2020****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Cavanagh asked that the public be polite and respectful of all businesses in town on whichever way they go with this.

b. Discuss illegal footbridge on Brophy Lane (TH26)

Cavanagh spoke about his and Prouty's meeting with representatives of the National Forest Service and their interest in having an illegally constructed bridge within the Town's right-of-way removed. Prouty gave some background on the bridge, noting that was built roughly a year and a half ago, and that the NFS has concerns about it and access to its property. It was noted that the bridge is not safe. O'Keefe suggested that if the bridge is removed proper signage ensuring that drivers know there is no crossing at the location be erected. Town Road Crew handling the bridge removal and placement of physical barriers was also discussed.

Taylor Prouty ***moved to direct the Road Crew to remove the bridge at the end of Brophy Lane and to install conforming signage for the vehicular end of the road****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

c. Award contract for north village main street study and master plan

Crossman described the solicitation process for this effort, which is funded by a Municipal Planning Grant. She noted that there was an interview committee made up of two Planning Commissioners, a Selectboard member, a community volunteer involved in the One Londonderry effort, and the Town Administrator which made recommendations to the Planning Commission. Submissions were received as follows:

- Stevens & Associates, Brattleboro, VT $21,750
- PlaceSence, Hartford, VT $24,200
- Fairweather Consulting, New Paltz, NY $24,200
- Lisa Davis Associates, Killington, VT $23,500 (withdrawn early in review process)

She stated that both the review committee and the Commission agreed that Stevens & Associates met and exceeded all of the components of the selection and evaluation criteria within the maximum project budget. Crossman added that Stevens & Associates emphasized community engagement and expertise with implementation efforts.

Taylor Prouty ***moved to accept the proposal from Stevens & Associates to provide consultant services for the North Village Main Street Study and Master Plan, which is funded by a Municipal Planning Grant awarded by the Vermont Department of Housing and Community Development, and to authorize the Town Administrator to execute all necessary documents to employ this consultant, including a service contract after review by the Town Attorney****, seconded by Jim Fleming. The* ***motion passed*** *4-0-1, with Vincent Annunziata abstaining.*

Crossman thanked the Board and encouraged everyone on the community to actively participate and provide input for this important project.

d. Award contract for resurfacing Pingree Park tennis court

Parks Board Chair Kelly Pajala noted that the Parks Board has reviewed the one bid received for the resurfacing and relining (for both tennis and pickleball) from Advantage Tennis in the amount of $13,200, and is requesting that the Selectboard accept it. She noted that the bid is $3,200 more the budgeted amount of the project but that there are two possible ways to address this: one is to possibly raise funds from pickleball players who will now have pickleball lines painted, and the other is to tap existing year funds to cover the 25% deposit amount. She added that the FY2021 budget for parks maintenance has a significant surplus due to COVID-19 closures.

Pajala clarified that the proposal will not include fixing the fence, but hat could be handled separately. She added that is has been about 6-7 years since repairs were last made, costing somewhere between $8,000 and $10,000. It was noted that the cost of repair work such as this is very expensive at this time and competing contractors are too busy to bid the project.

Melissa Brown ***moved to move to accept the bid from Advantage Tennis Inc. for repair and resurfacing of the tennis court at Pingree Park, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

e. Consider contract with the Windham County Sheriff's Office for FY22 policing services

The need for some changes to the proposed contract as suggested by the Town Attorney was discussed, and that this can be handled at an upcoming meeting pending the outcome of discussions with the Sherriff.

O'Keefe mentioned that the contract allows for the Town to adjust the priorities to be addressed by the Sherriff's Department in the community as necessary. Community contacts are specified in the contract, and at present the Selectboard and the Town Administrator are listed. Cavanagh volunteered to be the Selectboard lead on this, and both Annunziata and Fleming said that they could be backups. O'Keefe mentioned that payment schedules need to be addressed due to fiscal year matters.

It was agreed to address this matter further at the next meeting.

f. Discuss special Town Meeting on retail cannabis and local option tax

Pajala confirmed that there was agreement to address this again after the rescheduled Town Meeting. She noted that there are two things that could influence the date of a special Town Meeting. The Board of Civil Authority must conduct a purge of the Voter checklist, but this can't be done within 90 days of an election. And Bill S.25 provides that if the Town does not hold a vote on cannabis sales by a certain date in 2023, then the Town will by default be considered to have opted in to cannabis sales. She also discussed votes on retail cannabis and/or integrated cannabis licensees.

Pajala clarified that the rule-making process is underway but is delayed and is therefore not complete, leaving many questions unanswered. She suggested having more than one informational session, and mentioned that the Town Meeting would have to take place after August 9th. She also clarified that this year, due to pandemic-related statute changes towns can vote on other questions by Australian ballot as appropriate.

Consideration of a local option tax was also discussed. It was noted that except for some license fees similar to liquor permits, the only way the Town can benefit financially from cannabis sales is through the establishment of a local sales tax. Cavanagh suggested this take place at the same Australian ballot vote so that the connection can be made clear.

Pajala mentioned that because the vote would be by Australian ballot the Board can decide to mail ballots to everyone, and early voting would also be available. She and the Board discussed various options for a Town Meeting date.

Jim Fleming ***moved to hold a special Town Meeting, to be held by Australian Ballot, on September 17, 2021****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

11. New Business

a. Itinerant Vendor Permit Application – West River Farmers Market

Mark Fisher of the West River Farmers Market presented the proposal for this year's market at Williams Park, noting that while some pandemic restrictions have been lifted and the event is outdoors, they plan on having a single entrance, requiring masks, encouraging physical distancing, and not providing on-site eating facilities. He added that the mask requirement would not be enforced.

Beattie suggested that the Town only require that the WRFM complies with any State mandates for farmers markets regarding COVID-19. Annunziata suggested that the permit can be approved without Town conditions, and just leave compliance with State guidelines up to the organization.

Vincent Annunziata ***moved to approve Itinerant Vendor Permit #2021-01 submitted by the West River Farmers Market for 2021****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Annual appointments – Conservation Commission

The Board reviewed an application for reappointment to the Conservation Commission from Steve Swinburne.

Taylor Prouty ***moved to reappoint Stephen Swinburne to the Conservation Commission for a 3-year term ending May 31, 2024****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

12. Adjourn

Vincent Annunziata ***moved to adjourn the meeting****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:41 PM. The next regular meeting of the Selectboard is scheduled for June 7, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved June 7, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 7, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, Melissa Brown, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Road Foreman Josh Dryden, Solid Waste Manager Esther Fishman, Town Health Officer Richard Phelan, Planning Commission Chair Sharon Crossman, Energy Committee members Bruce Frauman and Larry Gubb. Others – None.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:02 PM.

He noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

He noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

O'Keefe recommended adjusting the agenda to hold the executive session before the matter on the solar array proposal.

*Jim Fleming **moved to adjust the agenda to consider the executive session (item 9.d.) matter prior to the solar array discussion (item 9.c.)**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 5/24/2021

*Vincent Annunziata **moved to approve the minutes of the Selectboard meeting of May 24, 2021**, seconded by Taylor Prouty. The **motion passed** unanimously.*

4. Selectboard Pay Orders

*Taylor Prouty **moved to approve the pay orders for payroll and accounts payable**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

5. Announcements/Correspondence

Shane O'Keefe mentioned that the post office building elevation project is underway, with cribbing installed that day and the building lift happening later in the week. A request Invitation to bid for the maintenance of the Memorial Park is being advertised, he noted, with bids due June 17th. They will be reviewed at the next meeting along with a recommendation from the Parks Board. He also noted was that there are still vacancies on the Energy Committee, Conservation Commission, Development Review Board and Planning Commission, which are being advertised.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- A fundraising mailer from Valley Cares, of Townshend.

Kelly Pajala mentioned that Memorial Park is now open to the public, and gave thanks to Leigh Nance for her had work readying the park. She added that July 6th in the first Music Monday of the season.

Cavanagh mentioned that resident Adam Walsh generously replaced the American flag at Williams Park with a flag that had flown over a military base in Iraq at which he had been stationed, and asked O'Keefe to draft a letter of thanks.

Tina Labeau mentioned that the Town Clerk and Treasurer's offices would be closed June 19 - 25, but other office staff would be available.

6. Visitors and Concerned Citizens

Rich Phelan acknowledged the opening of Memorial Park. He also mentioned that the deal that the Town has worked out with the Windham County Sheriff's Office for 20 hours per week was great.

Vincent Annunziata inquired whether Jonathan Wright of the Taylor Farm was going to participate in the meeting to discuss the music event the previous week, to which Jim Fleming stated that he understood that Wright had not had the time to prepare documents for the meeting and would come to the Board the next meeting.

Vincent Annunziata ***moved that the Zoning Administrator issue some sort of a letter of violation of zoning bylaws for the last event that happened.*** *The motion* ***failed*** *for lack of a second.*

There was discussion about the various compliance matters at the farm. Annunziata said that maybe the Board can wait until the next meeting, to which Fleming stated that Wright should be available to defend himself. Noting that Wright is a farmer, Brown suggested alternative means of communication for citizens besides email. Annunziata suggested putting this matter on the agenda for the next meeting and hoping that he shows up.

7. Town Officials Business

a. Town Clerk – Review list of unregistered dogs [20 V.S.A. 3590]

Pajala referred to the list of dogs that have not had their registrations renewed and a second of those who are believed to have never registered their dogs, and suggested that the Board instruct the Animal Control Officer to contact all those on the lists.

Taylor Prouty ***moved to direct the Animal Control Officer to contact all owners of unregistered dogs to remind them of the requirement to register their dogs****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Selectboard – Consider reinstatement of in-person Board meetings

Cavanagh noted that he understood that when 80% of eligible Vermonters are vaccinated in-person Board meetings will be mandated once again, and suggested that the Board should plan on holding the next meeting accordingly.
Pajala also suggested that the Board consider when to open the building back up to the public, possibly to when the Governor lifts the State of Emergency.

Vincent Annunziata ***moved to hold Selectboard meetings in-person at the Town Office beginning June 21, 2021, and to open the Town Office to the public that day as well****, seconded by Taylor Prouty.*

Pajala noted that the Clerk's and Treasurer's Offices would be closed that day.

The ***motion passed*** *4-1-0, with Cavanagh, Annunziata, Prouty and Brown voting aye, and Fleming voting nay.*

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman noted that there was one applicant for the Sunday position so far, but the person has dropped out of the process. She added that there is a new bottle and cans redemption company servicing the Transfer Station, and this has been posted publicly. The hazardous materials collection day the previous weekend went well, Fishmen mentioned, and 114 cars were counted.

She stated that a Request for Proposals for solid waste services at the Transfer Station is in the works, as the current contract ends on August 13th.

The take-it-or-leave-it shed was discussed, and Fishman suggested opening up when the State of Emergency is lifted, and suggested opening it only on a limited basis. The issue of assigning personnel to oversee the service was discussed. Noting likely pent-up demand for people to offer items to the public, Annunziata suggested that there could be a town-wide program to facilitate this.

Difficulties hiring for the part-time Sunday position was discussed, including a lack of sufficient weekly hours to establish it as an attractive position.

Cavanagh mentioned that the backhoe needs a front wheel bearing, and he'll report back once more information is provided.

b. Request for Transfer Station fee waiver – Kinhaven Music School

The Board discussed the request for fee waiver related to disposal of construction/demolition debris for the Kinhaven Music School. Fishman mentioned that many area not-for-profit organizations receive an annual fee waiver for their regular trash, but pay for trash related to special events or projects.

Taylor Prouty ***moved to not grant a waiver of Transfer Station fees to the Kinhaven Music School for construction-related waste during existing renovation work, the waiver to expire on December 31, 2021****, seconded by Melissa Brown.*

O'Keefe recommended that the motion not be in the negative, but instead be rephrased to be in the positive, as the applicant has asked for approval.

The ***motion was withdrawn*** *by Prouty.*

Taylor Prouty ***moved to grant a waiver of Transfer Station fees to the Kinhaven Music School for construction-related waste during existing renovation work, the waiver to expire on December 31, 2021****, seconded by Melissa Brown. The* ***motion failed to pass*** *by unanimous vote.*

9. Roads and Bridges

a. Updates

Prouty mentioned the need for a roadside mower, which should be on an upcoming agenda, and that Josh Dryden is working on a revised bid for this.

He noted that in addition to paving Mansfield Lane, to be discussed later in the meeting, that additional tree and bank stabilization work will be necessary.

Dryden noted some minor tailgate damage to the new pickup truck that can be repaired for about $580. He plans to get the work done to help preserve the vehicle.

Prouty raised the need for the roadside mower and replacement of other equipment, and suggested revamping the equipment replacement schedule to see how it effects other purchases. O'Keefe noted that there is available money in the highway equipment capital reserve fund for this, and furthermore that the Board is authorized under statute to borrow for up to 5 years for highway-related expenditures. Cavanagh suggested financing half the cost and using the capital reserve for the other half. Prouty suggested purchasing the item sooner as opposed to later to ensure that the roadside growth is not too extreme, and Dryden agreed with this and added that he'd like to add a ditch cleaner to the purchase to address this ongoing stormwater maintenance need. Loader replacement was also discussed.

Cavanagh suggested reviewing the replacement schedule at the next meeting. Labeau spoke about the Town's debt schedule and noted that several pieces of equipment will come off the schedule in the next year or two, so there is room in the debt schedule for added borrowing for equipment.

How to structure a solicitation for the roadside mower was briefly discussed. It was agreed to put these equipment matters on the draft agenda for the next meeting

b. Review proposed Invitation to Bid for Town road paving

Dryden and Prouty went over the proposed paving locations, as follows:

Town Highway	Length (feet)	Width (feet)	Required Work
Route 121 (TH#3)	1,779	24	Shim and Overlay*
Magic Access Road (TH#4)	2,491	19	Shim and Overlay*
Mansfield Lane (TH#29)	642	varies	Shim and Overlay*

Howard Hill Road (TH#65)	1,947	19	Shim and Overlay*

And he suggested bid add-ons as follows, in case the bid costs allow for this:

Town Highway	Length (feet)	Width (feet)	Required Work
Adams Drive (TH#71)	2,008	24	Shim and Overlay*
	Plus end of cul-de-sac - 90 x 70		Spot shim and Overlay*
Eves Drive (TH#74)	345	19	Shim and Overlay*
	Plus end of cul-de-sac - 90 x 60		Spot shim and Overlay*

Dryden noted that the contractor from last year said he could get the job done in August if he gets the contract. He added that some culvert crossings need some paving and that the Road Crew can handle this work and other small projects on its own.

Taylor Prouty ***moved to approve the Invitation to Bid for FY2022 Town Road paving, and authorize the Town Administrator to take all necessary steps to solicit bids for review by the Board****, seconded by Jim Fleming. The* **motion passed** *unanimously.*

O'Keefe noted that he would get the Invitation to Bid out the following day.

10. Old Business

a. Review bids and award contract for Town Hall Restoration

Sharon Crossman reviewed the recent history of the restoration project, noting that the Board on 3/1/2021 authorized $80,000 from the Town Buildings Reserve Fund for the project and the Preservation Trust of Vermont has provided a matching grant of $10,000, which expires soon if not spent. She noted that only one bid was received, from VMS Construction, Inc., for $123,600 plus an additional $7,000 for add-on work, which exceeded the anticipated $90,000 project budget. She suggested that alternatives were to either add additional funds to meet the bid or adjust the scope of work to match the available funds.

It was noted that this project work is the first part of a comprehensive series of restoration work for the building. There was discussion about the alternatives for the project, including the potential for delaying some of the project due to recent labor shortages and high material costs. Crossman reiterated the need to advance some work to take advantage of the PTV grant funds, the expenditure deadline for which was extended into the fall. Concern for the reserve fund balance was raised, and Labeau noted that the fund presently has a balance of a little over $200,000, with $80,000 to be added in the next fiscal year.

It was generally agreed that securing the contractor was critical to the project.

There was discussion about raising the reserve contribution to $100,000, and seeking further community input on the project and related expenditures.

Taylor Prouty ***moved to accept the bid from VMS Construction, Inc. for Town Hall restoration services, subject to negotiation to reduce the scope of services to allow for remaining within the project budget, and to authorize the Town Administrator to execute all necessary documents to employ this contractor, including a service contract after review by the Town Attorney****, seconded by Jim Fleming.*

O'Keefe clarified that it was his understanding that the matter of adding additional capital reserve funds to the project should be included in the agenda of the next meeting.

*The **motion passed** unanimously.*

b. Consider contract with the Windham County Sheriff's Office for FY22 policing services

O'Keefe mentioned that the Town Attorney had reviewed the proposed contract with the Windham County Sheriff's Office and made some recommended changes, and the only sticking point at this time is the matter of adding the Town wanting to be an additional insured on the Sheriff Department's certificate of insurance. He suggested that the parties' attorneys work this matter out and not have it hold up the contract process.

The contract calls for 20 hours per week of services at $41,000, with monthly payments of about $3,400 per month. O'Keefe suggested holding a pre-contract meeting with the Sheriff and staff to discuss Board policing priorities.

*Taylor Prouty **moved to accept and approve the police services contract with the Windham County Sheriff's Office for FY2022, and authorize the Town Administrator to execute the document on behalf of the Board after review by the Town Attorney**, seconded by Jim Fleming. The **motion passed** unanimously.*

c. Executive Session – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)

*Jim Fleming **moved to enter executive session to discuss negotiating or securing of real estate purchase or lease options, pursuant to Title 1, V.S.A. Section 313(a)(2), and invite the Town Attorney, the Town Administrator, Town Treasurer and members of the Energy Committee to attend the executive session**, seconded by Vincent Annunziata.*

O'Keefe noted that the Town Attorney was not planning to attend but would be available if needed by the Board

*The **motion passed** unanimously.*

The Board entered into executive session at 7:45 PM, and came out of executive session at 7:57 PM.

d. Consider lease option agreement and Joint letter of Support for solar array project on former Town septage field

Following up on the previous meeting, the proposed lease option agreement with Green Lantern Solar as amended included a $1,000 payment for a one-year lease option for project approvals, which would be extended by mutual agreement of the parties, and that annual payments for the anticipated long-term lease would begin at $6,000 for the first year and increase by 2% thereafter.

O'Keefe mentioned that a "joint letter of support" was needed from the Selectboard, the Planning Commission and the Windham Regional Commission in order for the Public Utility Commission to determine the site is a "preferred site", which is a prerequisite to permitting a facility of the size being proposed.

Taylor Prouty ***moved to 1) accept and approve the lease option agreement with Green Lantern Solar related to the proposed construction and operation of a 500 kilowatt solar array on the northerly of the two former septage fields located on parcel 103010.000, 2) authorize the Town Administrator to execute the document on behalf of the Board after review by the Town Attorney, and 3) authorize the Selectboard Chair to sign a Joint letter of Support for the project seeking preferred site status from the Vermont Public Utility Commission****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Board thanked the Energy Committee for its efforts to move this project along.

11. New Business

a. Discuss process for annual reviews of Town employees

O'Keefe asked the Board to determine how it wished to conduct annual performance reviews of employees as the past year saw some disruption in the process, with evaluations not having taken place on employee's anniversary. And suggested that these been done in the coming weeks.t

Labeau suggested adding Candy Bliss to the list of those needing an evaluation, as she has not seen a raise since she started with the Town. O'Keefe noted that only full-time employees have been receiving performance reviews and maybe part-time employees should be included going forward.

There was discussion on the evaluation process, and Cavanagh clarified that Board liaisons with departments and supervisors conduct the written evaluation with subsequent meeting with the full Board, and O'Keefe's evaluation is conducted by the full Board. Elected Town officials do not get evaluated by the Board

Doing an evaluation of all Highway Department employees at one meeting was discussed. It was agreed to do the evaluation for O'Keefe and one other employee at the next meeting and to schedule one or more special meetings soon thereafter, and possibly schedule evaluations for the first July meeting.

It was suggested that a meeting on July 5th could be moved to another date due to the holiday, and put this matter on the agenda for the next meeting.

12. Adjourn

Vincent Annunziata ***moved to adjourn the meeting****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:11 PM. The next regular meeting of the Selectboard is scheduled for June 21, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved June 21, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 21, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and Melissa Brown.

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Road Foreman Josh Dryden (6:20 PM), Solid Waste Manager Esther Fishman, Town Health Officer Richard Phelan, Planning Commission Chair Sharon Crossman (by phone, 6:15 PM), Planning Commissioners Larry Gubb and Mimi Lines. Others – Residents Mimi Wight (6:43 PM) and Jonathan Wright (7:02 PM), One Londonderry representative Elsie Smith, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda

Tom Cavanagh ***moved to add to the agenda, as item 8.b., consideration of the temporary closure of the Transfer Station on Sundays****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Melissa Brown ***moved to add to the agenda, as item 10.e., discussion about suggested motions paperwork****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 6/7/2021

Melissa Brown suggested changes to the minutes to expand on the discussion held with regard to the difficulties with hiring the Sunday Transfer Station position, including lack of position hours.

Vincent Annunziata ***moved to approve the amended minutes of the Selectboard meeting of June 7, 2021****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Taylor Prouty ***moved to approve the pay orders for payroll and accounts payable****, seconded by Vincent Annunziata.*

Shane O'Keefe noted that the pay orders included the first payments for construction related the Platt elevation project, that are to be paid out of the project escrow account.

The ***motion passed*** *unanimously.*

5. Announcements/Correspondence

O'Keefe mentioned that the Town had received notice to begin the drawdown of funds for the Town's share of the American Rescue Plan Act's Local Fiscal Recovery Funding, which he will handle shortly.

He noted that the contract with the Windham County Sheriff's Office has yet to be signed, as the attorneys just worked out the insurance issues.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- A site visit confirmation from the Windham Reginal Commission regarding the existing year grants-in-aid project effecting Under the Mountain Road, which is a $25,425 project for which the Town is responsible for 20% or $5,085. O'Keefe mentioned the fact that this road portion had recently washed out

6. Visitors and Concerned Citizens

Rich Phelan spoke to the matter of the contract with the Windham County Sheriff's Office and inquired if citizens knew that they would soon be receiving tickets for speeding. O'Keefe noted that this has been a topic of discussion for the past year and had been voted on at Town Meeting.

7. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman provided updates as follows:

- Earlier this month the Commission signed on to the joint letter of support for the solar array proposal at the former septage fields.
- On the Main Street Master Plan, the service contract has been sent to Stevens & Associates of Brattleboro, but it has not yet come back. Once under contract the Commission will assemble folks for a kickoff meeting on planning the future of the project.
- Regarding the Town Hall Restoration project, the bid received exceeded the budget, so some back and forth has taken place with the contractor and they are willing to work with the Town on amending the original proposal. She recommended that the Board increase project funding and reiterated the importance of ensuring that the project as revised can continue to utilize the grant from Preservation Trust of Vermont. This was discussed later in the meeting.
- On the Water-Wastewater project, the search for suitable sites is still underway and some deed research by the Town Attorney is needed for a property in the south village. Preliminary deed research already accomplished was briefly discussed. Larry Gubb added information on water testing efforts to be conducted, and Phelan stated he'd handle the testing if provided with contact information for property owners.

b. Town Treasurer – Year-to-date budget review

The Board received the year-to-date budget through May. With Treasurer Tina Labeau on vacation O'Keefe mentioned that any questions can be directed to her. He noted that the budget figures look good and we're expecting a surplus.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that the backhoe has been repaired by Matt Coleman at a cost of $1,949.85.

Esther Fishman stated that she believes it is time to reopen the take-it or leave-it shed on a limited basis, and to see how it goes. The Board members were amenable to this and there was no objection to reopening. Annunziata suggested waiting until after the 4th of July weekend, and Fishman said that summer people come by Memorial Day.

b. Consideration of the temporary closure of the Transfer Station on Sundays

Cavanagh noted that the existing weekend attendant will work through June 27, and there have been no qualified applicants to date, and suggested shutting down on Sundays until someone can be hired. Brown raised the issue of how busy Sundays are and whether closing another day may be a better alternative, and also whether there could be more hours available for the position to make the job more attractive. Various alternatives for open days for the facility were discussed. Fishman stated that many other facilities are open on a much more limited basis than Londonderry's and offered to come back with information on this.

Brown suggested trying to determine daily receipts and facility usage to help make a decision on this matter, and suggested further discussion on this including whether to increase the position hours.

Cavanagh noted that facility volume has been increasing, and Fishman noted that a new hauling contract will take effect in August and that costs will go up, so that rates should go up accordingly.

It was agreed to continue the discussion on days and hours of operation at the next regular meeting.

Tom Cavanagh ***moved to temporarily close down the Transfer Station on Sundays until the next regular meeting when there can be further discussion****, seconded by Vincent Annunziata. The* ***motion passed*** *3-1-0, with Cavanagh, Annunziata and Prouty voting aye, and Brown voting nay.*

9. Roads and Bridges

a. Updates

Dryden spoke about some of the road work currently underway and planned, including culvert replacements and a grant-funded drainage project on Under the Mountain Road. It was noted that someone marked culverts on Spring Hill Road without Town authorization. He raised beaver issues affecting Spring Hill Road were raised, and said they need to be monitored

Prouty shared several estimates he received for tree removal work on Mansfield Lane, and spoke about the need to have this work, as well as excavation, grading and drainage work, done before the road is paved later in the summer. In addition to a very large pine tree there are ash trees that need removal. Some of the site work can be done by the Town Road Crew but some must be done by a contractor. Some temporary road closure would be required for this tree work.

Prouty noted that the Pine tree removal will exceed the tree removal budget and the excavation and ditch work was not budgeted, but there are reserve funds available for the ash trees. He said he'd continue to work on this with Dryden and O'Keefe and come back to the Board to discuss it further.

Prouty mentioned that he and O'Keefe had met with the project engineer on the grant-funded project to replace the large culvert on Spring Hill Road, it was mentioned that the solution must be a bridge which will be much more expensive and require extended road closure. O'Keefe stated that the next step is to explore funding sources for engineering, which will be more expensive than the for the original plan for a culvert.

b. Approve letter of intent to participate in the FY2022 Municipal Roads Grants-in-Aid Program

O'Keefe noted that a letter of intent was required to again participate in this program, and the Town is eligible for an approximately $20,000 project and would have to contribute roughly $4,000 (20%) which could be in-kind services. The desired project location would be developed through reference to needs mapping prepared by the Windham Regional Commission.

Taylor Prouty ***moved to seek funding through the VTrans 2022 Grant-in-Aid Program and authorize the Selectboard Chair to execute the required Letter of Intent on behalf of the Town, and the Town Administrator to execute any necessary grant-related documents thereafter****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

c. Review bids and award contract for FY2022 Road paving

The Board reviewed the following bids received in response to the invitation to bid issued by the Town on June 8, 2021:

- Fuller Sand & Gravel, Inc., Danby, VT $187,971
- Wilk Paving, Inc., Rutland, VT $216,890
- Bazin Brothers Trucking, Inc., Westminster, VT $221,374

O'Keefe mentioned that there is $200,000 of budgeted funds for paving, and Prouty mentioned that there is some material that could be purchased with the savings or patching by the Road Crew. Dryden added that some spring paving could also be done

Taylor Prouty ***moved to accept the bid from Fuller Sand & Gravel for FY2022 paving for all work specified, which shall fit within the paving budget appropriation, and to authorize the Town Administrator to execute all necessary documents to employ the contractor, including a service contract after review by the Town Attorney****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

d. Review Highway Department Equipment Replacement schedule

The Board reviewed a draft equipment replacement schedule prepared by O'Keefe, which included all existing vehicles and proposed vehicle purchases through FY2026. It also included balances of the Highway Equipment Reserve Fund, with increasing annual deposits to keep up with inflation and maintaining a balance to address unforeseen repairs. There was discussion about the planned useful life of vehicles and equipment. It also includes the tractor with mower and blower discussed later in the meeting.

Prouty raised the idea of similar planning for paving, noting that he had heard a recommendation that the Town budget $10,000 per paved mile, and suggested having a road inventory conducted by a professional in order to better budget for road surface maintenance. O'Keefe and Dryden each mentioned that they had worked for communities that had conducted these studies.

e. Discuss purchase of new roadside tractor/mower

There was extended discussion about the process for soliciting bids for a new tractor with a roadside mower and ditch blower needed to address the lack of roadside mowing. Dryden mentioned that Peru and Winhall have recently purchased this same equipment, and that he knows what the specifications are for the unit he seeks, and has received a quote and other feedback based on verbal descriptions. The existing equipment was discussed, and it was mentioned that it was slow and was needed for competing maintenance work and the flail mower it uses does not match all of the road maintenance needs.

It was agreed that a formal invitation to bid was appropriate given the likely price of well over $100,000, and to remain consistent with the Town's Purchasing Policy. O'Keefe was asked to work with Dryden on specifications and put together an invitation to bid for the equipment for bid consideration at the next meeting.

10. Old Business

a. Consider Town Hall Renovations – Authorize use of Town Buildings Reserve Fund

The Board reviewed with Larry Gubb and Mimi Lines information submitted that day by the Town's engineer, Chris Cole, and the chosen contractor, VMS Construction, Inc., on ways to reduce the scope of the $123,600 project to bring it into better alignment with the project budget. The approved budget was already $90,000, of which $80,000 was from the Town Buildings Reserve Fund and $10,000 from the Preservation Trust of Vermont. One of the scope of work reductions was to eliminate the roof repairs for the time being which would save $31,050. The condition of the roof was discussed and there was no knowledge of the roof leaking, and whether to replace it or repair it was discussed. Because of the addition of the engineer's fee and the estimated cost of repairs of the decorative windows (pegged at $8,500 and $4,000, respectively), the overall project cost of $136,100 could be reduced to $105,050 by eliminating the roof work for this year. The importance of painting the building was stressed, and Gubb recommended increasing the amount of funds from the Town Buildings Reserve Fund.

Lines reminded everyone that the project must spend $20,000 by December in order to get the $10,000 from the Preservation Trust of Vermont. There was a suggestion to add $10,000 from the reserve fund for the project, which would leave some buffer for contingency

Taylor Prouty ***moved to amend the Board's decision from April 5, 2021 to authorize up to $80,000 from the Town Buildings Reserve Fund for Town Hall renovations by increasing the amount to $100,000****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

b. Consider proposal for employee life, short-term & long-term disability insurance

O'Keefe described the proposal received from Hickok & Boardman for provision of life insurance (with accidental death and disability coverage), short-term disability, and long-term disability benefits for full-time employees, and he noted that this had been discussed previously during in the FY2022 budget process. H&B is under contract with the Vermont League of Cities and Towns PACIF to provide these services, he mentioned. He described the benefits provided by each of the insurance products for all 8 full-time employees, and went over the annual total aggregate cost to the Town, which included alternatives for the life insurance benefits, as follows:

	Option 1 Life benefit = $50K max	Option 2 Life benefit = Flatt $10K
Life/AD&D	*817*	*193*
STD	1,022	1,022
LTD	1,234	1,234
Total Cost	**3,073**	**2,449**

O'Keefe mentioned that the carriers may be willing to reduce costs. He also mentioned that an alternative to short-term disability is to allow employees to carry over sick leave to get all or most of the way to the 90-day timeframe where Long-term disability kicks in, and possibly to establish a sick leave pool where employees can donate earned sick leave to other employees when necessary.

He stated that it is an important employee benefit that can sustain employees when they incur a non-work injury or sickness. Cavanagh mentioned that with insurance going up each year eventually employees will need to contribute to their insurance premiums

It was agreed to put this matter on the agenda of the next regular meeting to allow Board members to further review the policy materials.

c. Discuss priorities for new policing contract with the Windham County Sheriff's Office

The Board discussed how to work with the Sheriff's department before the contract takes effect to express its wishes for policing services. O'Keefe mentioned that the contract has yet to be finalized but should be soon. Cavanagh had expressed an interest in being part of a pre-contract meeting along with O'Keefe, and Prouty suggested that he in his role as Road Commissioner and Road Foreman Dryden also participate.

Brown suggested that we need officers familiar with the town to provide more of a community-based service instead of just writing tickets, and that people are looking for protection by virtue of the enhanced police presence. Cavanagh noted that the original idea is to have one officer primarily dedicated to Londonderry and Jamaica.

Traffic enforcement on Thompsonburg Road and State highways were raised as priorities. The Board further discussed recent traffic studies done on several paved Town roads that will enable setting enforceable speed limits on them after adding them to the Traffic and Parking Ordinance.

The need for rolling out 35 MPH speed limit signs on gravel roads was discussed, as was placement of mobile speed carts to collect traffic additional speed data.

Taylor Prouty ***moved to authorize the Selectboard Chair, Town Administrator, Road Foreman and Road Commissioner to meet with the Windham County Sheriff to discuss Town policing priorities before commencement of the FY2022 policing contract****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

d. Discuss Taylor Farm events

Jonathan Wright spoke to the Board about running the Taylor Farm, and noted that it has become increasingly challenging over the past decade and spoke about his passion for promoting agriculture in Vermont. He stated that there has been conflict with the Town over the past four years regarding his farm activities, and noted that the roadside signage, retail store, pizza nights and music events are all done to sustain the farm. He claimed that the strict application of the Zoning Bylaw would put his farm out of business, and suggested resolving matters through negotiation and on a personal level, and requested compromise and leniency from the Town.

Cavanagh stated that the Town has no interest in putting the Taylor Farm out of business, and mentioned that the Town was interested in the need for the farm concerts to comply with the Town's Use of Alcoholic Beverages in Public Places Ordinance and the Itinerant Vendor Ordinance. It was mentioned that compliance with these matters are separate than any alleged Zoning Bylaw violations. Wright acknowledged the Selectboard's need to enforce its ordinances, and Prouty mentioned the Town's interest in applying its ordinances and bylaws equally and to be helpful with applicants.

Wright stated that no dates have been scheduled for additional music events and he's not sure he'll go forward with any further dates.

Brown mentioned the value of the farm to the community, and acknowledged State support of agritourism and that the farm can take advantage of its promotional expertise.

Gubb mentioned that he believed the signage requirements of the proposed new Zoning Bylaw may create some better flexibility for the farm.

Cavanagh stated that the Board is willing to arrange a meeting with the Zoning Administrator and others to work on this.

e. Discuss suggested motions paperwork

Brown raised the matter of recommended Board motions prepared by O'Keefe, which she said were helpful. Cavanagh stated that the motions are very helpful to the Board meetings and ensures that motions are legally sound. O'Keefe mentioned that he spends considerable time ensuring that they are done accurately the first time and that they don't have to be revisited at a future meeting, and added that they are simply recommendations subject.

A brief explanation of the process of inserting the first added agenda item of the meeting was offered by Cavanagh and O'Keefe.

Brown suggested that the recommended motions could be included in the meeting packet ahead of time for public transparency, and O'Keefe described the process and timing he follows to get the agenda and meeting paperwork together for the Board. She then recommended that the motions be printed and made available to the public at future meetings, and O'Keefe mentioned that would be easy to handle.

It was agreed by all Board members that the recommended motions are very helpful to their meeting process, and O'Keefe stated that he would make copies of them available to the public at the meetings.

11. New Business

a. Monthly update – One Londonderry

Elsie Smith addressed the Board and noted that she and Esther Fishmen (no longer in attendance) were the co-chairs of One Londonderry, and thanked the Board for including the organization on Board agendas for monthly updates to ensure that the Board is kept up to date and that the organization's activities are consistent with Town wishes. She introduced Larry Gubb and Mimi Lines as the chairs of the OL's Village Main Street Working Group and explained that each month she'd like to have the chairs of a different working group attend to introduce themselves and keep the Board abreast if their activities.

Smith noted that she had included in the Board meeting packet summaries of OL's mission statement, goals and organizational structure.

She gave the following updates:

- They are looking for someone to chair OL's Community Center Working Group
- They have created a website for OL -- www.onelondonerry.org

Smith read aloud the working group's mission statement which calls for working closely with the Town and noted their interest in participating on the North Village master planning effort about to commence. Gubb spoke about some of the other planning efforts that he and other Planning Commission members have been engaged in as both Commissioners and members of the public. He noted that there are approximately 40 members of this working group, and they are seeking even more community input. He spoke further about the upcoming master plan project. Lines mentioned the group's desire to engage stakeholders, and mentioned the several sub-groups created to address specific village projects and efforts.

Gubb noted the importance of communication between all parties involved and stated that the Selectboard has final say on most efforts on which OL will be working. Prouty agreed that information sharing will be very important to the Board.

Smith stated that OL seeks to work in partnership with the Town, and thanked the Board members and mentioned that the Recreation Group would attend the Board meeting next month and the Housing Group the following month.

Cavanagh stressed to Smith, Gubb and Lines that when they are representing OL they mention that it is a community organization and not part of Town government, to which they agreed.

b. Review bids and award contract for maintenance of Memorial Park

The Board reviewed the single response to the invitation to bid, submitted by Dryden's Outdoor, Inc., and O'Keefe noted that the Parks Board had voted to support acceptance of the bid.

*Vincent Annunziata **moved to accept the bid from Dryden's Outdoor Inc. for maintenance of Memorial Park during FY2022, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work**, seconded by Taylor Prouty. The **motion passed** unanimously.*

c. Consider request for use of Town Hall

The Board reviewed an application to use the Town Hall for a memorial event, and O'Keefe noted that reasonable use of alcohol was permitted per the Town policy, which also provides that insurance coverage was not required for a small event. It was agreed that revisions to the policy providing better specificity should be made.

*Taylor Prouty **moved to authorize use of the Town Hall on July 10, 2021 by Marcia Smith for the following event: Evelyn Mathews Memorial, and authorize the Town Administrator to sign the permit on behalf of the Town**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

d. Approve Auditor engagement letter – Sullivan, Powers & Co., Inc.

The Board reviewed the letter from the Town's auditor for review of the Town's FY2021 finances. O'Keefe suggested putting out to bid some financial services, including auditing, every few years.

*Melissa Brown **moved to approve the engagement letter with Sullivan, Powers & Co., Inc. to conduct a partial audit for Fiscal Year 2021, and authorize the Selectboard Chair to sign the document on behalf of the Board**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

e. Consider adjustments to summer meeting schedule

With the Independence Day and Labor Day holidays falling on 7/5 and 9/6, respectively, each being a first Monday and thus a regular Selectboard meeting date, the Board discussed and considered alternate schedules as prepared by O'Keefe. It was noted that a special Town Meeting would be held on 9/17/2021 and an informational meeting would be necessary prior to that. O'Keefe mentioned he'd be on vacation the week of 9/20/2021.

*Vincent Annunziata **moved to adjust the schedule of regular Board meetings this summer by dropping the meetings scheduled for July 5 & 19, August 2, and September 6 & 20, and adding meetings on July 12 & 26, August 30 and September 13**, seconded by Taylor Prouty. The **motion passed** unanimously.*

The regular meeting schedule for the months July through September were therefore changed to the following Mondays:

- July 12 & 26
- August 16 & 30
- September 13 (no second meeting in September)

f. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Taylor Prouty ***moved to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A Section 313(a)(3), and invite the Town Administrator to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered into executive session at 9:20 PM. O'Keefe was invited to participate in the executive session at 9:52 PM. The Board came out of executive session at 10:15 PM.

g. Consider employee compensation matters

Taylor Prouty ***moved to approve the amendment to the Town Administrator's employment agreement by adjusting the annual salary to $60,000, and to authorize the Selectboard Chair to execute the contract amendment on behalf of the Board****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

12. Adjourn

Vincent Annunziata ***moved to adjourn the meeting****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The meeting adjourned at 10:17 PM. The next regular meeting of the Selectboard is scheduled for July 12, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved July 12, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, July 8, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, James Fleming and Melissa Brown.

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Health Officer Richard Phelan, Transfer Station staff members Keith Barton, Steve Twitchell and Candy Bliss. Others – Magic Mountain representatives Craig Moulton and Andy Belcher.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:30 PM.

2. Additions or deletions to the agenda

Vincent Annunziata ***moved to add to the agenda, as item 2.a., Selectboard Pay Orders****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

2.a. Selectboard Pay Orders

Vincent Annunziata ***moved to approve the pay orders for payroll and accounts payable****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

3. Old Business

a. Review bids and award contract for Mansfield Lane tree removal

The Board reviewed the following bid received in response to the invitation to bid issued by the Town on June 28, 2021:

- Carr's Tree & Timber LLC $12,400

The project work was briefly discussed.

Jim Fleming ***moved to accept the bid from Carr's Tree & Timber LLC for tree removal services along Mansfield Lane in the amount of $12,400, [such funds to come from the Emerald Ash Borer Reserve Fund as appropriate and the Town Highway Department Tree Removal budget,] and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Review bids and award contract for Mansfield Lane roadside excavation/restoration

The Board reviewed the following bids received in response to a request for bids from Road Commissioner Taylor Prouty:

- David Chaves Excavating, Inc., So. Londonderry, VT $4,883.40
- Hunter Excavating, Inc., So. Londonderry, VT $6,500.00
- Ameden Construction, LLC, Jamaica, VT $7,500.00

Prouty provided details of the project work and timing with regard to the tree removal work and road paving scheduled for later in the summer. He suggested reestablishing a "contracted services" budget line to the highway budget the following year to better address projects such as this.

Taylor Prouty ***moved to accept the bid from David Chaves Excavating Inc. for roadside stump removal, excavation and restoration along Mansfield Lane in the amount of $4,883.40, such funds to come from the Town Highway Department Paving budget, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work****, seconded by Jim Fleming.*

It was noted there are funds available in the paving budget for this work, and the work is directly related to paving of the road.

The **motion passed** *unanimously.*

4. New Business

c. Consider Itinerant Vendor Permit Application –Ski Magic LLC

Magic Mountain representatives Craig Moulton and Andy Belcher presented the Board with information about the upcoming "Dead of Summer", and Moulton provided a revised vendor both layout necessitated by the recent wet weather, and noted that the event would have a maximum of 600 attendees. Belcher stated that he has been in contact with all emergency response providers about the event. They also noted that events such as these are anticipated in the underlying land use permits.

Jim Fleming ***moved to approve Itinerant Vendor Permit #2021-02 submitted by Ski magic, LLC for an event with outdoor food vendors to take place at Magic Mountain on July 10, 2021****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

Moulton and Belcher left the meeting at 5:50 PM.

d. Consider request for use of Town Hall

The Board briefly reviewed and discussed the request submitted by Margot Wright to show a movie at the Town Hall on the evening of July 12th.

Melissa Brown ***moved to authorize use of the Town Hall on July 12, 2021 at 5:00 PM by Margot Wright for the following event: to show the film "Twice Upon a Time", conditioned on there being no admission charged for attendees, and to authorize the Town Administrator to sign the permit on behalf of the Town****, seconded by Jim Fleming.*

The **motion passed** *unanimously.*

e. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Taylor Prouty ***moved to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A Section 313(a)(3), and invite Keith Barton, Steve***

***Twitchell and Candy Bliss to attend the executive session**, seconded by Melissa Brown. The **motion passed** unanimously.*

The Board entered executive session at 5:53 PM and met intermittently with each employee. The Board came out of executive session at 6:57 PM.

f. Consider employee compensation matters

*Vincent Annunziata **moved to move to adjust the hourly rate of pay for Keith Barton to $19,00, for Steve Twitchell to $18.00, and for Candy Bliss to $16.00, effective this pay period**, seconded by Jim Fleming. The **motion passed** unanimously.*

5. Adjourn

*Vincent Annunziata **moved to adjourn the meeting**, seconded by Melissa Brown. The **motion passed** unanimously.*

The meeting adjourned at 7:01 PM. The next regular meeting of the Selectboard is scheduled for July 12, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved July 12, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, July 12, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, James Fleming and Melissa Brown.

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Road Foreman Josh Dryden (6:35 PM), Solid Waste Manager Esther Fishman, Town Health Officer Richard Phelan, Planning Commission Chair Sharon Crossman, Board of Listers Chair Sandra Clark, Beautification Committee members Martha Dale, Barbara Wells, Gale Kuhlberg and Pam Abraham. Others – Residents Steve and Heather Swinburne, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda

*Melissa Brown **moved move to delete from the agenda, item 11.a. and 11.b., regarding an executive session and consideration of employee compensation matters, respectively**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

*Vincent Annunziata **moved to add to the agenda, as item 11.a., "Review bids and award contract for heating oil delivery for Town facilities**, seconded by Jim Fleming. The **motion passed** unanimously.*

Kevin Beattie suggested that the Board add to the agenda a discussion of the upcoming Mansfield Lane project, and notification of and an emergency access plan.….

*Melissa Brown **moved move to add the agenda, as item 9.e, to discuss the Mansfield Lane project and an emergency plan**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 6/217/2021 & 7/8/2021

Melissa Brown suggested changes to the 7/8/2021 minutes to correct the spelling of the name of an attendee.

*Taylor Prouty **moved to approve the amended minutes of the Selectboard meeting of both June 21, 2021 and July 8, 2021**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

4. Selectboard Pay Orders

*Vincent Annunziata **moved to approve the pay orders for payroll and accounts payable**, seconded by Jim Fleming. The **motion passed** unanimously.*

5. Announcements/Correspondence

O'Keefe mentioned that the speed studies recently conducted on several Town roads by the Windham Regional Commission have been received and a discussion of setting speed limits on these and a few roads studied a few years ago will be on the next regular meeting agenda for discussion.

He noted that the 45-day notice for the proposed solar array at the former septage fields, which is required by the Public Utility Commission review process, has been received. Also noted was that this project will be on the agenda for the next regular meeting as the plan has changed and now includes some clearing of the woodlands immediately adjacent to the proposed array in order to allow more sun penetration. The Conservation Commission manages this woodland and will consider the clearing plan at its meeting later in the week, O'Keefe mentioned.

It was noted that a dog bite report was included in the meeting packet.

6. Visitors and Concerned Citizens

Rich Phelan spoke about how nice Memorial Park is being maintained and encouraged the citizens to check it out.

Steve Swinburne spoke about continued speeding on Main Street and the danger it poses to residents, especially children, and the need to enforce the speed limits. Cavanagh mentioned that this could be discussed further during the discussion on the policing contract later in the meeting.

7. Town Officials Business

a. Listers – Homestead penalties [32 V.S.A. 5410(g)

Sandra Clark mentioned that there are three options for the Board with regard to late filing Homestead penalties: 1) Waive the penalty, 2) Use the 8% default, or 3) Use 3%. She noted that there were only six so far that don't add up to much money. Because of the pandemic conditions this past year she suggested that the Board again waive the penalty this year. The suggested action was briefly discussed.

Jim Fleming ***moved to waive the homestead penalty as provided for under 32 V.S.A. 5410(g)****, seconded by Taylor Prouty. The motion* ***passed*** *unanimously.*

Clark mentioned that it is wonderful to have Jeremiah Sund as Town Assessor, and the Grand List worked out well this year, with no need for BCA appeals. She stated that it was her 21st Grand List for the Town.

b. Town Treasurer – Set tax rate

Tina Labeau reviewed with the Board her tax rate calculations with a comparison to last year's figures. She said that thigs were looking very good, with the Grand List up, and the Town rate is fairly equal to the previous year, at .41957.

Proposed tax rates were presented as follows:

	Homestead	Non-Homestead
Municipal Rate	.41957	.41957
Education Rate	1.5981	1.6557
Total Rate	2.0177	2.0753

Jim Fleming ***moved to set the Town tax rate for 2021 at .41957 per $100 of assessed value, and to accept the Homestead and Non-Homestead education tax rates of 1.5981 and 1.6557, respectively****, seconded by Melissa Brown. The motion* ***passed*** *unanimously.*

Labeau stated that the rate should be per $1,000 of taxable value, not $100.

Jim Fleming ***moved to amend his previous motion and to set the Town tax rate for 2021 at .41957 per <u>$1,000</u> of assessed value, and to accept the Homestead and Non-Homestead education tax rates of 1.5981 and 1.6557, respectively****, seconded by Taylor Prouty. The motion* ***passed*** *unanimously.*

c. Town Treasurer – Receive & review Treasurer's internal financial control document [24 V.S.A. 872(c)]

O'Keefe mentioned this is an annual statutory requirement and there is a State-mandated format, which Labeau stated has not changed from last year.

Taylor Prouty ***moved to acknowledge, pursuant to 24 V.S.A 872(c), receipt of the Town Treasurer's internal financial control document, which was prepared in conformance with 24 V.S.A. 1571(b)****, seconded by Jim Fleming.*

Brown asked for clarification on responsibilities listed, which Labeau answered.

The motion ***passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman reported that the take or leave it shed is open from 12 to 3 PM each day the facility is open, which allows for better facility management.

b. Ratify 6/21/2021 decision on temporary facility closure on Sundays

The matter of temporarily closing the facility on Sundays was added to the agenda at the previous regular meeting and therefore required ratification per the Board's Rules of Procedure.

Cavanagh mentioned that an application for the open position on Sundays is likely to come in soon.

Taylor Prouty ***moved to ratify the Board's June 21, 2021 decision to temporarily close down the Transfer Station on Sundays until the next regular meeting when there can be further discussion****, seconded by Jim Fleming. The* ***motion passed 4****-1-0, with Cavanagh, Annunziata, Fleming and Prouty voting aye, and Brown voting nay.*

c. Consider operational days and hours for the facility

Fishman described a handout that she had provided to the Board regarding hours and days of operations of other facilities. Facilities near ski areas tend to be open on Sundays she reported.

Brown suggested staying open later on occasion if Sundays are to remain closed. She also suggested keeping this matter on the agenda of the next meeting.

*Vincent Annunziata **moved to close down the Transfer Station on Sundays until the facility is fully staffed**, seconded by Taylor Prouty.*

Brown stated she is fine with this provided there is continued discussion on the matter.

*The motion **passed** unanimously.*

d. Review bids and award contract(s) for solid waste management services

Fishman presented to the Board the proposals received a from a Request for Proposals that she issued to four vendors, and noted that there were two proposals were from solid waste management companies: Casella Waste Services and Alva waste Services, and one from a specialty food scrap hauler/processor: Grow Compost of Vermont. She stated that Casella purchased TAM, the company previously under contract, and that Alva is a new company that she feels is not up to providing the needed services at this time. She suggested that the Town contract with Casella and with Grow Compost.

The price per ton cost offered by Casella is $95.00, while the existing contract is at $90.78. Fishman provided information on the tonnage of waste the previous year. And was noted that the increase in cost is significant.

There was discussion about raising fees in order to address the cost. Fishman noted that the Town is now allowed to charge for recycling and food scraps disposal. Prouty mentioned that the hauling cost for both trash and recycled materials is the same $240/roll-off container, and we’re charging for one product and not the other.

It was agreed to put the matter of facility usage and disposal fees on the agenda for the next meeting. Fishman agreed to look into which facilities charge for recycling and food scrap collection.

*Taylor Prouty **moved to accept the bid from Casella Waste Services for provision of solid waste disposal services, and to authorize the Town Administrator Shane O’Keefe to execute all necessary documents to employ the contractor, including a service contract after review by the Town Attorney, and to accept the proposal from Grow Compost of Vermont for provision of composting services**, seconded by Jim Fleming. The motion **passed** unanimously.*

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of June 2021:

Salt – 0 tons   Sand – 0 yards   Vehicle Fuel – <u>695</u> gallons
Heating fuel (gallons):   Town Office Generator - 0, Transfer Station – 0

He mentioned that he has determined how to block off and sign the end of Brophy Lane as previously discussed by the Board, and materials would be ordered.

He reported that Road Crew member Jeremy Peters would like to attend a welding class at the tech center in Rutland in mid-August, and there was no objection from the Board.

O'Keefe brought up that he observed that one or more of the streetlights on Main Street have trees growing up beside them that are blocking the light from the street and could cause damage to the lights themselves in a storm.

b. Access Permit 2021-02 – Reilly Road, Parcel #008005.000 (Chaves)

Prouty briefly discussed this application, noting that there was a building permit years ago but no evidence of a road access permit, and it appears to be an old driveway in need of widening with a new culvert.

Jim Fleming ***moved to approve access permit application No. 2021-02, submitted by Nathan Chaves for parcel #008005.000, located on Reilly Road, with a new address of 705 Reilly Road****, seconded by Vincent Annunziata. The motion* ***passed*** *unanimously.*

c. Review bids and award contract for roadside tractor/mower/blower

The Board reviewed and discussed a bid tabulation for a new tractor with mower and blower provided by O'Keefe, which included six bids from four different dealers. Dryden spoke at length about the various proposals and equipment. He recommended the #2 proposal from H.P. Fairfield for a John Deere 6105E tractor, Alamo Machete mower and Buffalo Turbine PTO blower at a cost of $143,343, delivered in 60 days. He stated that his preferred unit was the #1 proposal from H.P Fairfield at roughly the same cost, but with a Tiger Bengal mower, and not delivered until November. The pros and cons of each bid received were discussed. Prouty suggested that as a long-term investment the Town should get the desired equipment and wait a bit longer for it.

Dryden noted that the Towns of Winhall and Peru have roughly the same equipment setup, using the Tiger mower, and Beattie mentioned that this could be to the Town's advantage if an emergency repair matter came up.

O'Keefe recommended accepting a bid now and dealing with financing at a later meeting.

Taylor Prouty ***moved to move to accept the option #1 bid from H.P. Fairfield for a new tractor with mower & blower assemblies in the amount of $143,344.60, and to authorize the Town Administrator to execute all necessary documents to secure the vehicle and equipment, with financing to be determined by the Board at a later date****, seconded by Vincent Annunziata. The motion* ***passed*** *unanimously.*

d. Annual Town Highway Financial Plan certification [19 V.S.A. §306(j)

O'Keefe explained that this is an annual approval required by VTrans. It is prepared by VTrans based on the Town's annual highway spending budget and is used to calculate reimbursement to the Town in cases of storm damage losses to roadway infrastructure.

Jim Fleming ***moved to adopt and execute the annual financial plan for Town highways pursuant to 10 VSA Section 306(j)****, seconded by Taylor Prouty,* ***passed*** *unanimously.*

e. Discuss the Mansfield Lane project and an emergency plan

Beattie brought up the need to provide adequate notice to Mansfield residents before the upcoming roadwork commences, which would happen the following week. Prouty suggested a notice to all property owners and a sign at the bottom of the road, and mentioned that the road would only be closed for a short amount of time and not need a hard closure of the road. It was agreed that a mailer to all property owners in the next few days and a flyer at each residence, providing dates and rain dates of the work and likely extent of the closures, would provide adequate notice.

On emergency response planning for the road closures, Beattie stated that he would make the necessary contacts to responders, with phone contacts for contractors. Prouty will follow up with the contractors to ensure that the proper phone numbers are provided.

10. Old Business

a. Approve design and consider request for funding of "Welcome to Londonderry" signage

Beautification Committee member Martha Dale presented the most recent "Welcome to Londonderry" signage proposal for consideration by the Board. She noted that the Committee has been working on this effort to revitalize the existing signs in concert with the Main Street Revitalization group from One Londonderry to create a more inviting entrance into the village for visitors. She recalled that the Committee members met with the Board back in December and presented various proposals from sign designers and had mentioned their preferred vendor, and the Board had asked her to come back with more specifics. She stated that she had met with the Planning Commission the week before and input from that meeting generated two more designs, which were presented to the Board, with the preferred final design shown at the top of the new design set.

Dale stated that the proposal from Rick McDonough of Typestries is to include full replacement of the four existing signs at a cost of $15,700, and she mentioned the specifications from the proposals and the proposed locations. She asked that the Town make a commitment to these signs, and requested that the Board cover the cost from the Town budget.

Cavanagh mentioned that the Town had not budgeted for the signs as one of the many ways the Board sought to keep the budget as low as possible. Brown suggested using budget surplus for this, and O'Keefe mentioned that any surplus should go to addressing the underfunded unassigned fund balance. Prouty reiterated that the previous discussion had never included a commitment to fund the project from the Town.

Dale was asked about other funding sources explored, and she said that no donations have been made to date, and they could work with the Community Fund of Londonderry. She added that the Committee has put $500 into the project already, so only $15,200 needs to be raised.

It was noted that Rich Phelan had committed $500 if a local vendor was chosen.

Board members stated that funding for the signs could be included in a future Town Meeting vote. The budget process begins in November it was noted.

Dale asked the Board if it approved the design and vendor at the meeting, and the Committee was able to secure the funding from other sources, whether it would allow the project to continue. There was no objection to this from the Board.

The question of permission from existing private property owners to continue to allow the signs was briefly discussed. Pajala noted that the signs were originally put up by a private entity, so the Town has no agreements for placement of the signs on the properties.

*Jim Fleming **moved to adopt the preferred design and the contractor of choice, Typestries**, seconded by Taylor Prouty. The motion **passed** unanimously.*

The Beautification Committee members thanked the Board and left the meeting at 7:37 PM.

b. Discuss Taylor Farm events

Cavanagh noted that he had been told the concert at the Taylor scheduled for the coming weekend without permits has been moved to another Town, but because it had been three weeks from the last meeting there has been no effort by Taylor Farm to contact the Zoning Administrator about zoning violations, that the Board should instruct the Zoning Administrator to send a notice that they should have a meeting with him before the next regular Board meeting.

Cavanagh noted that the signs and the store were in violation of the Zoning Bylaw. Annunziata mentioned that people in the community have accused the Town of selective enforcement for allowing the Taylor Farm to remain in violation. It was mentioned that there have been numerous offers made to the Taylor Farm to work with it on zoning and ordinance conformance to no avail.

The various permitting processes were briefly discussed

*Tom Cavanagh **moved that the Board instruct the Zoning Administrator to send a letter to Taylor Farm stating that they need to sit down and have a meeting about they're zoning violations before the next Selectboard meeting, otherwise they would be cited for a zoning violation**, seconded by Vincent Annunziata.*

It was clarified that this meant the next regular meeting, which is scheduled for July 26th.

*The motion **passed** unanimously.*

O'Keefe was asked to convey the Board's vote to Zoning Administrator Will Goodwin

c. Consider proposal for employee life, short-term & long-term disability insurance

This matter had been discussed at the previous regular meeting at which time the Board members agreed to study it further. O'Keefe presented the proposal materials and mentioned that he and Labeau had been working on this since budget time. He spoke to the fact that this is a cost-effective employee benefit package that can help to both keep and attract employees.

The cost breakdown for the benefits was as follows:

Option/Life Benefit:	**Option 1 -**$50,000	**Option 2 -** $10,000
Life, AD&D	$817	$193
Short-term Disability	$1,022	$1,022
Long-term Disability	$1,234	$1,234
ANNUAL TOTAL	$3,073	$2,449
Cost per employee (8)	$384	$306

Prouty agreed that this set of benefits is a good way to make the Town a more appealing employer for applicants. Labeau noted that the Town received a refund on workers compensation insurance that can help to offset this expense.

Jim Fleming ***moved to accept the proposals from Hickok & Boardman for employee life (option #1), short-term and long-term disability insurance for full-time employees, and authorize the Town Administrator to execute any policy documents necessary to initiate coverage effective August 1, 2021 or soon thereafter****, seconded by Vincent Annunziata. The motion* ***passed*** *unanimously.*

d. Discuss and act on requirements for Coronavirus Local Fiscal Recovery Funding (CLFRF)

O'Keefe noted that Town Treasurer has already taken the initiative to file for acceptance for funding under the Coronavirus Local Fiscal Recovery Funding (CLFRF), which is estimated to be a total of $173,363, but the Board must retroactively vote on motions as recommended by the Vermont League of Cities and Towns.

Jim Fleming ***moved that 1) the Town of Londonderry accept its allocation of Coronavirus Local Fiscal Recovery Funding (CLFRF) from the US Treasury, along with the Award Terms & Conditions and Assurances of Compliance with the Civil Rights Requirements that are requirements of accepting these funds, 2) that we appoint Town Treasurer Bettina Labeau to serve as the Town's "Authorized Representative" as required by the Coronavirus Local Fiscal Recovery Funding (CLFRF) from the US Treasury, and to sign the Award Terms & Conditions and Assurances of Compliance with the Civil Rights Requirements, and 3) that we name Town Administrator Shane O'Keefe to be the "Contact Person" for the Town's CLRFR Award from U.S. Treasury****, seconded by Vincent Annunziata. The motion* ***passed*** *unanimously.*

e. Discuss contract with the Windham County Sheriff's Office for FY22 policing services

O'Keefe reminded the Board that the contract with the Windham County Sheriff's Office for policing services was approved on June 7th subject to review by the Town Attorney. Attorney Fisher has insisted that the Town be added as an additional insured on the Sheriff's Office's insurance policies, he mentioned, and that there has been considerable back and forth between the parties, with the Sheriff's office declining the Town's latest offer, which called for an indemnification clause that would hold the Town harmless for actions of the Sheriff's Office, and added the Town as an additional insured only on the automobile and general liability policies. O'Keefe stated that there was therefore no contract, and he has gone as far as possible in negotiations in keeping with the Town Attorney's recommendations.

He suggested that the Board can go forward with a contract without the recommended liability protections, or decide not to enter into a contract. O'Keefe added that the recent Town Meeting vote on police contracting was specific to the Windham County Sheriff's Office, so contracting with any other entity would not per permitted with that funding source.

Cavanagh stated that he had been part of a discussion with VLCT and they were unaware of the Sheriff's contracts and the liability exposure to their client towns. He added that VLCT will be working on this concern with the Sheriff's Association on a state-wide basis.

The Board had a lengthy discussion of the pros and cons of being exposed to the risks as other towns are presently. Cavanagh stated that the Board needed to decide whether to take the gamble on the contract without the liability protections, and Prouty stated that it was worth the risk to move forward with it. Annunziata stated that he felt that the Board had an obligation to the Voters to contract for poling services, and Brown mentioned that the community is concerned with speeding and something needs to be done about it.

It was noted that the contract was for a one-year period and could be renegotiated in the future. Cavanagh stated that he was uncomfortable going against the Town Attorney's advice but that the Board was in a difficult position. Prouty stated that we all have to weigh whether to work with contractors based on levels of trust.

Pajala suggested the opportunity to work with other policing agencies by going back to the Voters at the special Town Meeting in September for a new vote.

Prouty suggested moving forward but to continue the work on a resolution to the underlying liability issue. Cavanagh suggested contacting other communities on this matter and possibly work toward making a change together.

Taylor Prouty ***moved to accept and approve the police services contract, without the need for additional indemnity and insurance coverage, with the Windham County Sheriff's Office for FY2022, and authorize the Town Administrator to execute the document on behalf of the Board****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

It was agreed that O'Keefe would issue a press release on the policing service.

11. New Business

a. Review bids and award contract for heating oil delivery for Town facilities

O'Keefe noted that he had issued an Invitation to Bid for fuel delivery and only received one response, from Cota & Cota, Inc. The Board reviewed the bid materials, and O'Keefe noted that the price of $2.47/gallon is up from $2.11/gallon last year.

Jim Fleming ***moved to accept the bid from Cota & Cota, Inc. in the amount of $2.47 per gallon for FY2022 heating oil for Town buildings, and authorize the Town Administrator to sign the proposed service agreement on behalf of the Town****, seconded by Vincent Annunziata. The motion* ***passed*** *unanimously.*

12. Adjourn

The Board members agreed to hold an executive session at a special meeting at 5:30 PM on July 14, 2021, at the Town Office for employee performance evaluations.

Jim Fleming ***moved to adjourn the meeting****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:32 PM. The next regular meeting of the Selectboard is scheduled for July 26, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved July 26, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, July 14, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, and Vincent Annunziata.

Board Members Absent: James Fleming and Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Road Foreman Joshua Dryden, and Road Crew member Jeremy Peters. Others – None.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:33 PM.

2. Additions or deletions to the agenda

None.

3. Town Officials Business

a. Town Treasurer – Set tax rate

It was noted that the original motion to set the tax rate made at the previous meeting, which had been for a rate per $100 of assessed value, had been correct and the amended motion that was eventually passed, which had been for a rate per $1,000 of assessed value, was incorrect. The confusion was likely caused by the fact that it is the same rate per $1,000 of Grand List value.

Vincent Annunziata ***moved to rescind the tax rate vote taken on July 12, 2021, and to instead set the Town tax rate for 2021 at .41957 per $100 of assessed value, and to accept the Homestead and Non-Homestead education tax rates of 1.5981 and 1.6557, respectively****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

4. New Business

a. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Taylor Prouty ***moved to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A Section 313(a)(3), and invite Josh Dryden and Jeremy Peters to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 5:35 PM.

Peters left the meeting at 6:05 PM.

The Board came out of executive session at 7:18 PM.

b. Consider employee compensation matters

The Board passed over this item.

5. Adjourn

*Tom Cavanagh **moved to adjourn the meeting**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

The meeting adjourned at 7:19 PM. The next regular meeting of the Selectboard is scheduled for July 26, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved July 26, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, July 26, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming.

Board Members Absent: Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Solid Waste Manager Esther Fishman, Town Health Officer Richard Phelan, Zoning Administrator Will Goodwin, and Planning Commission Chair Sharon Crossman. Others – One Londonderry representatives Martha Dale and Elsie Smith, resident Donna Chambers (6:13 PM), George Legacy from Ruck Up, Inc. (6:42 PM) and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda

*Vincent Annunziata **moved to adjust the agenda by moving New Business item 11.a, the request for a boot drop, to before the executive session**, seconded by Taylor Prouty. The **motion passed** unanimously.*

Elsie smith asked if the One Londonderry representatives could be heard under the Visitors and Concerned Citizens pert of the agenda.

*Vincent Annunziata **moved to adjust the agenda by moving Old Business item 10.a, the One Londonderry monthly report, to item 6**, seconded by Jim Fleming. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 7/12/2021 & 7/14/2021

*Jim Fleming **moved to approve the minutes of the Selectboard meetings of both July 12, 2021 and July 14, 2021**, seconded by Vincent Annunziata.*

*O'Keefe mentioned a correction brought to his attention by Esther Fishman, specifically that the existing per ton cost of the solid waste contract is $90.78 and not $80 as indicated in the minutes. Fleming **moved to amend his motion to include this change**, and Annunziata seconded. The **motion passed** unanimously, and the amended minutes were approved.*

4. Selectboard Pay Orders

*Vincent Annunziata **moved to approve the pay orders for payroll and accounts payable**, seconded by Taylor Prouty. The **motion passed** unanimously.*

5. Announcements/Correspondence

Tina Labeau mentioned that tax bills have gone out.

Kelly Pajala mentioned Music Monday scheduled for the following Monday at Pingree Park.

O'Keefe mentioned that there was some sewage backup at the Town Office that needed immediate attention the previous Friday and additional plumbing work, to include redirecting the sewage line, will be necessary.

He mentioned that a meeting took place the previous week between Town and emergency response representatives and Windham County Sheriff and his staff, to discuss priorities raised by the Selectboard and as well as response details. Patrols began on 7/21/2021, he noted, and it was reported that speeding ticket fines in excess of $1,000 were written on the first day.

Tom Cavanagh mentioned that he received a complaint about responsiveness of the Vermont State Police to an incident and that he was waiting back on a response from the Barracks Commander on it, which may need to be addressed at the next Board meeting.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- A letter of support from the Windham Regional Commission's Project Review Committee for the proposed septage field solar array project, dated 7/12/2021.
- A letter, also dated 7/12/2021, from the Executive Director of the Windham Regional Commission noting that the Windham Regional Plan was recently readopted.
- A letter of resignation from Jeff Such from his positions of Representative to the Southern Vermont Communications Union District Governing Board and Alternate Representative to Deerfield Valley CUD Governing Board.
- A 6/30/2021 letter of thanks from Vermont Natural Resources Council.

6. Visitors and Concerned Citizens

Rich Phelan spoke about the quality of service the community receives from the Londonderry Volunteer Rescue Squad, and noted how busy and well-staffed it is.

Sharon Crossman inquired about the roadside work scheduled for Mansfield Lane, to which Taylor Prouty gave an update including that the tree removal went well but that there may be delays in the bank and ditching work that must take place before the road is paved.

Martha Dale gave a detailed update on the One Londonderry Recreation Committee, noting that its goal is to bring together outdoor enthusiasts and enhance recreational opportunities in the community. She mentioned several initiatives and gave updates of the Trails group, such as coordination with other trails organizations, development of mapping and web resources, and fund raising through grants. Prouty mentioned the bridge and trail matters affecting Brophy Lane that were recently of concern to the U.S. Forest Service as opportunities for the Trails group to pursue.

Dale also spoke of the Recreation Committee's Winter Festival group that is considering an event on the first weekend in March 2022 at a number of locations that might include sleigh rides, a winter scavenger hunt, bonfires, an uphill ski challenge and the establishment of a skating rink.

7. Town Officials Business

a. Town Clerk – Approve Town Meeting minutes of 5/1/2021 [24 VSA 1152]

Kelly Pajala distributed the proposed Town Meeting minutes for Board review and approval.

*Vincent Annunziata **moved to approve the minutes of the Annual Town Meeting of May 1, 2021**, seconded by Jim Fleming. The **motion passed** unanimously.*

b. Zoning Administrator – Update on Taylor Farm

Will Goodwin reported that he had met with the Taylor Farm owner Jonathan Wright and the hay wagon signs have been moved but are still visible, and Wright understands that he can no longer hold concerts without proper permits.

It was clarified that the retail store no longer sells cheese produced by the farm and no longer meets the statutory zoning waiver for accessory on-farm business. The legality of a retail stores in residential districts was discussed briefly. Goodwin stated that there is no benefit to the community to shut down the store, and suggested that the Planning Commission could change the definition of an accessory on-farm business in the new Zoning Bylaw to allow for the Taylor Farm store.

Resident Donna Chambers spoke in support of the farm operations.

It was noted that the Farm is not a tax-exempt entity, and Pajala clarified that the farm property is in current use for the most part and therefore enjoys some tax relief benefits.

The cost and process for required local and State permits was briefly discussed.

Goodwin said that there is progress with zoning compliance, and he'll continue to work with the farm on this.

Cavanagh agreed that things were looking better and that the Board would see where it goes and hopes that Wright continues to work on this. Prouty added that the Board wants to see the farm as a success and the Board's concern should not be seen as a lack of support, but is instead support for doing things the right way.

Dale and Goodwin left at 6:35 PM.

c. Planning Commission – Monthly update

Sharon Crossman provided updates as follows:

- A kick-off meeting for the Town Hall restoration project took place the previous week, which included a representative of the Preservation Trust of Vermont, who determined that all of the work presently planned qualified for the $10,000 matching funds. The project start is scheduled for the 2md or 3rd week of August, and she noted that the contractor, VMS Construction, has been very accommodating of the Town's project scope and timing needs.
- A kick-off meeting for the Main Street Master Plan project also took place the previous week with Stevens & Associates. She described the extensive experience and understanding of the firm and mentioned that the meeting included discussion of the preliminary project schedule and project partners, followed by a site walk with other

project supporters. She further described the project scope and process, and noted that Neighborhood Connections has volunteered community meeting space at its office.

- On the Water-Wastewater project, water testing will go forward in the next month, and the Town Attorney is reviewing deeds for one property that may work well in the south village area.
- The Zoning Bylaw rewrite is closing in on its final draft, she reported, which will be followed by public input and hearings that would take a month or two after, and the goal is to have it completed by the end of the year.
- The Planning Commission is still seeking one more member to fill a vacancy.

There was follow-up discussion of the Town Hall project, and Crossman noted that there are people interested in donating funds for the project, and Labeau clarified that checks should be made out to The Town of Londonderry and they would be placed in the Town's building reserve fund and earmarked for the project. Fleming inquired about the need for roof repairs and it was mentioned that repairs were removed from the project due to the budget but would be addressed in the next phase of the project.

d. Development Review Board – Appointment to fill vacancy

DRB Chair Esther Fishman recommend that the Board appoint Rich Phelan to fill the vacancy on the DRB, and noted that Phelan had met with the DRB the previous week.

Vincent Annunziata ***moved to appoint Richard Phelan to fill a vacancy on the Development Review Board for a term ending September 30, 2022****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that the new gate for the take-it-or-leave-it shed has been but up and it's working well to promote conformance with facility rules, which Fishman confirmed. The Board agreed that the staff is operating the shed very nicely.

Fishman noted that only brown paper bags will be permitted as liners for compost buckets beginning on August 10th, and signage on this has been put up at the facility. The reasoning for this was briefly discussed.

It was noted that there are still no applicants for the part-time Sunday position.

b. Consider change of facility usage and disposal fees

Esther Fishman described a handout that she had provided to the Board regarding operational fees of other facilities. It mentioned that the Vermont Legislature did not take action on a proposal for extended producer responsibility, which could require manufacturers to cover the cost of recycling their products, and could have saved the Town up to $60,000. She did not recommend changes to disposal rates as the framework for disposal may change.

With regard to charging for recyclables, the concern she raised was that there would be a staffing requirement to punch cards.

The Board took no action on changing disposal rates.

Reflecting back on the previous regular meeting, Fishman recommended different hours for winter due to early darkness.

Phelan left the meeting at 6:56 PM.

9. Roads and Bridges

a. Updates

Regarding Mansfield Lane, Prouty clarified that there is likely to be a delay on the excavation and stump removal, and the paving contractor had hoped to start in Londonderry soon, and while he is trying to coordinate the project the paver may have to come back later in the summer for this and nearby road segments.

b. Access Permit 2021-03 – Thompsonburg Road, Parcel #035040.000 (Pena)

Prouty briefly discussed this application, noting that there is a parcel that is bisected by Thompsonburg Road and an access is needed for a barn.

Jim Fleming ***moved to approve access permit application No. 2021-03, submitted by John Pena for parcel #035040.000, located on Thompsonburg Road, with a new address of 2888 Thompsonburg Road****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

c. Access Permit 2021-04 – Haven Hill Road, Parcel #043004.000 (Sardilli)

Prouty briefly discussed this application, noting that it was a temporary access for logging and the culvert and access would be removed afterward.

Taylor Prouty ***moved to approve access permit application No. 2021-04, submitted by Don Sardilli for temporary access for logging purposes onto parcel #043004.000, located on Haven Hill Road****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

d. Consider Road Surface Management System (RSMS) Study

The Board reviewed and considered a proposal for a road surface management study from engineer Everett Hammond. Prouty discussed this proposed effort to the Board, which would be engineer's look at paved road conditions to create a capital plan for road improvements and related budgeting.

The unbudgeted cost for the effort would come from the American Rescue Plan Act it was noted. Prouty noted that the cost would be recovered over time by more efficient paving operations.

O'Keefe mentioned that Hammond has conducted this type of study for a number of communities, and they have proven to be very worthwhile to road surface planning, prioritization and budgeting. The study would create a plan that can be adjusted and revised

Taylor Prouty ***moved to move accept the proposal from Hammond Engineering to conduct a Road Surface Management System study at a cost not to exceed $7,000, to be paid from funds received from the American Rescue Plan Act of 2021, and authorize the Town Administrator to sign the proposed service agreement on behalf of the Town****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

e. Review Town highway speed studies

The Board reviewed recent traffic and vehicle class counts and speed recommendations for prepared by the Windham Regional Commission for the following roads:

- Goodaleville Road
- Hells Peak Road
- Winhall Station Road

O'Keefe mentioned that these studies are needed in order to establish speed limits. He suggested that the Board hold off on setting such limits at this time as he has asked for similar reports for counts conducted in 2018 for the following roads:

- Spring Hill Road
- Landgrove Road
- Winhall Hollow Road

He also suggested asking for input from the Sheriff's Department on the speed limit recommendations. Formal establishment of "no through trucking" on Middletown Road and Thompsonburg Road/Main Street was also discussed and recommended by the Board. O'Keefe will come back at a future meeting with recommended speed limits and ordinance revisions based on the speed studies.

10. Old Business

a. Monthly update – One Londonderry

This matter was addressed earlier in the meeting.

b. Discuss special Town Meeting on retail cannabis and local option tax

O'Keefe reviewed with the Board the most recent draft of a warning for the September 17, 2021 special Town Meeting, which provided various alternatives for votes on allowing for cannabis-related businesses and also options for local option taxes. Options for cannabis include votes on allowing for retailers, for allowing integrated licensees, or for allowing both types of cannabis-related businesses.

Pajala clarified that if the Town does not hold a vote on this, then in 2023 cannabis businesses will automatically be allowed in the community. But if there is a vote on permitting cannabis businesses that fails then that vote would remain valid and such businesses would not be permitted.

Options for local options taxes include allowing for taxation of sales, rooms, meals and alcohol, and there could be votes on some or all of these, and there can be separate articles for each. O'Keefe also suggested that the Board should consider how funds raised through any such taxes would be used; at present the article calls for proceeds to reduce taxes, but other options could include applying revenues to any number of other alternatives, such as capital funds or conservation land acquisition as examples.

Pajala stated that if the Town wants to see any local revenue from cannabis sales, then a local option sales tax would be required.

The Board briefly discussed when to hold the required informational hearing, and it was agreed to hold off on this for discussion at the next regular meeting.

O'Keefe mentioned that one matter that should be dealt with as soon as possible was a decision on whether to mail ballots to all active registered voters, which requires a vote of the Board [17 VSA 2680(g)(1)]. Pajala stated that there is a lot of preparation for this to take place and suggested that a decision on this sooner as opposed to later would be best. The cost for this was discussed and it was estimated that it would cost approximately $4,000.

Noting the high participation rate for early and absentee voting option in the community, Pajala said she wouldn't recommend mailing to all voters, but was prepared to do so. She mentioned that there would need to be good promotion of voting options if the mailing did not take place.

The Board discussed holding more than one informational meeting, where the work could get out to the community, and there was general agreement that mailing ballots to all voters was not necessary.

Pajala stated that anyone can request an early ballot for any reason, with no explanation necessary, and to contact the Town Clerk's office however they'd like for a ballot.

Cavanagh stated that the Special Town Meeting warning would be on the agenda for the next meeting.

c. Septage Field Solar Array Project – Tree clearing

O'Keefe reviewed with the Board the recent filing with the Public Utilities Commission for the proposed solar array that included a revised site plan showing tree clearing primarily to the west of the array help maximize solar access. He explained that because the array is on the Town-owned Truax property that is managed by the Conservation Commission, the Commission was asked to opine on the clearing proposal and voted "to approve, in its present form, the Green Lantern Solar plan for construction of a solar farm on the Truax property". It was noted that there appears to be little value to the timber proposed to be cut.

Vincent Annunziata ***moved to approve of the proposed tree clearing effort in support of the proposed septage field solar array to be located on Town-owned Truax parcel (parcel # 103010.000), subject to final approval of the project from the Vermont Public Utility Commission and Selectboard approval of the proposed lease for the array facility with its developer****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Fishman left the meeting 7:29 PM.

11. New Business

a. Consider request for boot drop – Ruck Up, Inc. [23 VSA 1056]

George Legace provided the Board with information on Ruck Up, Inc. and its recent accomplishments and efforts to assist veterans throughout the region. He requested authority from the Board to hold a fundraiser once again, this time on 9/18/2021, with a rain date of 9/19/2021, on VT Route 11 near Hells Peak Road, and acknowledged that State authorization is also required and he needs a letter of approval from the Town.

Board members expressed their thanks for the good work of the organization, and Legace thanked the Board for its support of over the years.

Jim Fleming ***moved to approve the request from Ruck Up, Inc. to hold a boot drop fundraiser on VT Route 11 in the vicinity of Hell's Peak Road on September 18, 2021, with a rain date of September 19, 2021, subject to provision of written proof of adequate liability insurance and written proof of authority to conduct the event from the State of Vermont Agency of Transportation****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Legace noted some ditch work needed on his road, and Prouty stated that he'd look into it.

10. Old Business (continued)

d. Executive Session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

Taylor Prouty ***moved to find, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning pending litigation in the matter of Contos v. Londonderry will clearly place the Town or Londonderry at a substantial disadvantage****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to move to enter executive session to engage in attorney-client communications and discuss pending litigation in the matter of Contos v. Londonderry, to which the Board is a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E) and Section 313(a)(1)(F), and invite Town Administrator Shane O'Keefe and Treasurer and Delinquent Tax Collector Tina Labeau to attend****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:45 PM.

The Board came out of executive session at 7:57 PM. No decisions were made.

e. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Taylor Prouty ***moved to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A Section 313(a)(3), and invite Town Administrator Shane O'Keefe and Town Treasurer Tina Labeau to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:58 PM.

The Board came out of executive session at 8:31 PM.

f. Consider employee compensation matters

Taylor Prouty ***moved to adjust the hourly rate of pay for Josh Dryden to $25.00, effective this pay period, and add a $50.00 per month stipend for cell phone use****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

12. Adjourn

Vincent Annunziata ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:32 PM. The next regular meeting of the Selectboard is scheduled for August 16, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved August 16, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 16, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, Melissa Brown and James Fleming.

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Solid Waste Manager Esther Fishman, Road Foreman Josh Dryden, and Town Assessor Jeremiah Sund. Others – Residents Mimi Wright (6:10 PM), Jonathan Wright (6:54 PM), and Austin Morse (7:13 PM), and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda

Vincent Annunziata ***moved to adjust the agenda by adding, as item 11.d. of the New Business section of the agenda, consideration of a request to use the Town Office meeting room****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 7/26/2021

Vincent Annunziata ***moved to approve the minutes of the Selectboard meeting of July 26, 2021****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Vincent Annunziata ***moved to approve the pay orders for payroll and accounts payable****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Shane O'Keefe mentioned that the Town did not receive any bids for the decorative window and door work at the Town Hall, so we're going to pass on that for the time being in case there are other opportunities for the funds in the coming months. He also mentioned that there are still vacancies on the Energy Committee, Conservation Commission, Development Review Board and Planning Commission.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- The July 2021 invoice and activity report from the Windham County Sheriff's Office – for the period July 21 through 31.

He also mentioned that a meeting with the Sheriff and representatives from the Town of Jamaica is being scheduled.

Tina Labeau noted that the first distribution of funds from the American Rescue Plan, in excess of $86,000, arrived last week.

Cavanagh went over the July activity report from the Windham County Sheriff's Office. Melissa Brown asked about providing input to the Sheriff's Office and there was general discussion about communications, interest in reviewing radar cart data.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Town Assessor – Grand List Errors & Omissions[32 VSA 4261]

Jeremiah Sund spoke to the Board about an error affecting two properties, specifically that two bills went to the wrong property owners due to a property transfer involving an easement, and that the Board's vote is needed to reverse the error. He noted that the property values, and therefore the Grand List, did not change.

Taylor Prouty ***moved to correct a grant list error with regard to ownership of parcels 035017.000 and 035017.004, also referred to as SPAN 357-110-11169 and 357-110-23172, respectively****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

None.

b. Discuss contracts for solid waste management services

Esther Fishman spoke about the proposed solid waste contracts authorized two meeting prior, and mentioned that Casella has insisted on an annual cost increase based on the Consumer Price Index for the three-year contract. The alternative is a one-year contract (without any CPI adjustment) which would require going out to bid again next year. She mentioned that she recommended allowing for the annual adjustment. She mentioned that the other bidder was at a higher price and is not fully prepared to meet the scope of services due to a number of factors.

O'Keefe clarified that the Town had gone out to bid and received two bids, and Casella's proposal did not include an annual increase, but that he supported Fishman's recommendation.

The Board members discussed the service contract alternatives. O'Keefe also suggested that the Board authorize either him or Fishman to execute the Grow Compost contract

Jim Fleming ***moved, with regard to the proposed contract for solid waste disposal services with Casella Waste Services, which was authorized at the July 12, 2021 Board meeting, to allow for an annual cost of services escalation tied to the consumer price index, and with regard to the proposed contract for composting services with Grow Compost of Vermont, to authorize the Town Administrator to execute all necessary documents to employ the***

***contractor, including a service contract after review by the Town Attorney**, seconded by Taylor Prouty. The **motion passed** unanimously.*

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of July 2021:

Salt – 0 tons   Sand – 0 yards   Vehicle Fuel – <u>337.4</u> gallons
Heating fuel (gallons):   Town Office Generator - 0, Transfer Station – 0

He mentioned that the paving has been completed except for the shoulders, which will be handled on some rainy day by the contractor, and manhole covers on Magic Access still need to be raised.

Dryden mentioned that the tires for the grader are in need of replacement and he has received some price estimates, with the best at $7,944 plus installation cost. He added that the grader is overdue for a rear-end service which would need to be done soon at the dealership in Williston, which will require transporting. O'Keefe suggested having the tires done at the time of the rear-end service.

He noted that he is starting to prepare the Highway Department for winter, and asked O'Keefe if he could solicit bids for road salt.

Dryden discussed with the Board road repair work done as a result of the rain storm on 7/29/2021, and possible requests for funds from FEMA. The Spring Hill Road culvert, which needs to be replaced by a bridge, had some damage due to the storm, and may have some additional funding availability; O'Keefe will explore this.

10. Old Business

a. Discuss and approve special Town Warning   [17 VSA 2641 & 2642]

The Board reviewed various options for articles to be voted on at the September 17, 2021 special Town Meeting.

Regarding authorizing cannabis-related businesses, the Board considered whether to hold separate votes for retail cannabis sales and integrated licenses or to allow both in a single article. It was the consensus of the Board to have two separate articles: one authorizing retail cannabis sales and one authorizing integrated licenses.

Regarding establishment of local option taxes, the Board considered whether to have a single article authorizing local taxes on sales, rooms, meals and alcoholic beverages, similar to the article at the 2020 annual Town Meeting, or to have individual votes on each or just some of the local option taxes. Cavanagh suggested only voting on a sales tax at this time as that is the local option tax linked directly to the sale of cannabis and noted that many surrounding towns already have this tax. Sales tax revenue would be used to reduce the municipal property tax rate.

Potential for revenues derived from all of the local options taxes was discussed. Sales tax would include items purchased elsewhere and delivered to Londonderry, such as with construction material deliveries and internet sales.

The Board also discussed the inclusion of an article authorizing the Board to appoint the first and second constable instead of their continuing to be elected. The vote authorizing this must be by Australian ballot, so this special meeting is the appropriate forum.

Scheduling of informational hearings was discussed, and it was pointed out that one must be held within 10 days of the vote. The question arose as to who the Board could invite to speak to the articles, particularly the cannabis votes, and options included the Vermont League of Cities and Towns, and Pajala suggested including those in the cannabis business, and local education and prevention services providers such as The Collaborative.

As to location of the hearings, O'Keefe confirmed that he had spoken with the Town's project engineer fore the Town Hall restoration project, who had confirmed that there would be no problem with the contractor accommodating the hearings.

As to dates and times, after extended discussion it was mutually agreed to hold the hearings at 6:00 PM on August 31st and September 8th.

Jim Fleming ***moved to approve and sign the Warning for the special Town Meeting, to be held by Australian ballot, on September 17, 2021****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.* The warning as signed is attached to these minutes.

Pajala stated that ballots would be available by August 18th. She also stated that she would work with Cavanagh and O'Keefe to reach out to potential speakers at the hearings.

b. Consider reinstituting requirement for wearing protective masks at Town Offices

Pajala explained that, given the trends with COVID-19 infections of late, indoor wearing of masks is gathering greater interest with other municipalities, and suggested that the Board consider whether access to the Town Office should be limited and/or whether protective mask use for visitors should be required. She said that the pick-up window is still in use and continues to work very well for staff and visitors alike, and her preference is to close the Town Office to the public except by appointment. It was noted that mask wearing by all visitors would be best to avoid uncomfortable situations by staff.

Melissa Brown ***moved to order that the Town Office shall be closed to all visitors during regular business hours except by appointment or at the discretion of Town Office workers, and that during such time protective facemasks shall be worn by all visitors****, seconded by Jim Fleming. The* **motion passed** *4-1, with Cavanagh, Prouty, Brown and Fleming voting AYE, and Annunziata voting NAY.*

11. New Business

a. Discuss process for Williams Dam Study

O'Keefe discussed the proposed study of the Williams Dam that was approved at the annual Town Meeting, where $50,000 was allocated to evaluate the condition of the dam and to determine the comparative cost of its repair, replacement or removal. He stated that he has issued a request for proposals to qualified engineers, with proposals due on September 1st, and he has recruited Emergency Management Director Kevin Beatie and State DEC Dam Safety Engineer Ben Green to assist with the proposal review process and subsequent meetings with the chosen consultant. O'Keefe invited any Board member interested in this to participate, and asked about whether the Board wished to establish a working committee on the project or whether they were comfortable with O'Keefe, Beattie and Green working on it on behalf of the Town. There was no objection to just the three working on it and that there be periodic updates given to the Board, and Annunziata suggested that maybe a member of the Conservation Commission should be invited to participate.

O'Keefe stated that he hopes to have study results in time for next year's annual Town Meeting.

TAYLOR FARM - Resident Jonathan Wright expressed his continued interest in working with the Board and clarifying situations at the farm, and briefly spoke about his progress toward bringing the Taylor Farm into compliance with the signage provisions of the Zoning Bylaw. He stated that he has taken down the hay wagons with the banners on them, he has removed some of the smaller roadside signage, while the old truck that says "Vermont Cheese" still remains. He stated that his intention is to put a lighting timer on the main entrance sign.

O'Keefe mentioned that normally matters such as this, which the public may wish to hear, is addressed under a specific agenda item or mentioned under the Visitors and Concerned Citizens part of the agenda, and that discussing at this stage of the meeting may be unfair to the public. Wright stated that he just wanted to clarify with the Board that they were taking steps in a positive direction. Mimi Wright clarified that they were also working with the State of Vermont. The Wrights left the meeting at 7:12 PM.

b. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Taylor Prouty ***moved to enter executive session to consider the employment of a Town employee, pursuant to Title 1 V.S.A Section 313(a)(3), and invite Road Foreman Josh Dryden, Town Administrator Shane O'Keefe and Austin Morse to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:13 PM. Dryden and Morse left the executive session at 7:27 PM, and Dryden was invited back in at 7:53 PM.

The Board came out of executive session at 8:04 PM.

c. Consider employment of new employee

Taylor Prouty ***moved to offer employment to Austin Morse to serve as a road crew member and equipment operator with the Town's Highway Department on a full-time basis, with an hourly rate of $24.00****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Morse stated that he would let the Town know in a few days whether he would accept the offer. There was discussion about the Town's employment benefits. Morse and Dryden left the meeting at 8:08 PM.

d. Consider request to use the Town Office meeting room

The Board reviewed a request from the Vermont Institute of Natural Science to hold an educational event at the Town Offices called “Raptors: Inspiring Conservation” on Saturday, August 16th.

Taylor Prouty ***moved to authorize use of the Town Office assembly room on September 4, 2021 at 11:30 AM by the Vermont Institute of Natural Science for an educational event conditioned on there being no admission charged for attendees, and to authorize the Town Administrator to sign the permit on behalf of the Town****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

12. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:10 PM. The next regular meeting of the Selectboard is scheduled for August 30, 2021.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved August 30, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

WARNING

TOWN OF LONDONDERRY SPECIAL TOWN MEETING

SEPTEMBER 17, 2021

The legal voters of the Town of Londonderry, Vermont are hereby warned and notified to meet in the Town Office, 100 Old School Street in said Town on September 17, 2021, at 7:00 a.m. to transact the following business by Australian ballot:

Article 1: Shall the town authorize cannabis retailers in town pursuant to 7 V.S.A. § 863?

Article 2: Shall the town authorize integrated licensees in town pursuant to 7 V.S.A. § 863?

Article 3: Shall the town authorize the assessment of a one percent (1%) local option tax on sales, pursuant to 24 V.S.A. § 138, the proceeds of which shall be applied as General Fund revenue to reduce the municipal property tax rate?

Article 4: Shall the town authorize the Selectboard to appoint a first constable and if needed, a second constable, in accordance with 17 V.S.A. § 2651a?

Polls open from 7:00 a.m. to 7:00 p.m.

The legal voters of the Town of Londonderry are further notified that the Londonderry Selectboard will hold informational hearings on all such Articles on <u>both</u> August 31, 2021 at 6:00 p.m. and September 8, 2021 at 6:00 p.m. at the Town Hall, 139 Middletown Road.

Dated at Londonderry this 17th day of August 2021

Selectboard of the Town of Londonderry

______________________________ Thomas Cavanagh, Chair

______________________________ Vincent Annunziata, Vice Chair

______________________________ Taylor Prouty

______________________________ Melissa Brown

______________________________ James Fleming

Received for the record this _________ day of August 2021

________________________________ Kelly M. Pajala, Town Clerk

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, August 26, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, James Fleming and Melissa Brown

Board Members Absent: Vincent Annunziata.

Others in Attendance: Town Officials – Town Clerk Kelly Pajala. Others – Gwynn Zakov of the Vermont League of Cities and Towns (via phone).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda

None.

3. Old Business

a. Discuss upcoming Special Town Meeting informational hearings

The Board discussed guests that could provide helpful information to Voters at the upcoming informational hearings, scheduled for the evenings of 8/31/2021 and 9/8/2021, particularly with regard to the votes on cannabis authorization. Vermont League of Cities and Towns' Municipal Policy Advocate Gwynn Zakov has agreed to participate via telephone on the first hearing. Drug policy reform advocate Dave Silberman of Middlebury is available at either hearing date. Maryann Morris of The Collaborative will be available at one the hearings. Vermont Cannabis Control Board member Julie Hulburd has indicated that she may be available for the second hearing.

The Board discussed use of a facilitator, and Town Moderator Doug Friant was mentioned, as was Peter Pagnucco, and each will be contacted to see about availability.

Discussion on local controls took place and it was recommended that changes to the Town's Zoning Bylaw should take place now. The Cannabis Control Board may have more influence on

Zakov left the meeting at 6:45 PM.

It was agreed that Cavanagh would send a formal invitation to each of them, and that GNAT would be invited to record the hearings. A press release should be issued that includes the Town Meeting warning and ballot instructions.

4. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 6:59 PM. The next regular meeting of the Selectboard is scheduled for August 30, 2021.

Respectfully Submitted,

____
Melissa Brown

Approved August 30, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 30, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Melissa Brown and James Fleming.

Board Members Absent: Taylor Prouty and Vincent Annunziata.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Solid Waste Manager Esther Fishman (6:17 PM), Town Health Officer Richard Phelan and Planning Commission Chair Sharon Crossman (6:17 PM), Others – One Londonderry representatives Patty Eisenhaur and Gail Mann, Brattleboro Development Credit Corp. representative Sarah Lang, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:08 PM.

2. Additions or deletions to the agenda

Melissa Brown ***moved to add to the agenda, as item 9.e., acceptance of terms for the new tractor and equipment****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 8/16/2021 & 8/26/2021

The Board reviewed recommended revisions to the draft minutes of the meeting of August 26, 2021, which included additional meeting details.

Melissa Brown ***moved to approve the minutes of the Selectboard meeting of August 16, 2021 and August 26, 2021, as amended****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Jim Fleming ***moved to approve the pay orders for payroll and accounts payable****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

- Regarding the Septage Fields Solar Array project, O'Keefe reported that Green Lantern Solar estimates that they are on track to submit the Certificate of Public Good application by the following day's deadline. The 45-day review period has run and there were a few comments from review agencies. A feasibility study is underway with Green Mountain Power and a flood plain Letter of Map Amendment application is in process. And a draft lease is expected soon.
- He added that proposals for the Williams Dam study are due in two days, and it is hoped to have a recommendation for the Board no later than the first meeting in October.
- O'Keefe noted that a press release had been issued that day for the September 17th special Town Meeting and the August 31 and September 8 informational hearings.

Tina Labeau mentioned that the Town Office and the Transfer Station would be closed the following Monday for Labor Day, and that the Town Clerk's Office and Town Treasurer's office would be closed on September 23rd and 24th for training.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- An email dated 8/18/2021 from Conservation Commission Administrative Assistant Andie Fusco tendering her resignation, and mentioning that she will stay on until a replacement can be found and will help facilitate the transition. The Conservation Commission is trying to find someone.
- An email dated 8/19/2021 from Waite-Heindel Environmental Management, the Town's septage fields hydrogeologists stating that PFAS was detected in the new groundwater monitoring well, and that this will likely result in additional environmental investigation. The full report will be issued soon.
- A chart with 2020 populations changes from 2010 to 2020 for area communities, showing that Londonderry's population increased by 150 people from 1,769 to 1,919, an 8.5% increase.
- An invitation to the 2021 VLCT Town Fair, scheduled for in-person session on September 29th and virtual sessions from October 4 through 8.
- An 8/19/2021 request from VLCT for the Town to choose a voting delegate to attend the September 29th annual business meeting in South Burlington.
- A letter of thanks dated 8/5/2021 from Health Care and Rehabilitation Services of Southeastern Vermont for the Town's annual contribution as approved by the Voters at Town Meeting.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Patty Eisenhaur gave a detailed presentation on the One Londonderry Housing Group, noting that its primary goal is to ensure the availability of housing for all residents of Londonderry. She added that the group is tasked with exploring ways to enhance Londonderry's livability by facilitating the creation, rehabilitation, retention and reuse of a diversity of housing opportunities for all, while preserving Londonderry's rural character.

Eisenhaur stated that the specific goals for the coming year are to:

- Collect information on the housing situation today, review work conducted to date and understand the most pressing need.
- Identify and learn from experts in similar communities that have successfully tackled housing matters.
- Understand options and resources that might be available and develop action plans (near, medium, and long term) that can address the identified needs.

She mentioned several top priorities for the group as follows:

- Year-round rentals.
- Properties for sale $300k and under for first time home buyers.
- Incentives to keep as primary residences.

- Rehab homes for rental or sale.
- Incentives for owners.
- Repurposing motels into apartments.
- Incentives for owners.
- Subdividing property to create affordable homes/rentals or facilitating the creation of “granny units”.
- Second Congregational Church project.
- Multi-family developments, including modular home parks w/ shared well/septic.
- Tax sales.

And also spoke about the many connections locally and state-wide that the group is either working with now or seeking to forge relationships, and mentioned several top priorities for the group and initiatives being monitored. Of particular concern is the availability of affordable rental properties, she noted, and recommended a town-wide housing assessment.

Melissa Brown agreed that affordable housing is a significant issue locally and state-wide that needs to be addressed.

Gail Mann inquired about public input into how the Town would be using the incoming federal funds from the American Rescue Plan Act, and asked what the planning process would be and how citizens can get involved. She suggested that affordable housing was one area where the community can benefit from the funds.

Cavanagh stated that the Town needs to get better handle on what can and can’t be funded under the federal funding programs. It was suggested that a public input meeting could take place at an upcoming meeting.

b. **Meet with representative(s) of Brattleboro Development Credit Corporation/SeVEDS**

Sarah Lang of the Brattleboro Development Credit Corporation met with the Board to discuss the services and programs offered by BDCC and its sister organization the Southeastern Vermont Economic Development Strategies, and to follow up on their annual funding request.

From the FY 2023 budget, the BDCC/SeVEDS is requesting 5,307 from Londonderry, which equates to about $3 per person (2010 census), and she noted that a good part of the organization’s funding comes from these contributions from many of its 23 member communities.

Lang provided copies of the previous year’s annual report and a program overview. She described some of the work of the organizations and the business training work of her office in particular. She spoke of connections between BDCC and the Planning Commission and the One Londonderry group, and the high level of participation of Londonderry businesses with her organization.

She spoke about specific programs and services, both regionally and locally, and provided information on the many businesses assisted with COVID-19 sustainability and recovery funds and other aid.

Sharon Crossman spoke in support of the funding request, noting that the community has benefitted greatly by the efforts of BDCC and SeVEDS.

On the issue of labor shortages, Lang spoke about general employment trends and about the organization's recruitment and retention efforts.

The Board thanked Lang for attending the meeting and for the work of BDCC/SeVEDS.

7. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman provided updates as follows:

- With regard to affordable housing matters, she stated that she supports efforts to address the housing shortages as they directly impact community members. She suggested establishing or otherwise tapping into Town reserve funds to assist with housing affordability
- The Town Hall restoration project kicked off that day, with probe work in the balcony to determine its viability, work on basement mold issues and providing adequate accessibility. The State of Vermont fire safety permit has been issued.
- On the Maine Street Master Plan project, there will soon be an announcement of a town-wide meeting to be hosted by the project consultant to discuss study efforts so far, take comments and encourage further participation.
- The Water-Wastewater project is stalled due to legal review of deed issues for a specific property that may be able to accommodate users on the south village. The is one opportunity in the north village involving shared use of an existing wastewater system that is being explored. Arranging for free water quality testing of private wells is still in process, and 32-34 people have expressed interest in this.

b. Conservation Commission – Appointment to fill vacancy

The Board met with Gary Hedman, who has applied to volunteer for the Conservation Commission and provided information on his professional background and interest in helping the Town. It was noted that Hedman had met with the Commission, which voted to recommend Hedman's appointment.

O'Keefe mentioned that Hedman had volunteered to assist with the Williams Dam study given his background in engineering, including dam removal projects.

Melissa Brown ***moved to appoint Gary Hedman to the Conservation Commission for a 3-year term ending May 31, 2024****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman spoke about the efforts of Grow Compost, and there has been some guidance on how to ensure a minimum of contamination in order to keep down costs. She stated that working with the company is going well.

Cavanagh noted that the take-it-or-leave-it shed is open between noon and 3:00 PM every day the Transfer Station is open. Drop-off is limited to those hours as well.

Fishman mentioned that she has ordered signage for the entrance that provides days and hours of operation of the Transfer Station

b. Request for Transfer Station fee waiver – The Collaborative

Fishman explained that Transfer Station fee waivers have been granted to not-for-profits for their regular trash but must pay for special disposals such as with construction. The Collaborative already disposes of its regular trash at the Flood Brook School and is now asking for a waiver for occasional large items. Fishman stated that she supports the waiver request.

No decisions were made, and the Board will discuss this matter at the next regular meeting pending further information from Fishman, such as the type of disposal items and frequency.

9. Roads and Bridges

a. Updates

O'Keefe noted that he was still inventorying the vehicles and equipment in the cold storage building and hoped to have it completed for the next regular meeting.

b. Consider bids for winter road salt

The Board reviewed the following bids received in response to an invitation to bid sent out on 8/19/2021 for road salt supply and delivery:

- Apalachee, LLC — $80.00/ton
- American Rock Salt Co., LLC — $81.30/ton
- Cargill, Inc. — Did not bid

O'Keefe explained that Apalachee has provided salt to the Town in the past few years and Road Foeman Josh Dryden reports that he is happy with the product and service. The cost last year was $70.15/ton.

Jim Fleming ***moved to accept the bid from Apalachee Salt for FY2022 supply and delivery of winter road salt in the amount of $80.00 per ton, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary material and services****, seconded by Melissa Brown. The* ***motion passed*** *unanimously*

c. Review Town highway speed studies

The Board reviewed traffic and vehicle class counts from 2018 and 2020, and speed recommendations prepared by the Windham Regional Commission, for the following roads:

- Spring Hill Road
- Landgrove Road
- Winhall Hollow Road

O'Keefe mentioned that these studies are needed in order to establish speed limits on paved roads. On 7/26/2021, the Board reviewed reports for the following roads:

- Goodaleville Road

- Hells Peak Road
- Winhall Station Road

He noted that the reports each have recommended speed limits from WRC, which he has checked and believes there may be alternative speed limits that might make better sense based upon actual observations in addition to the data. He stated that he is waiting on recommendations from the Windham County Sheriff's Office as well, and looks to have a set of proposed Ordinance amendments with new speed limits for these roads at an upcoming regular Board meeting.

He stated that he has been unable to determine ordinance language for the formal establishment of "no through trucking" on Middletown Road and Thompsonburg Road/Main Street, but will continue to do research on this.

d. Discuss posting of Town highway speed limits

O'Keefe explained that the speed limit for all gravel roads in the community is 35 miles per hour (mph) per the Traffic and parking ordinance, but until such time as roads are posted at that speed limit the roads default to the State maximum of 50 mph. He noted that there is $4,000 budgeted for signs, which would provide for about 40 signs with posts, and recommended that the Board prioritize which roads should be posted first. and then role out signs at other locations in the coming year or two depending on budgets.

Location and frequency of posted signs was briefly discussed, as were budget and labor issues.

Specific roads for speed limit signage were discussed. O'Keefe noted that if the Board approves new speed limits on paved roads at an upcoming meeting they too will need to posted. Melissa Brown suggested posting notification of class 4 roads.

The consensus of the Board was for the Highway Department to order 20 sets of 35 mph signs with posts, and to come back at the next regular to settle on which specific roads to sign.

e. Acceptance of financing terms of for the new tractor and equipment

With regard to paying for the new tractor with roadside mower and blower, which is now on order from H.P. Fairfield, Labeau stated that she had sought financing quotes from several financial institutions and for the best deal to be with North Star leasing Company. The proposal is a 5-year term at 4.999% interest for the $143,344.60 purchase price. Labeau noted that other proposals were for 5.5% and 6.1% interest.

Melissa Brown ***moved to accept the financing proposal from North Star Leasing Company and authorize the Town Treasurer or the Town Administrator to execute this and any subsequent documents to secure the funding****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discuss upcoming Special Town Meeting and informational hearings

The Board reviewed and discussed possible handouts for the upcoming informational hearings, the first being scheduled for the following evening.

Brown and Crossman spoke about the language in the draft Zoning Bylaw that addresses cannabis businesses. The specific bylaw section would be included in the information packet to be handed out as a draft.

Information on potential income from a 1% local sales tax would be included, as would a list of Vermont municipalities with the local sales tax. The definition of integrated cannabis licenses would also be provided.

Cavanagh prepared an opening statement to address each of the articles and distributed a draft for review and comment. There were a few changes made to improve the statement, including that the Board itself is not recommending that votes be cast one way or another on any article. O'Keefe was asked to prepare a final version for Cavanagh.

In addition to Town Moderator Doug Friant, it was noted that others invited to attend to address questions are:

- Gwynn Zakov from the Vermont League of Cities and Towns
- Maryann Morris from The Collaborative
- Drug policy reform advocate David Silberman
- Julie Hulburd from the Vermont Cannabis Control Board

Absentee ballots will be available at the informational hearing and possible ballots, Labeau mentioned.

The Board discussed logistics of the informational hearing, including pandemic-related health measures.

b. Ratify 8/16/2021 decision on use of Town Office meeting room

The matter of use of the Town Office meeting room by the Vermont Institute of Natural Science on 9/4/2021 was added to the agenda at the previous regular meeting and therefore required ratification per the Board's Rules of Procedure. It was noted that the Conservation Commission was a co-sponsor of the event.

Jim Fleming ***moved to ratify the Board's August 16, 2021 decision to authorize use of the Town Office assembly room on September 4, 2021 by the Vermont Institute of Natural Science for an educational event conditioned on there being no admission charged for attendees****, seconded by Melissa Brown. The* **motion passed** *unanimously*

11. New Business

None.

12. Adjourn

Brown noted that before the next regular meeting there will be meeting with the Windham County Sheriff's Office, and she requested that there be an opportunity to report out on that meeting at the 9/13/2021 Board meeting.

Melissa Brown ***moved to adjourn the meeting****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The meeting adjourned at 7:44 PM. The next regular meeting of the Selectboard is scheduled for September 13, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved September 13, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 13, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty, Melissa Brown and James Fleming.

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Road Foreman Joshua Dryden (6:20 PM), Town Health Officer Richard Phelan and Planning Commission Chair Sharon Crossman (6:17 PM), Others – Residents Ian Jensen and Gail Mann, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

O'Keefe noted that the representative from the Chamber of Commerce would be attending the next regular Board meeting.

*Vincent Annunziata **moved to move to delete from the agenda New Business item 11.a, a discussion with Okemo Valley Regional Chamber of Commerce representative**, seconded by Taylor Prouty. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 8/30/2021

*Vincent Annunziata **moved to approve the minutes of the Selectboard meeting of August 30, 2021**, seconded by Jim Fleming. The **motion passed** unanimously.*

4. Selectboard Pay Orders

*Vincent Annunziata **moved to approve the pay orders for payroll and accounts payable**, seconded by Taylor Prouty. The **motion passed** unanimously.*

5. Announcements/Correspondence

Tina Labeau mentioned that the Town Clerk's Office and Town Treasurer's office would be closed on September 23rd and 24th for training.

Kelly Pajala stated that property taxes are due on October 1st.

Sharon Crossman noted that with regard to the ongoing North Village Main Street Study and Master Plan the consultant, Stevens & Associates of Brattleboro, has made some progress and will present information to the public and receive input on Thursday, October 7th from 2:30 PM to 8:30 PM at Neighborhood Connections. She stressed the importance of community participation and that further public notice would be provided.

O'Keefe stated that a press release was issued today regarding the cancellation of the September 17th special Town Meeting due to lack of statutory newspaper notice.

On the Septage Fields Solar Array, he said that the Town received the draft long-term lease agreement, which has been forwarded to Town Attorney Bob Fisher for review, and it is hoped to be discussed at the October 4th meeting. He added that he received word that the projects' petition application for a certificate of public good has been deemed administratively complete by the Public Utility Commission

O'Keefe mentioned that the Town received four proposals from engineering consultants for the Williams Dam study, which are now being reviewed and he looks to have a recommendation in time for the October 4th meeting.

The sewage drain replacement plumbing in the basement at the Town Office was completed the previous Friday, he mentioned.

He also noted that the previous week he had received the draft report on PFAS monitoring from Waite-Heindel Environmental Management, the Town's septage fields hydrogeologists, stating that PFAS was detected in the new groundwater monitoring well as well as one of the original wells, and that additional ongoing annual monitoring of all 4 wells is recommended. He said that he would work with the State to see if there is a way to reduce the number or frequency of the sampling in order to keep down ongoing costs.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- The August activity report from the Windham County Sheriff's Office.
- Results from the recent radar speed cart placed on Main Street, showing the average vehicular traffic speed of 33 miles/hour.
- A copy of an administrative amendment to Act 250 permit #2W1213-A, changing the name of the operator of one of the Rowes Road mining facilities from Weston Island Logging, Inc. to Hunter Excavating.

There was discussion about policing activity and Tom Cavanagh read the following figures:

- 51 traffic warnings were issued
- 16 traffic tickets written with fines totaling $12,657
- 6 arrests

It was noted that police activity involves more than just traffic enforcement. Cavanagh requested that the monthly policing reports be posted the Town's website.

6. Visitors and Concerned Citizens

Rich Phelan noted that local emergency response providers are seeking members. He also noted that the Champion Fire Company #5 is planning on some Halloween activity for the community.

7. Town Officials Business

a. Town Administrator – Report on meeting with Windham County Sheriff's Office

O'Keefe stated that Cavanagh, Brown and he had met on September 7th with Jamaica Selectboard member Andy Coyne and Sheriff Anderson, Captain Samataro and Sargent Belville, and he reported as follows:

- The Sheriff remarked how surprised he and his staff are with how consistently busy they are in Londonderry.
- Officer Belville is spending half his time in each community and is looking to shift to some weekend hours as the ski season picks up.
- The biggest problem they are seeing is excessive vehicular speeds, but they expect that their presence will help to slow down speeders in the coming months.
- They are writing tickets under the Town ordinance to maximize local fine revenues.
- The radar speed sign was removed from Main Street last week and after traveling to another town over the next week or two will be back in town elsewhere.
- They will do traffic engineering studies for the Town within their contract hours if requested, and in the fall they will be acquiring pole-mounted radar counters (with no driver feedback capability) which will allow for traffic counting, speed measurement and class counts, even in the winter.
- With regard to dogs, they will support the Town's Animal Control Officer, depending on resources, and they in fact have a contract with Newfane, Windham, Putney and Westminster to provide Animal Control Officer services.
- The Sheriff was informed of the impending vote on cannabis legalization

Brown mentioned that the Sheriff stated that there is enough activity to easily support 40 hours per week and that his office has the capacity to provide more hours to the Town if desired. There was discussion about revenue from fines, and it was noted that it is difficult to pin down and predict this due to a great many factors.

O'Keefe was asked to inquire about establishing weekend patrols soon.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that new tires for the loader were needed, and would cost approximately $2,400 to be mounted a foam-filled. He said that they are looking for an extra set of rims for the tires.

He mentioned that Grow Compost was been sold to Casella Waste Services, and that Esther Fishman is looking into the contract and how this affects the Town. He will report back to the Board on this.

b. Request for Transfer Station fee waiver – The Collaborative

Following up on the previous meeting, Cavanagh noted that The Collaborative has provided information on the proposed items for disposal, which included a large canvas tent and possibly some office furniture in the future.

The Board discussed the request for fee waiver and a recent Board decision regarding a similar request the Kinhaven School was raised, as was the fact that The Collaborative already disposes of its regular trash at the Flood Brook School.

Taylor Prouty ***moved to approve the request to waive transfer station fees for The Collaborative, which shall be limited to occasional larger items****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of August 2021:

Salt – 0 tons Sand – 0 yards
Fuel (gallons): Vehicles – 481 , Town Office Generator – 0, Transfer Station – 80

Regarding various repairs needed on the grader, Dryden said he received a quote of $5,433.68 for work to be completed at the Town Garage, and the high cost of delivery to the facility was discussed. Tires are to be replaced during the coming week he added.

He mentioned that speed limit signs may be difficult to get but he has made an order for signs and posts. He also spoke of his plans for signage and barriers for the bridge out on Brophy Lane.

Dryden mentioned that that Under the Mountain Road project funded through the Grants-in-Aid program is completed and he is working on project closeout.

The need for increased recruitment for the vacant Road Crew position was discussed. It was agreed that O'Keefe will readvertise the position, including some more expensive advertising options.

b. Access Permit 2021-05 – Under the Mountain Road, Parcel 036013.000 (Caracciolo)

Dryden briefly discussed this application, noting that it is pretty straight forward but that some brush cutting is needed. Contractor Ian Jensen was in attendance to discuss the project if needed.

Taylor Prouty ***moved to approve access permit application No. 2021-05, submitted by Ian Jensen for property owners David and Lisa Caracciolo for parcel #036013.000, located on Under the Mountain Road, with a new address of 949 Under the Mountain Road****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Discuss posting of Town highway speed limits

Following up from the previous meeting, the Board spoke with Dryden about which gravel roads should be prioritized for speed limit signs. He suggested Under the Mountain Road, Riley Road, Haven Hill Road, Barker Road, and Sherwood Forest as the busiest, and there was much discussion about various roads and numbers of signs needed.

O'Keefe mentioned that Vermont Local Roads advised that speed limit signs should be located every two minutes of travel, and that signs should be posted at intersections with roads having a different speed limit. He recommended connecting with the Windham County Sheriff's Office on how best to locate signs to ensure successful enforcement. Dryden stated that a sign and post together costs roughly $80-$100.

Melissa Brown ***moved to post 35 mile per hour speed limits signs on all Town gravel roads this fall, as the budget allows****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

d. Review draft amendments to the Traffic & Parking Ordinance

The Board reviewed possible amendments to the Traffic and Parking ordinance, primarily to establish speed limits on paved roads. O'Keefe presented speed limits for the following Town highways that were recommended by the Windham Regional Commission based on engineering studies done for each:

- Landgrove Road
- Winhall Hollow Road
- Hells Peak Road
- Springhill Road
- Winhall Station Road
- Goodaleville Road

He mentioned that he had driven each to confirm whether the WRC recommendations were appropriate and had developed some changes, which were reviewed by a Windham County Sheriff's Deputy.

After discussion on specific features of various roads, and possibly establishing a consistent lower speed limit at the approaches to State highways, it was agreed that Board members would drive the roads to further assess the recommended speed limits and discuss this further at the next regular meeting.

e. Ratify 8/30/2021 decision to accept financing terms for new tractor and equipment

The matter of financing the new tractor and associated roadside equipment was added to the agenda at the previous regular meeting and therefore required ratification per the Board's Rules of Procedure.

Jim Fleming ***moved to ratify the Board's August 30, 2021 decision to accept the financing proposal from North Star Leasing Company for the new tractor and associated equipment, and to authorize the Town Treasurer or the Town Administrator to execute this and any subsequent documents to secure the funding****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Scheduling of delivery of the equipment was discussed, including delays with heavy equipment and vehicle delivery due to market conditions.

10. Old Business

a. Discuss upcoming Special Town Meeting

Cavanagh explained that the warning for special Town Meeting scheduled for September 17th was not advertised in the Town's newspaper of record, the *Vermont Journal*, more than 5 days in advance of the meeting, so a new meeting would need to be rewarned. He apologized for the mistake, noting that it is not often that the Town holds special Town Meetings, and noted that a new informational hearing would be required before a new vote.

Pajala suggested running the new warning in the *Vermont Journal* twice, and Cavanagh suggested doing so soon after September 17th and then again a week or so before the new special Town Meeting. Pajala suggested several dates for both the Town Meeting and the informational hearing.

Cavanagh suggested that the article to establishing the Constable as an appointed position be removed from the warning as it can only be voted on at an annual meeting.

Pajala mentioned that the Board of Civil Authority would meet on September 15th. She also requested that future press releases on election-related matters come from the Town Clerk's office.

Jim Fleming ***moved to approve and sign the Warning for the special Town Meeting, to be held by Australian ballot, on October 20, 2021, with an informational hearing on October 13, 2021****, seconded by Vincent Annunziata.*

Fleming read aloud the articles as follows:

- Article 1: Shall the town authorize cannabis retailers in town pursuant to 7 V.S.A. § 863?
- Article 2: Shall the town authorize integrated licensees in town pursuant to 7 V.S.A. § 863?
- Article 3: Shall the town authorize the assessment of a one percent (1%) local option tax on sales, pursuant to 24 V.S.A. § 138, the proceeds of which shall be applied as General Fund revenue to reduce the municipal property tax rate?

The ***motion passed*** *unanimously.*

b. Discuss use of funds from the American Rescue Plan Act (ARPA)

Cavanagh mentioned that guidance on expenditures of local funds received under the American Rescue Plan Act (ARPA) is still coming out from the federal and state governments, and the Vermont League of Cities and Towns (VLCT) is assisting communities with this as well. There are many restrictions on spending he added.

He mentioned that ARPA has four broad criteria outlining eligible uses:

1. to respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality;
2. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;

3. for the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and,
4. to make necessary investments in water, sewer, or broadband infrastructure.

Funds can be used for housing and childcare, he mentioned. Funds for an emergency operations center at the Town Office would be eligible, as would an in-ground community wastewater system.

The Town will receive the following funds under ARPA:

Municipal Allocations	**2021***	**2022**	**Total**
Municipal funds	86,681.46	86,681.46	173,362.92
County Funds	160,840.72	160,840.72	321,681.46
Totals	247,522.19	247,522.19	**495,044.38**
NOTE: Funds must be obligated by 12/31/2024, and unexpended funds are not subject to recapture or return to the federal government until 12/31/2026.			

* Already received by Town

Funding must be obligated by 12/31/2024, and unexpended funds are not subject to recapture or return to the federal government until 12/31/2026.

There was discussion about supporting affordable housing with the funds, and Crossman stated that this is a critical need in the community and suggested that the Town consider using the funds to contribute to private investment in housing. Gail Mann suggested using the funds to leverage other available funds to support housing.

Prouty suggested that other Boards and commissions review funding opportunities and make proposals for consideration by the Board. Cavanagh suggested inviting local not-for profit organizations to participate as well. O’Keefe suggested possibly holding a public hearing on this and inviting the Windham Regional Commission to participate. Brown suggested looking at organizations in the area that could benefit under the spending guidelines and bring them together.

Pajala noted that the Collaborative and the West River Montessori School are considering infant and toddler care, which is sorely lacking in the area, and helping these organizations would have a positive impact. Cavanagh noted that communities with shared needs can work together a pool their funds to increase funding opportunities, and that the Town should actively reach out to them.

It was noted that infrastructure spending is not eligible under ARPA, but that infrastructure funding may be available under other legislation now in the works. O’Keefe mentioned that the Board had allocated $7,000 of ARPA funds for a paving study recently and that that allocation will have to be reversed given the new understanding of ARPA limits. He suggested that the project should still go forward, and budgeted paving funds can handle the expenditure. There was no objection to this.

It was agreed to reach out to The Collaborative, the West River Montessori School and Neighborhood Connections to let them know that the Board will be discussing this matter on an ongoing basis at upcoming regular meetings and that they should participate. O'Keefe offered to make contact with them.

Crossman reminded the Board that VLCT provides a service that will help vet projects for eligibility.

11. New Business

a. Annual appointments – Development Review Board

The Board reviewed an application submitted by Esther Fishman for reappointment to he Development Review Board (DRB). Here term expires at the end of the month. O'Keefe mentioned that DRB member Terry Hill has decided not to apply for the appointment, and thanked her for her service to the Town over the years.

*Taylor Prouty **moved to reappoint Esther Fishman as a regular member of the Development Review Board for a 3-year term extending to September 30, 2024**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

12. Adjourn

*Jim Fleming **moved to adjourn the meeting**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

The meeting adjourned at 7:37 PM. The next regular meeting of the Selectboard is scheduled for October 4, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved October 4, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 4, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty, Melissa Brown and James Fleming.

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Road Foreman Joshua Dryden, Town Lister Sandra Clark, Town Assessor Jeremiah Sund, Emergency Management Director Kevin Beattie and Planning Commission Chair Sharon Crossman. Others – The Collaborative Executive Director Maryann Morris, Neighborhood Connections Executive Director Nicole Wengerd, Okemo Valley Regional Chamber of Commerce Executive Director Carol Lighthall, West River Montessori School representatives Michael Bacon and Eva Pare', Resident Brian Scott Denkman and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:02 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Vincent Annunziata ***moved to adjust the agenda by moving the Development Review Board and Planning Commission appointments from the New Business part of the agenda to the Town Officials Business part of the agenda, as items 7.b. and 7.c., respectively****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Vincent Annunziata ***moved to add to the Town Officials Business part of the agenda, as item 7.d., "Town Clerk – Approval process for Town Zoning Bylaws"****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Vincent Annunziata ***moved to add to the New Business part of the agenda, as item 11e., "1st & 3rd Class Liquor License – Smith Food Service Hospitality, DBA Revival Kitchen"****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 9/13/2021

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of September 13, 2021****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Taylor Prouty ***moved to approve the pay orders for payroll and accounts payable****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

O'Keefe noted that he had applied for $448,000 of funding for the Spring Hill Road culvert replacement from the VTrans Mitigation Program, which requires a $112,000 local match, and looks to hear back in November.

He added that the recruitment for the Road Crew position has not gone well, and despite very wide advertising the Town has not received any responses from qualified candidates.

He also mentioned that the Town received an additional $1,600 for the Town Office renovation project's design process from the BDCC Community Facilities program to match the previous $5,600 received in December 2020

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- The final report on PFAS monitoring at the former septage fields, dated 9/20/2021, which recommends ongoing annual testing.
- A structural review of the Town Hall, updated 9/22/2021, noting various repair needs and related estimates of cost.
- A notice of public hearing scheduled for 10/20/2021, and associated permit applications for a subdivision to be considered by the Development Review Board on land abutting Town property.
- A chart of Vermont Blue Cross and Blue Shield health insurance premium rates for 2022., which were noted to have gone down from 2021 rates.
- A letter of request, dated 8/27/2021, for an annual budget appropriation from the American Red Cross, along with a service delivery statement

Kelly Pajala stated that the informational meeting for the upcoming special Town Meeting vote is scheduled for Wednesday, 10/13/2021 at 6:00 PM at the Town Hall. She added that absentee ballots are currently available.

Melissa Brown noted that there is a meeting the following week at the Upper Pass Lodge at Magic Mountain regarding a proposal for a skating rink in the community.

Sharon Crossman spoke about upcoming presentation and information gathering meetings on 10/7/2021 regarding the North Village Master Plan and Main Street Study. The first meeting is scheduled for 3:30 PM and will be held via Zoom software, with the Town Office as the required in-person location, and the 6:30 PM meeting will be held in-person at the offices of Neighborhood Connections. She invited the public to attend one or both meetings.

6. Visitors and Concerned Citizens

a. Discussion with Okemo Valley Regional Chamber of Commerce representative

Carol Lighthall spoke to the Board about the OVRCC's effort last year to provide advertising mapping for area communities, and noted that there is an upcoming application process for funding for which they will seek to establish a village centers project, and hopes that Londonderry will participate. She described potential projects, including photography or informational kiosks, but plans are still in development. She mentioned that OVRCC is also working on recreational grants, and spoke about potential tourism funding from the American Rescue Plan Act.

Lighthall asked that the Board eventually provide a letter of support for the village centers project when fully developed, and she will provide a draft letter to consider.

She left the meeting at 6:17 PM.

7. Town Officials Business

a. Listers/Town Assessor – Report on market conditions and impact on assessments

Jeremiah Sund updated the Board on the Listers Office matters and likely issues with property assessments given recent trends in property sales. He noted that the Town conducted a reassessment in 2018 and that the Town is in good shape, with a Common Level of Appraisal (CLA) presently at 97.36. he noted that the recent high value sales will not be factored into the Town's next sales study but will begin to show up the following year.

If the CLA drops below 85% the Town will have to conduct another reappraisal, and the Listers Office is taking steps to address this such doing a statistical update in the coming years.

Sandra Clark discussed how to conduct a reappraisal when necessary. Some work can be done in-house, she mentioned, and assessment contractors will be in high demand from other communities in worse shape than Londonderry. She spoke about how the appraisal fund supports this work.

Increases in State education taxes in the coming years by virtue of the sales values were discussed. Pajala noted that the Department of Taxes may seek an increase to the per-parcel maintenance money that comes to the Town's reappraisal fund, and the Department of Education has reported a sizable surplus in the education fund that may be used to reduce the state-wide tax rate.

Cavanagh boiled it down to the point that assessments are increasing and as a result there will likely be increases in state taxes in the coming years.

b. Annual appointments – Development Review Board

Development Review Board Chair Esther Fishman introduced Brian Denkman to the Selectboard, and he discussed his background and his interest in serving on the DRB.

Vincent Annunziata ***moved to appoint Brian Denkman as a regular member of the Development Review Board for a 3-year term extending to September 30, 2024****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

c. Appointment to fill vacancy – Planning Commission

Planning Commission Chair Sharon Crossman introduced Maryann Morris to the Selectboard, and discussed her background, noting that Morris had attended a Commission meeting and the Commission voted to support her appointment. Morris spoke about her background, community involvement and interest in serving on the Commission.

Taylor Prouty ***moved to appoint Maryann Morris to the Planning Commission for a term extending to March 31, 2024****, seconded by Melissa Brown. The* **motion passed** *unanimously.*

d. Town Clerk – Approval process for Town Zoning Bylaws

Kelly Pajala mentioned that while researching the zoning bylaw adoption process and she found that in 1968 the Town Meeting voted to put future zoning bylaw changes to the Voters by Australian ballot. She referred to the following subsections of 24 V.S.A. 4442(c), Routine adoption:

> (1) A bylaw, bylaw amendment, or bylaw repeal shall be adopted by a majority of the members of the legislative body at a meeting that is held after the final public hearing, and shall be effective 21 days after adoption unless, by action of the legislative body, the bylaw, bylaw amendment, or bylaw repeal is warned for adoption by the municipality by Australian ballot at a special or regular meeting of the municipality.
>
> (2) However, a rural town as defined in section 4303 of this chapter, by vote of that town at a special or regular meeting duly warned on the issue, may elect to require that bylaws, bylaw amendments, or bylaw repeals shall be adopted by vote of the town by Australian ballot at a special or regular meeting duly warned on the issue. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the town.

She noted that she has not reviewed all Town reports since 1968, but so far there is no evidence that the vote to require Town Meeting approval of zoning bylaw amendments has been rescinded. The last zoning bylaw approved by the Voters was in 2000, and subsequent amendments took place in 2007, 2009 and 2020 with only Selectboard approval.

Pajala indicated that at issue is which set of bylaws the Zoning Administrator should be following, and also what process must be followed to adopt the zoning bylaw amendments now in process. She mentioned that she will conduct further research and recommended that the Town Attorney review her findings for an opinion. Cavanagh agreed with the recommendation to send it to the Town Attorney, and there were no objections to this.

Sharon Crossman stated that minor changes may have been adopted without Town Meeting vote as the State may have mandated some changes. Changes since 2000 appear to be the following:

- 2007 changes to flood hazard regulations
- 2009 changes related to the change to the Development Review Board
- 2020 changes to development on private and non-maintained Town roads

Brown inquired whether there should be a hold on permit requests until the matter is clarified, and it was generally agreed that this would be the call of the Town Attorney.

Pajala stated that the Town could vote from the floor to rescind the 1968 decision on Voter-approval zoning bylaws, in which case the adoption and the bylaw changes now in process could be approved by the Selectboard. She noted that Voters could still petition to have the approval considered at a Town Meeting by Australian ballot.

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman reported that there was a successful hazardous waste collection day this past weekend, with 98 vehicles coming through, that went very smoothly.

Cavanagh noted that new tires for the loader will be coming the following week, and the Town purchased new rims for the backhoe to help expedite the process.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of September 2021:

Salt – 0 tons Sand – 0 yards
Fuel (gallons): Vehicles – 258.3, Town Office Generator – 0, Transfer Station – 140

Regarding the road mower he said he expects delivery by the end of the week.. Dryden stated that he hopes to make at least one pass of all Town roads in the entire community with the roadside mower before the snow flies.

Taylor Prouty mentioned that the fire truck needed new batteries to get started, as well as some hydraulic repairs, and is ready to be sold. Sale of this and other items in the cold stage barn will allow for better winter storage of equipment. O'Keefe mentioned that sale of equipment would be on the agenda for the next regular meeting.

b. Access Permit 2021-06 – Middletown Road, Parcel 062020.001(tent.) (Wurtz)

Dryden briefly discussed this application. O'Keefe noted that a DRB hearing is scheduled for 10/120/2021 on the proposed subdivision that would create the lot for which the access permit is requested. Prouty mentioned that there is already a field access at the proposed curb cut location.

Taylor Prouty ***moved to approve access permit application No. 2021-06, submitted by Steven Wurtz for tentative parcel #062020.001, located on Middletown Road, subject to subdivision approval for a new lot under Zoning permit #2021-33****, seconded by Jim Fleming.*

Brown questioned whether, due to uncertainties with the validity of the existing zoning bylaws, there were issues with the subdivision.

The ***motion passed*** *4-1, with Tom Cavanagh, Vincent Annunziata, Jim Fleming and Taylor Prouty voting aye, and Melissa Brown voting nay.*

c. Review and adopt amendments to the Traffic & Parking Ordinance

Following up from the previous meeting, the Board reviewed possible amendments to the Traffic and Parking ordinance, primarily to establish speed limits on the following selected paved roads:

- Landgrove Road
- Winhall Hollow Road
- Hells Peak Road
- Springhill Road
- Winhall Station Road
- Goodaleville Road

After discussion on specific features of various roads, including keeping consistency with speed limits on some roads such as Winhall Station Road, it was agreed that Prouty and O'Keefe would drive the roads together to further assess the recommendations and bring final recommended speed limits to the next regular meeting for adoption.

d. Funding reallocation for Road Surface Management System (RSMS) Study

Following up on a discussion at the previous regular meeting, O'Keefe reminded the Board that infrastructure spending is not eligible under the American Rescue Plan Act (ARPA), and that the $7,000 of ARPA funds previously allocated for a paving study needed to be reversed. He suggested that the project still proceed but that the funding come from the paving budget. The status of the paving budget was discussed, and it generally agreed that the budget could sustain this expense.

Taylor Prouty ***moved, with regard to the Board decision on July 26, 2021 to conduct a Road Surface Management System study at a cost of $7,000, to rescind the decision to fund the project with funds received from the American Rescue Plan Act of 2021, and instead fund the project under the Town Highway Fund paving budget****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Cavanagh handed out a list of ARPA funding eligibility categories. Annunziata started off by suggested that support for the My Community Nurse Program would be an eligible expense and a worthy recipient of ARPA funds, and Regina Downer should be contacted to work with the Town.

Nikki Wengerd noted that several local not-for-profits, such as Neighborhood Connections, were also eligible recipients and went on to describe her organizations' efforts. Londonderry constitutes 50% of its clientele.

Cavanagh suggested that the organizations present the Board with proposals for use of the ARPA funds, which should be submitted to the Town Administrator. He added that because towns can pool funds that they inquire of other towns as well to potentially create efficiencies.

Morris spoke on behalf of The Collaborative and described its work for the community. With regard to proposals sought by the Town, she inquired as to whether it should be for a project proposal, or for a capacity organizational support proposal, and also whether there was formal proposal process being set up. Cavanagh stated that this is the first night of real discussion on ARPA funding and there is no formal process, and that the Town is open to ideas.

Michael Bacon inquired about qualifications for funding, as well as timeframes for allocation and usage of ARPA funds. Funds must be obligated by the Town by 12/31/2024, and expended by 12/31/2026, and unexpended funds must be returned to the US Treasury.

Brown suggested that there be clarification about how the use of the ARPA funds would be differentiated from annual Town allocations. There was discussion about the impact of ARPA funds on other funding sources for not-for-profits.

There was a brief discussion about funding/grant tracking under ARPA.

Kevin Beattie stated that he did not have any specific emergency management needs at this time, and the O'Keefe suggested that the Emergency Operations Center portion of the Town Office renovation project may be eligible.

ARPA funds directed to the State of Vermont, including funds for local wastewater treatment and broadband projects, was briefly discussed and the Town will be eligible for that funding in addition to the local allocation.

Morris noted that lack of wastewater capacity stands in the way of opening up an early childcare center.

b. Discuss upcoming Special Town Meeting and informational hearing

There was a brief discussion about preparations for the upcoming informational hearing and special Town Meeting on the subjects of cannabis legalization and establishment of a 1 % local sales tax. The informational hearing is scheduled for 10/13/2021 at 6:00 PM at the Town Hall (139 Middletown Road), and the polls for Australian ballot voting will be open on 10/20/2021 from 7:00 AM to 7:00 PM at the Town Office (100 Old School Street).

c. Platt Elevation Project – 2nd Extension of Memorandum of Understanding

O'Keefe described to the Board some of the delays related to the FEMA-funded elevation of the former post office at 2152 North Main Street, and suggested that the amended Memorandum of Understanding for this project with the property owners be extended to the State-recommended project completion date. The property is close to completion, but it has been difficult for the contractor (also the property owners) to schedule electric and plumbing trades due to the construction market conditions.

There was further discussion about the project, the contract and the Town's and property owner's obligations.

Jim Fleming ***moved to extend the effective end date of the March 2, 2020 Amended Memorandum of Understanding between the Town and Thomas and Judith Platt related to the Platt's property at 2152 Main Street, from September 30, 2021 to November 30, 2021, and to authorize the Town Administrator or Selectboard Chair to execute an acknowledgement on the document on behalf of the Town****, seconded by Vincent Annunziata.*

Fleming acknowledged that he was a subcontractor on the project and decided to withdraw his motion

Vincent Annunziata ***moved to extend the effective end date of the March 2, 2020 Amended Memorandum of Understanding between the Town and Thomas and Judith Platt related to the Platt's property at 2152 Main Street, from September 30, 2021 to November 30, 2021, and to authorize the Town Administrator or Selectboard Chair to execute an acknowledgement on the document on behalf of the Town****, seconded by Taylor Prouty. The* ***motion passed*** *3-1-1, with Tom Cavanagh, Vincent Annunziata and Taylor Prouty voting aye, Melissa Brown voting nay, and Jim Fleming abstaining.*

d. Platt Elevation Project – 2nd Extension of Construction Contract

It was generally agreed that the construction contract should also be extended.

Taylor Prouty ***moved to extend the term of the May 10, 2021Contract for Services between the Town and Derry Downtown Limited for the elevation of the building located at 2152 North Main Street to November 30, 2021, and to authorize the Town Administrator to***

execute any formal documents on behalf of the Town related to this action*, seconded by Vincent Annunziata. The* ***motion passed*** *3-1-1, with Tom Cavanagh, Vincent Annunziata and Taylor Prouty voting aye, Melissa Brown voting nay, and Jim Fleming abstaining.*

e. Review proposals and award contract for Williams Dam Study

O'Keefe noted that in response to the Request for Proposals issued on August 10, 2021 the Town received four proposals from the following firms:

- Dubois & King, Inc., Randolph, VT
- Gomez & Sullivan Engineers, Utica, NY & Henniker, NH
- GZA Environmental, Inc., Norwood, MA
- Weston & Sampson, Inc., Waterbury, VT

He explained that he, Emergency Management Director Kevin Beattie and Conservation Commissioner Gary Hedman reviewed the proposals and agreed to invite the first three firms to an interview, which took place on 9/28/2021. O'Keefe stated that while the proposals from DuBois & King and Gomez & Sullivan were both excellent, it was the consensus of the three Town representatives to recommend that the Board accept the proposal from DuBois & King, Inc. due to the firm's recent work in the vicinity of Londonderry, its extensive Vermont work and the feeing that the deliverable would best meet the Town's needs.

Taylor Prouty ***moved to accept the proposal from DuBois & King to provide consultant services for the Williams Dam Study, and to authorize the Town Administrator to execute all necessary documents to employ this consultant, including a service contract after review by the Town Attorney****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

11. New Business

a. Discuss potential application for FEMA buyout of Parcel 102026.002 (Genser)

The Board reviewed an discussed at length a letter from Bette and Walter Genser requesting to participate in a FEMA buyout of their property located at 2309 North Main Street, the former Shoe Barn. Crossman spoke to the proposal and noted that Ms. Genser had been in attendance at the meeting but had to leave.

Cavanagh stated that if this property becomes part of the program it would no longer be developable, except there is a chance it could be used for parking. He added that the Town should not have to come up with the local match. Crossman mentioned that the State of Vermont indicate that there is a possibility the State could cover it.

The potential for development of the property was discussed, and it appears limited due to a number of factors, including it being primarily in flood hazard area..

O'Keefe inquired of Tina Labeau about the administrative time requirements for project such as this, given the previous buyout projects. She responded that there can be considerable work depending on a number of project-related factors, but that the Town was reimbursed and these projects are not too complicated.

Site constraints such as highway right-of-way, the State-owned retaining wall, and the potential for site contamination were discussed. It was suggested that VTrans should be contacted to determine if there were any issues that the agency may have, including any right-of-way matters. O'Keefe volunteered to handle this.

Crossman mentioned that the property owner would have to submit an application in January 2022 to be considered for the program.

Prouty inquired about whether administrative costs can be recovered if the owners decide to sell the property prior to the buyout proceeding. This needs further research. Cavanagh noted that there should be a thorough deed and permit review to determine if there any significant project constraints.

Other nearby buyout projects from years past were discussed.

Cavanagh mentioned that the Board needs to decide whether the Town should be involved with the project. Crossman mentioned that the site is in sad shape at this time and makes for an unsightly entryway into the village. It was agreed to discuss this request again at the next regular meeting.

b. Approve job description for Conservation Commission Administrative Assistant

The Board reviewed a proposed job description for the Conservation Commission's administrative assistant position, which was drawn up by the Commission's Chair and the incumbent assistant Andie Fusco, who is leaving the position. It was agreed to remove any reference to the job salary.

*Taylor Prouty **moved to approve the job description of the Conservation Commission Administrative Assistant position**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

c. 1st & 3rd Class Liquor Licenses – Smith Food Service Hospitality, DBA Revival Kitchen

The Board reviewed and discussed this application for liquor licenses for a new business going into the former Gran'ma Frisby's at 3928 VT Route 11.

*Vincent Annunziata **moved to approve the 1st and 3rd Class Liquor Licenses for Smith Food Service Hospitality, DBA Revival Kitchen**, seconded by Taylor Prouty. The **motion passed** unanimously.*

d. Executive session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

*Taylor Prouty **moved to find, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning probable litigation regarding property on Cross Road will clearly place the Town of Londonderry at a substantial disadvantage**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

*Taylor Prouty **moved to enter executive session to engage in attorney-client communications and discuss probable litigation in a matter regarding property on Cross Road, to which the Board is a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E) and Section 313(a)(1)(F), and invite Town Administrator Shane O'Keefe to attend**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

The Board entered executive session at 8:35 PM.

The Board came out of executive session at 8:48 PM. No decisions were made.

12. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:49 PM. The next regular meeting of the Selectboard is scheduled for October 18, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved October 18, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 18, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata and Taylor Prouty.

Board Members Absent: Melissa Brown and James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Planning Commission Chair Sharon Crossman, Beautification Committee members Helen Hamman and Pam Abraham. Others – One Londonderry Representatives Elsie Smith and Esther Fishman, My Community Nurse Program representatives Regina Downer and Bill Hoyt, Champion Fire Company #5 representative Chris Blackey, Resident Bette Genser, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:02 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

Vincent Annunziata ***moved to delete from the Town Officials Business part of the agenda, the Town treasurer's year-to-date budget review****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Vincent Annunziata ***moved to add to the Town Officials Business part of the agenda, as item 7.a., "Town Clerk – Approval process for Town Zoning Bylaws"****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Vincent Annunziata ***moved to add to the Visitors and Concerned Citizens part of the agenda, as item 6.b., "Discuss Halloween Trunk or Treat"****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 10/4/2021

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of October 4, 2021****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Taylor Prouty ***moved to approve the pay orders for payroll and accounts payable****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Tina Labeau mentioned that the polls would be open at the Town Office on October 20th from 7:00 AM to 7:00 PM for special Town Meeting voting.

O'Keefe noted that additional handouts included in the Board meeting packet that were not previously distributed were 1) a handout that includes all the vehicles, equipment and materials proposed for sale under Roads & Bridges agenda item 9.d., and 2) the Windham County Sheriff's report for September.

He noted that the Town received the annual VLCT Municipal Compensation and Benefits Report, and that an office copy is available to review and that he would send out a link to each Board member to an electronic copy.

He also reported that the Town had just received a copy of the application from Londonderry GLC Solar, LLC (Green Lantern Solar) to the Vermont Public Utility Commission for the proposed solar array at the former septage fields behind the Transfer Station.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- Advance notice of a solar net metering project at the Anjali Farm at 395 Middletown Road, dated September 30, 2021.
- An October 18, 2021 email from Town Attorney Bob Fisher on the Zoning Bylaw adoption matter to be discussed under Town Officials Business, item 7.a.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Elsie Smith updated the Board on the activities of One Londonderry (OL). She spoke about the efforts to establish a skating rink at the location of the volleyball courts behind Jake's Restaurant, and spoke about a recent project meeting and the various supporters and donors to the project. She stressed the need for proper management of the facility, and distributed to the Board a fact sheet on the project. She noted that permit applications have been filed, and requested that the Board waive local permitting fees. The Board declined to waive the fees.

She spoke about "Winterfest" activities scheduled for March 2022, and noted that the OL Recreation Group is working on trail mapping for the community and a longer-term plan for trail connectivity.

Members of the OL Housing Group recently attended an affordable housing summit, she stated, and one significant takeaways was the need for a housing needs assessment for the community. She mentioned a single-family affordable housing project being contemplated for Hells Peak Road and they plan to meet with project sponsors.

Smith noted that the OL Economic Vitality Group is participating in a program to create mapping of regional assets focusing on building community and wellness. And a volunteer has been brought on to create Instagram posts promoting local business.

She mentioned that the Community Center Group's new Chair is working with area stakeholders on what a facility could look like, and is researching other communities, and it was noted that there has been some contact with the proposed Manchester recreation center project.

The Main Street Group participated in the recent public meetings on the North Village master planning project, and will continue to be involved through to implementation. And she mentioned OL's the involvement in the holiday season "Light Up Londonderry" projects.

She thanked the Board for opportunity to update the community on OL's efforts.

b. Discuss Halloween Trunk or Treat

Firefighter Chris Blackey requested that the Board allow the South Londonderry fire department to close Main Street from the VT Route 100 Bridge to Old School Street on Halloween from 4:00 PM to 6:30 PM for trunk or treat activities. He added that they would handle traffic control to include closing off one half of Middletown Road up to Crescent Street so people could park at the First Baptist Church and walk to Main Street.

He stated that candy donations could be made to Labeau at the Town Office. Setup begins at 4:00 PM, but children are asked to come at 4:30 PM, he mentioned, and the road would be reopened no later than 6:30 PM.

Vincent Annunziata ***moved to authorize the closure of Main Street in South Londonderry from 4:00 PM to 6:30 PM on October 31, 2021 for the Champion Fire Company Halloween Trunk or Treat event****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Regina Downer spoke to the Board about her organization, My Community Nurse Program, along with Bill Hoyt, one of the program's Board members. She described the organization and its work, and handed out a program fact sheet that included a request for American Rescue Plan Act funds from the Town. Hoyt and Downer spoke about some of the work that Downer has done for residents in the area communities.

7. Town Officials Business

a. Town Clerk – Approval process for Town Zoning Bylaws

Following up on the discussion at the previous Board meeting, O'Keefe noted that Kelly Pajala had put together and forwarded to the Town Attorney a comprehensive timeline of events and decisions on the issue of whether, based on an article approved at the 1968 Town Meeting, all zoning bylaw amendments must be considered by Town Meeting. The Town Attorney has responded in writing, he added, and there is nothing conclusive at this time.

Pajala mentioned that further research of Selectboard minutes from the 1960s and 1970s is still needed, but it will come down to an interpretation of the 1968 Town Meeting article. She added that her research indicates that there was an expectation in the past that zoning bylaws would go to the Voters for adoption.

O'Keefe clarified that even if it is determined by the Town Attorney that there is no requirement for all Zoning Bylaws and amendments to be voted on at Town Meeting, the Selectboard under current law has the option to send all such bylaws to the Voters for their consideration. And if a bylaw amendment is approved solely by the Selectboard, the Voters have the right to petition that it be reconsidered at Town Meeting.

Cavanagh stated that we'll keep working on it and hopefully have a n answer by the next regular meeting.

b. Planning Commission – Monthly update

Sharon Crossman provided updates as follows:

- On the North Village Main Street Study and Master Plan project, there were two meetings held on October 7th with the project consultant, one held virtually via Zoom software and the other in-person at the offices on Neighborhood Connections, and the sense is that it was well-attended, with overall about 80 people, and very constructive. A follow up meeting of a similar nature will take place in early November, she added.

- The Water-Wastewater project is still in process, and there is presently an effort to arrange a meeting with some property owners in the south village to discuss the potential for an in-ground wastewater system near the Town Office and to provide good basic information to help explain it. There is no further progress on finding a site in the north village for a system, she added. The consultant report is expected in December.
- On the proposed zoning bylaw overhaul, it was noted that the Commission is still waiting to hear from the Town's consultant on requested changes to the draft.
- The first phase of the Town Hall restoration project is on schedule, she reported, and it has been determined by a structural engineer that the balcony is unsafe for use but can be repaired in its present configuration of being suspended from the roof structure. She noted that there is an effort at this time to enhance to the look of the façade, and exterior painting was in process. There are still plans to utilize the $10,000 Preservation Trust of Vermont grant, she mentioned, and accessibility work is in process.
- She mentioned that there are a lot of items stored on the stage in the Town Hall, in particular about 40 mattress-sized pads. Labeau stated that they belong a summer service program for youth, and they may relocate them next year. There are other items to be potentially removed and the Town should some day look to inventory them.

8. Transfer Station/Solid Waste Management

a. Updates

Labeau noted that the bill for the new tires for the loader in the amount of about $3,800 came in for payment. Cavanagh added that the tires were put on a Wednesday and there was no downtime.

b. Discuss contract for solid waste management (composting) services

Esther Fishman noted that Grow Compost, the company with which the Town has contracted to provide composting services at the Transfer Station has been purchased by Casella Waste Management, Inc. The original bid from Casella for the composting service was a slightly better price, she noted, but Grow Compact was going to provide a better service so the Board authorized the acceptance of the Grow Compost proposal on 8/16/2021. With Casella now holding the composting contract Fishman explained that she had asked the company to honor its original lower bid, which they have done and are seeking a new contract, which she stated could save the Town $1,500 - $2,000 per year.

Taylor Prouty ***moved, with regard to the proposed contract for composting services with Casella Waste Management, Inc., to authorize the Town Administrator to execute all necessary documents to employ the contractor, including a service contract after review by the Town Attorney****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

9. Roads and Bridges

a. Updates

Taylor Prouty mentioned that the new tractor with roadside mower has been delivered ahead of schedule but was found to have a hydraulic hose leak, and that that day was the first day of training.

b. Access Permit 2021-07 – Goodaleville Road, Parcel 051018.000 (Perri)

Prouty spoke briefly on this application, and mentioned that it was originally thought to be a temporary permit for logging, but has since changed to a proposed permanent access for the lot, which has the same parcel number as the property across the road under the same ownership at 1303 Goodaleville Road.

Taylor Prouty ***moved to approve access permit application No. 2021-07, submitted by Michele Perri for parcel #051018.000, located on the east side of Goodaleville Road****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

c. Review and adopt amendments to the Traffic & Parking Ordinance

Following up from the previous meeting, Prouty explained that he and O'Keefe had driven all of the paved roads proposed for the establishment speed limits, as follows:

- Landgrove Road
- Winhall Hollow Road
- Hells Peak Road
- Spring Hill Road
- Winhall Station Road
- Goodaleville Road

He explained that they made some changes based on observations made during the ride around, and O'Keefe added that they decided it made most sense to have any speed limit changes on a single road be no less than a 10 MPH difference. Prouty mentioned that because of the level of business and the uncontrolled accesses along the westerly part of Winhall Station Road the road should have a lower speed limit than the rest of the road.

Taylor Prouty ***moved to adopt the amendment to the Traffic and Parking Ordinance that provides for changes to Article IV, Speed Regulations, Section 1. Paved Town Highways, that clarify the names of Town Highway #2 (Thompsonburg Road & Main Street) and Town Highway #5 (Middletown Road), and establishes speed limits on Landgrove Road, Winhall Hollow Road, Hells Peak Road, Spring Hill Road, Winhall Station Road and Goodaleville Road, such amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b)****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

A copy of the amendment as adopted is attached to these minutes and incorporated by reference.

d. Discuss disposal of surplus Town vehicles & equipment

The Board reviewed photos and descriptions of the following surplus items stored in the cold storage barn adjacent to the Town Office:

- 1987 Fire truck
- Case 3220 tractor with York rake and sickle bar mower

- 6’ York street sweeper
- 6’ Kuhn tiller
- Two 6’ X 10’ hardened steel plates
- 14 sheets of Foam insulation board
- An old and inoperable coca cola cooler

O’Keefe noted that it took roughly $700 to get the fire truck operable, but it now works, though the pump is uncertain. He recommended that the Town work with a company named Auctions International that he has worked with elsewhere successfully to sell municipal surplus items in an online auction. He explained that there is no out-of-packet cost to the Town as there is a buyer’s premium on all items sold, and the company will come and produce effective photos and item descriptions for $30 per vehicle and $5 for non-vehicle items, which comes off the sale in the end. For the insulation and coke machine he explained that it may make more sense to just hold a sealed bid auction.

It was recommended that the Town should advertise the auction locally so that locals are aware of it. The Board reviewed a proposed contract with the company.

Taylor Prouty ***moved to proceed with the sale of surplus vehicles, equipment and materials in the cold storage building, and authorize the Town Administrator execute an agreement with Auctions International to conduct an online auction on behalf of the Town, and to advertise locally for sealed bid sale any items not for sale under the contract****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

10. Old Business

a. Consider request to apply for FEMA buyout of Parcel 102026.002 (Genser)

Property owner Bette Genser explained that there are a number of constraints to the sale or development of the existing building at the subject location, particularly having to do with water and septage issues and it a good option for her to pursue a buyout at this time. She conformed that there are potential buyers, but the constraints appear to standing in the way of a sale. She explained there is a new septic tank but stated that the leach field for the property goes under road.

Crossman stated that according to State of Vermont staff, up until a potential closing on the property through the FEMA buyout program, either party can opt out of the buyout project. Genser stated that she would keep the property on the market, but has lowered the asking price.

There was discussion about the administrative responsibilities that the Town would have to handle. O’Keefe stated that it was his understanding that there was less administrative work for this type of project as opposed to the ongoing building elevation project.

O’Keefe mentioned that he had followed up with VTrans and there are no issues with the buyout proposal. It was explained to him that if the building were to be removed the property could potentially be graded in a way that would allow for the removal of the retaining wall, which apparently is owned by the State,but that the State is not interested in its removal at this time. Crossman stated that she recalls that VTrans has stated that the wall does not serve any purpose.

Crossman added that the application is due in January 2022.

Prouty mentioned that he thought the best-case scenario would be that the property is sold to someone who'd like to open us a business. Annunziata added that it made sense to proceed to get the ball rolling on this.

There was discussion on the required 25% local match contribution for the project and it was acknowledged the Town did not want to contribute local taxpayer dollars. O'Keefe mentioned that State of Vermont staff had mentioned that there may be State funds that can handle this.

Taylor Prouty ***moved to proceed with an application for the FEMA buyout program for property located at 2309 North Main Street (Parcel 102026.002) owned by Walter and Bette Genser, provided that the Town shall not provide local matching funds for the project, and to authorize the Town Administrator to execute any necessary application documents on behalf of the Town****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

b. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Annunziata spoke in support of the My Community Nurse Program and of funding the program with ARPA funds soon. O'Keefe inquired about whether the request from the organization would be similar to that made of other communities, or if Londonderry's contribution would be aiding residents of other communities.

There was discussion about establishing a process for reaching out to organizations and evaluating proposals, and it was agreed that there is plenty of time to do this. O'Keefe added that funds must be obligated by the Town by 12/31/2024, and expended by 12/31/2026.

Crossman suggested also using some ARPA funds for business incentives such as workforce training, for travel and tourism and other economic vitality projects, which could be eligible under the funding guidelines.

Prouty spoke about there being Town initiatives, including facilities enhancements, that could also be funded. Elsie Smith suggested that a housing needs assessment would be a good use of ARPA funds.

Pajala mentioned that the Board can establish its own project selection and criteria as long as they fit within the federal criteria under ARPA, and overall implementation of under the program is going to complicated. The Town is waiting for information to trickle down from the federal government. Cavanagh added that the State of Vermont is receiving ARPA funds above and beyond what the Town is receiving and there will be other opportunities for the Town to benefit from that on projects that do not qualify for local ARPA funds.

Crossman suggested that the Board consider addressing the increasing number of buildings up for sale in the north village center.

Cavanagh mentioned that the fire departments and rescue squad could also be eligible for funding.

Pajala suggested that the Board give itself a deadline to establish rules that others can use for their funding requests, and mentioned that there can be a second round of funding allocations as the ARPA funds themselves come in over time: half this year and half next year. The first status reporting deadline is 4/30/2022.

O'Keefe will inquire of other communities what they may have come up for a process and report back.

There was back and forth discussion about deadlines for requests and decisions, and it was agreed that information on ARPA funding and decisions should be reported at the annual Town Meeting.

It was also agreed that the Board again consider this matter at the next regular meeting.

c. Ratify 10/4/2021 decision to approve 1st & 3rd Class Liquor Licenses – Smith Food Service Hospitality, DBA Revival Kitchen

The matter of issuing specific liquor permits was added to the agenda at the previous regular meeting and therefore required ratification per the Board's Rules of Procedure.

Vincent Annunziata ***moved to ratify the Board's October 4, 2021 decision to approve 1st & 3rd class liquor licenses for Smith Food Service Hospitality, DBA Revival Kitchen, related to property located at 3928 VT Route 11****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

d. Discuss employee health insurance renewal

O'Keefe reviewed with the Board the employee health insurance renewal rates for calendar year 2022, noting that premium rates were in fact going down and the Town stood to save over $7,500 year-over-year with the same plan.

Taylor Prouty ***moved to authorize renewal of the existing employee health insurance plan with Blue Cross and Blue Shield of Vermont for calendar year 2022****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

11. New Business

a. Consider request from Beautification Committee to plant tree on Town-owned property

Helen Hamman and Pam Abraham spoke to the Board about the Beautification Committee's interest planting a permanent live tree at the Town-owned property located at the northeast corner of the intersection of VT Routes 11 and 100 (parcel # 102026.000). Prouty brought up a concern for proximity to the State highway. O'Keefe recommended that the Committee work with the Town Tree Warden on type and location of the tree.

As a buyout property, it was recommended that the deed be reviewed to determine if there are any deed restrictions preventing plantings, but it was assumed there were none.

Pajala suggested flood resistant plantings in addition to a tree, and Abraham suggested a perennial plants and park-like sitting area. Fencing was also discussed, as was parking proposed in a previous "after-the-flood" design, and it was noted that coordination with VTrans on any reuse of the property would be important.

It was agreed that the Committee would work on a more formal proposal. No decisions were made.

b. Consider request from Phoenix Fire Company #6 to refuel vehicles at the Town Garage

Cavanagh mentioned that he had been approached by Chief Ameden of the Phoenix Fire Company # 6 about the possibility of fueling emergency response vehicles at the Town Garage now that Wayne's garage is now closed. It was suggested that they would keep track of usage and repay the Town, he added.

Concerns about State fuel taxes, liability insurance and off-hours access to the Town Garage taxation were raised, and it was agreed that the tax issue would need to be settled first before other matters would be addressed. This matter should be placed on the agenda for the next regular meeting.

12. Adjourn

Vincent Annunziata ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 7:59 PM. The next regular meeting of the Selectboard is scheduled for November 1, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved November 1, 2021.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

ATTACHMENT – Amendment to the Traffic and Parking Ordinance, dated October 18, 2021

TRAFFIC AND PARKING ORDINANCE
Town of Londonderry, Vermont

Amendment
October 18, 2021

Pursuant to the provisions of Title 19, Vermont Statutes Annotated, Section 304(a)(6) and (7), Title 23, Vermont Statutes Annotated, Section 1007 and 1008, and Title 24, Vermont Statutes Annotated Sections 1971 and 2291(1)(4) and (5), and such other general enactments as my be material hereto, it is hereby ordained by the Selectboard of the Town of Londonderry that the Traffic and Parking Ordinance adopted on April 1, 2019, and last amended on March 16, 2020, is hereby amended for the Town of Londonderry, Vermont.

NOTE:	Language to be added is <u>underlined</u>. Language to be deleted is in ~~strikethrough~~.

ARTICLE IV. SPEED REGULATIONS

Section 1. Paved Town Highways

On the basis of engineering and traffic studies, the following speed limits measured in miles per hour (MPH) are hereby established for specific Town Highways (TH) and portions thereof:

TH #2 <u>**(Thompsonburg Road & Main Street)**</u>.
A maximum speed of 30 MPH from its intersection of VT Route 100 easterly and southerly to the intersection of TH #38 (Rowes Road), then a maximum speed of 40 MPH from its intersection of TH 38 (Rowes Road) easterly and northerly to its intersection of VT Route 11.

TH #5 <u>**(Middletown Road)**</u>.
A maximum speed of 30 MPH from its intersection of VT Route 100 northerly to a point 1,000 feet north of the intersection of TH #55 (Crescent Street), then a maximum speed of 40 MPH northerly to a point 500 feet south of the intersection of VT Route 11, then a maximum speed of 30 MPH northerly to its intersection of VT Route 11.

<u>**TH #1 (Landgrove Road).**</u>
<u>A maximum of 30 MPH from its intersection with VT Route 11 to a point 900 feet northwesterly of TH #9 (Barker Road), then 40 MPH to the Landgrove Town Line.</u>

<u>**TH #6 (Winhall Hollow Road).**</u>
<u>A maximum of 30 MPH from its intersection with VT Route 100 for a distance of 2,600 feet, then 40 MPH to the Winhall Town Line.</u>

<u>**TH #9 & TH #13 (Hells Peak Road).**</u>
<u>A maximum of 30 MPH from its intersection with VT Route 11 to a point 3,600 feet north of Barker Road (TH #9), then 40 MPH to the Weston Town Line.</u>

<u>**TH #41 (Spring Hill Road).**</u>
<u>A maximum of 35 MPH from its intersection of VT Route 100 to the Winhall Town Line.</u>

TH #46 (Winhall Station Road).
A maximum of 25 MPH from its intersection with VT Route 100 to a point 350 feet south of the intersection of TH#50 (Magoon Road), then 35 MPH to the terminus of the Town Highway.

TH #51 (Goodaleville Road).
A maximum of 35 MPH from its intersection of TH #46 (Winhall Station Road) to the Jamaica Town Line.

Adopted by the Town of Londonderry Selectboard at its meeting held on the 18th day of October, 2021.

Town of Londonderry, Selectboard

______________________________	______________________________
Thomas Cavanagh	Melissa Brown
______________________________	______________________________
Taylor Prouty	James Fleming
______________________________	
Vincent Annunziata	

Right of Petition
Notice is hereby given of the right to petition for a permissive referendum vote on this ordinance at an annual or special meeting as provided for in Title 24, Vermont Statutes Annotated, Section 1973. Such petition for a permissive referendum must be signed by not less than five (5) percent of the qualified voters of the Town of Londonderry and shall be presented to the Selectboard or the Town Clerk within forty-four (44) days following the date of adoption.

Effective Date
Unless a petition is filed in accordance with Title 24, Vermont Statutes Annotated, Section 1973, the Ordinance shall become effective sixty (60) days after its adoption.

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, November 1, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata and Melissa Brown and James Fleming.

Board Members Absent: Taylor Prouty.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, and Road Foreman Josh Dryden. Others – Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

O'Keefe noted that the long-term lease for the solar array project is still in process and is not ready for Board action, and recommended removing this matter from the agenda.

*Vincent Annunziata **moved to delete from the Old Business part of the agenda, the consideration of a long-term lease for the solar array project on the former septage fields**, seconded by Jim Fleming. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 10/18/2021

*Vincent Annunziata **moved to approve the minutes of the Selectboard meeting of October 18, 2021**, seconded by Melissa Brown.*

Brown inquired about the Board not waiving the zoning permit application fee for One Londonderry, and Cavanagh explained that the Board did not want to set a precedent.

*The **motion passed** unanimously.*

4. Selectboard Pay Orders

*Vincent Annunziata **moved to approve the pay orders for payroll and accounts payable**, seconded by Jim Fleming.*

O'Keefe noted that one of the payables involved the Platt elevation project, and that he proposed to hold the payment until such time as he has confirmation from the Town's engineer that all required work has been done. Fleming inquired about how long it would take the engineer to do this, and O'Keefe stated that he had yet to be informed by the contractor that the requested work was finished. O'Keefe added that after this payment the Town will have spent about $104,000 of the contracted $122,000, and there is a strong likelihood that there will have to be a budget adjustment request with the State of Vermont for unanticipated conditions.

*The **motion passed** unanimously*

5. Announcements/Correspondence

O'Keefe noted that an invitation to bid for plowing and sanding of both Pingree Park and the Town Hall has been issued and it is anticipated that responses will be considered at the next regular meeting after Parks Board review.

He added that he and Dryden met earlier that day with a representative of Auctions International to inventory items in the cold storage shed for online auction sale, and it was mentioned that the Town should do well with the auction given the type and quality of the items for sale. Apart from the auction, O'Keefe suggested that the Town consider the sale of the many old road signs that are no longer usable. It was mentioned that the auction was scheduled to be open on the following Wednesday and that notice of it would be posted to the Town website and emailed to contacts.

O'Keefe mentioned a meeting scheduled with FEMA on reimbursement for damage done by the July 29th storm, but noted that only projects with damage of at least $3,320 are eligible for funding.

He mentioned that there are two vacancies on the Energy Committee, and one for an alternate position on the Development Review Board, which are being advertised and those interested should submit an application to the Board. Will Read from the Energy Committee has expressed an interest in continuing to help out with the solar array project, but has not sought reappointment to the Committee.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- A notice from the Deerfield Valley Communications Union District of a public hearing on the District's 2021 annual report and 2022 budget, which is scheduled for November 10th at the Wardsboro Town Office and by videoconference. The report and budget were also attached.
- Letters of thanks for Town appropriations from Valley Cares, SEVCA, the Mountain Valley Health Council, and the Grace Cottage Foundation.
- A notice from BDCC and SeVEDS about the acceptance of project submissions for inclusion in the Southern Vermont Comprehensive Economic Development Strategy (CEDS) program for 2022. Also included is a list of the 2021 projects both submitted and approved. He added that it is not project funding program.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Town Treasurer – Review 2021 Town Audit

Tina Labeau spoke to the audit and invited questions from the Board. She mentioned that there was a sizable surplus due mainly to COVID-19, and the fund balance was therefore up. O'Keefe added that the unassigned fund balance went from about $112,000 in FY2020 to $370,000, which is approaching where it should be, which is the equivalent of two months of budgeted expenditures.

Labeau invited Board members to contact her with any questions on the audit. It was mentioned that the budget adjustments approved by the Board in December 2020 were not included in the audit but would be reflected in the next Town Report.

8. Transfer Station/Solid Waste Management

a. Updates

Labeau mentioned that new Transfer Station stickers for 2022 have been ordered. Brown suggested the Board consider adjusting sticker rates to address rising costs. The color of the stickers was briefly discussed.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of October 2021:

Salt – 0 tons   Sand – 0 yards

Fuel (gallons): Vehicles – 337.6, Town Office Generator – 0, Transfer Station – 0

He mentioned that the new mower is out on the roads doing a nice job, and described which roads have been addressed. Grading in preparation for winter is also in process, he added.

Cavanagh mentioned that Austin Morse had accepted the Road Crew position previously offered by the Board, and should start work in two weeks after completing employment documents and pre-employment testing.

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

O’Keefe spoke to the Board about his communications with other communities and it appears that Londonderry is in a similar situation as other towns, who are at the earliest stage of decision-making on ARPA funding. He mentioned that he has reached out to the Vermont League of Cities and Towns to see if its ARPA coordinator has any input on the efforts of other communities, and that the Windham Regional Commission is looking into hiring a project manager to potentially help its towns with ARPA projects.

The Board briefly discussed a request for $50,000 of funding from Neighborhood Connections.

b. Consider request from Phoenix Fire Company #6 to refuel vehicles at the Town Garage

Following up from the discussion at the previous meeting, O’Keefe mentioned that had inquired of the Vermont Department of Motor Vehicles and with the Town’s insurer, the VLCT-PACIF, about whether the Town can sell vehicle fuel to the local emergency response organizations. Questions asked and answered by the DMV are as follows:

- Can the Town sell vehicle fuel to the organization?

Answer; No the town can not sell diesel fuel unless the town is licensed as a Dealer or Distributor. Dealers cannot sell tax exempt fuel, only distributors may exempt fuel tax to a customer with a valid exemption certificate.

- If so, would the Town be required to collect (and submit to the State of Vermont) the applicable fuel tax?

Answer; if the town obtains a distributor license, then tax would be due unless the customer provides a valid exemption certificate.

- If allowed to sell vehicle fuel, would the Town need to get a diesel fuel distributor license?

Answer; To sell fuel the town would have to be licensed. In order to sell fuel exempt from the diesel tax, the town would have to be licensed as a distributor.

More importantly, the town should determine if the emergency response organization has a diesel fuel exemption certificate, and if not, would the organization qualify for an exemption certificate?

O'Keefe noted that the applicable fuel tax statute [23 V.S.A. 3003] indicates that the only not-for-profit organizations that can receive an exemption certificate of this type is a public transit system.

The response from VLCT-PACIF was:

From an insurance perspective, the biggest risk would be damage to municipal facilities (from a vehicle) and fuel spills. As such, if this type of arrangement were deemed legal and the tax issues worked out with the state, we would advise that the town establish an agreement with the non-profit entity that includes hold harmless and indemnification language to protect the town from damages. In addition, the town would want to obtain a certificate of insurance that names the town as additional insured on the general liability policy and assurance that such policy would cover any spills of fuel that were caused by the entity at the town location.

There was some discussion on these concerns and others, and of possible solutions to assist the department. Cavanagh stated that he would contact the Fire Chief and mention that the Town cannot assist with fuel sales at this time.

11. New Business

a. Discuss Windham Regional Commission project management services

The Board reviewed an email from the Windham Regional Commission seeking Town input on WRC's exploration of the possibility of hiring a project manager to expand its capacity to assist towns with their project management needs. WRC cited an increase in requests to manage transportation and hazard mitigation projects, and more recently have had towns ask for assistance with the management of American Rescue Plan Act (ARPA) funded projects and FEMA-funded projects. It mentioned that support would follow a fee-for-service model, similar to what they do when towns ask it to serve as municipal project manager on transportation projects. The correspondence posed the following questions, and the Board's general responses are indicated in bold:

1. Would you like to have access to project management support through the Windham Regional Commission? **Yes**
2. Do you anticipate needing project management assistance within the next year? **Maybe**
3. Do you anticipate needing project management assistance within 2-4 years? **Most likely**
4. If you answered yes to questions 1 and/or 2 above, how many and what types of projects do you have in mind? You don't have to go into great detail. **Not certain at this time, but all types of projects listed in the WRC email are potential projects for the Town.**

O'Keefe suggested that this has great potential for Londonderry as there is a strong likelihood that the Town will need these services. Various types of projects that could be addressed by WRC were discussed. According to the email there is no obligation to use the project manager service if it's created. Annunziata stated that it would be a good resource if needed. O'Keefe will respond to WRC on behalf of the Town and copy Board members on the response.

b. Discuss FY2023 budget goals

The Board discussed budget preparation process and reviewed a draft schedule prepared by Labeau. She noted that some scheduled matters are set in stone due to the Town Meeting process, such as Board approval of the budget by 1/17/2022 in order to accommodate the printing of the Town Report, but that other meeting dates are open to rescheduling as needed.

Board members volunteered to participate in budget discussion as follows:

- Cavanagh – Solid waste, Highways and Administration
- Annunziata – Parks Board
- Brown – Conservation Commission, Beautification Committee and Emergency Management
- Fleming – Planning Commission, Development Review Board and Zoning Administration
- While not present, Prouty is assumed to work on the Highway Department budget.

After departmental budgets are assembled, Labeau suggested the Board meet and go over the budget line-by-line. She mentioned that petitioned articles are due by January 13th. Pajala brought up several options for the Beautification Committee's desire to seek funding for new "Welcome to Londonderry" signs.

Labeau stated that she would have a preliminary budget available by the following Monday for distribution.

Pajala remarked that the FY2021 budget is not a representative year for the sake of budget comparison with the upcoming budget due to COVID-19 impacts, particularly for the Parks Board.

O'Keefe asked if Board members had direction for departments on limits to expenditure increases, or if they wanted departments to base budgets depending on needs, and the consensus was to go with the latter.

12. Adjourn

Vincent Annunziata ***moved to adjourn the meeting****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The meeting adjourned at 6:43 PM. The next regular meeting of the Selectboard is scheduled for November 15, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved November 15, 2021.

LONDONDERRY SELECTBOARD

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Vincent Annunziata, Vice Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, November 15, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Vincent Annunziata, Taylor Prouty and James Fleming.

Board Members Absent: Thomas Cavanagh and Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Planning Commission Chair Sharon Crossman, and Solid Waste Manager Esther Fishman. Others – One Londonderry Representative Elsie Smith, and Bruce Frauman (GNAT).

1. Call meeting to order

Vincent Annunziata, acting as Chair due to the absence of Tom Cavanagh, called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Elsie Smith requested that the Board consider approving a letter of support for a recreation grant being sought by One Londonderry through the Okemo Valley Regional Chamber of Commerce.

Taylor Prouty ***moved to add the consideration of a letter of request for a recreation grant as item 6.a of the Visitors and Concerned citizens part of the agenda****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 11/1/2021

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of November 1, 2021****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Jim Fleming ***moved to approve the pay orders for payroll and accounts payable****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously*

5. Announcements/Correspondence

Tina Labeau spoke briefly about a letter received from property owner Alan Schmidt, that is in the Board's meeting packet regarding removal of his property from the current use program.

O'Keefe mentioned that the Planning Commission has voted to move its regular meetings from 5:00 to 3:00 PM on the 2nd Monday of each month, and that One Londonderry was not doing its monthly report that evening.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- A letter, dated 11/11/2021, from Georgianne Mora resigning her position as Deputy Health Officer.

- A 10/29/2021 letter from the Windham County Sheriff indicating the department's FY2023 service contract rates will be increasing from $41.00/hour to $48.50/hour. It was mentioned that this is a significant increase, but that rates did not increase the previous year
- Regarding the PFAS contamination of the former septage fields, a letter from Vermont DEC's Residuals Management & Emerging Contaminants Program of 11/10/2021 accepting the Town consultant's sampling results and requesting a post closure corrective action plan. He added that the consultant, Waite-Heindel, will provide the Town with a proposal for the action plan for consideration by the Board at a future meeting, and that there will be an ongoing twice-per-year sampling obligation for the foreseeable future.
- A 10/26/2021 letter from the Preservation Trust of Vermont forwarding the Town $10,000 for the Town Hall restoration project.
- A letter from VTrans, dated 11/3/2021, noting that the Town's application for funding for the replacement of culvert #12 on Spring Hill Road under the Municipal Highway & Stormwater Mitigation Program was not approved.
- An article from the 11/7/2021 Bennington Banner on the recent votes at the special Town Meeting.
- A filing with the Vermont Superior Court on the Vermont Woodchips zoning cases asking for a continuation of the trial start until May 2022.
- Emails from 11/3/2021 regarding the continued interest of the Phoenix Fire Company #6 in using the Town's diesel fuel at the Town Garage.
- A letter dated 11/5/2021 from property owner Alan Schmidt regarding his payment under protest of taxes due to removal from current use tax status.

6. Visitors and Concerned Citizens

a. One Londonderry – Request for letter of support for recreation grant

Elsie Smith spoke about One Londonderry working with the Okemo Valley Reginal Chamber of Commerce on a regional Vermont Outdoor Recreation Communities (VORAC) grant, which in Londonderry is proposed to fund a trails brochure, map and signage, and for some preliminary mapping of the Shamberg property. She noted that the project budget for Londonderry is $7,500 and that the Chamber would front the funds for the reimbursement grant, and requested that the Board provide a letter of support. She provided the Board with a draft a letter to consider.

Taylor Prouty ***moved to authorize the acting Chair to sign a letter of support for the VORAC grant application****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Smith left the meeting at 6:12 PM.

7. Town Officials Business

a. Town Treasurer – Year-to-date budget review

Labeau noted that she did not have the information for the Board, and it was agreed to pass over this agenda item.

b. Planning Commission – Monthly update

Sharon Crossman provided updates as follows:

- On the North Village Main Street Study and Master Plan project, round two of public meetings with the project consultant, following those held on October 7th, are planned for November 18th. The first meetings, one held virtually via Zoom software and the other in-person at the offices on Neighborhood Connections, introduced the consultants, Stevens & Associates, to the community and people heard about how they would be working up redevelopment scenarios. The second round of meetings would be held at 3:30 PM and 6:30 PM in the same manner as the first, and the consultants will go over graphic scenarios that they have developed, including maps of potential future plans that address the opportunities and constraints of the study area. The meetings will be video recorded. The consultants would then narrow down and refine plans to a small number of alternatives that are acceptable and desirable to the community, which would be presented to the public in December. She added that the consultants are on schedule.
- The Water-Wastewater project is still in process, with Health Officer Rich Phelan handling ongoing water testing. The project will be concluded by the end of the year.
- On the proposed zoning bylaw overhaul, we have lost contact with the Town’s consultant, she mentioned, and O’Keefe will try to reach her to help conclude the project.
- The first phase of the Town Hall restoration project is complete, she reported, and the work done was eligible for the Town to draw down the $10,000 Preservation Trust of Vermont (PTV) grant that derived from unspent funds from a previous PTV grant from some years ago. She added that by closing out that old grant the Town may now be eligible for a new PTV grant for up to $200,000.
- The Commission will schedule its regular meetings, held on the 2nd Monday of the month, to begin at 3:30 PM due to early darkness in winter.

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman mentioned that the first budget meeting for solid wase management services is the following week, and there will be budget changes due to the new solid waste handling contracts and hazardous waste disposal will be increasing, she noted.

b. Request for Transfer Station fee waiver – South Londonderry Free Library

Fishman explained the application, which she said was reasonable, but she questioned the amount of trash reported as being generated by the facility (one medium-sized bag) and will meet with Library staff to go over this provide information on waste disposal, as it is assumed that much of what is generated would be paper. Annunziata noted that it is likely that tissues, paper towels and the like may be the bulk of the trash.

*Jim Fleming **moved to approve the request to waive transfer station fees for the South Londonderry Free Library, which shall be limited to trash from general operations**, seconded by Taylor Prouty. The **motion passed** unanimously.*

9. Roads and Bridges

a. Updates

Prouty mentioned that new Road Crew member Austin Morse started that day and that the crew is out salting due to weather conditions.

b. Approve Letter of Intent - FY2022 Municipal Roads Grants-in-Aid Equipment Program

O'Keefe described this program, whereby the Town can be reimbursed for 80% of the cost of equipment that will support Municipal Roads General Permit implementation, and Road Foreman Josh Dryden suggested that the Town request funding for a plate compactor for culvert installation. The grant guidelines indicated an estimated cost of $4,000 for this item, which would require an $800 contribution from the Town. It was noted that the Town at present must rent this item when necessary. Also considered was a haybale shredder.

He also mentioned that if this grant had become available earlier in the year the Town could have paid for the blower attachment to the new tractor, which cost $5,500.

There was discussion about road improvement projects and the option in some instances to hire a contractor to do the work.

Taylor Prouty ***moved to seek funding through the VTrans FY2022 Grant-in-Aid Equipment Program for a Plate Compactor, and authorize the Selectboard Chair to execute the required Letter of Intent on behalf of the Town, and the Town Administrator to execute any necessary grant-related documents thereafter****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Authorize letter of support for FY2022 Transportation Alternatives Grant – Spring Hill Road

O'Keefe again mentioned that the Town's application for funding for the replacement of culvert #12 on Spring Hill Road under the Municipal Highway & Stormwater Mitigation Program was not approved. He reminded the Board members that the original project was an in-kind culvert replacement for which the Town had received a $175,000 VTrans Structures grant, but after further review by the Town's engineer, it was determined that a bridge would be necessary due to site constraints, costing approximately $500,000.

He briefed the Board on the VTrans Transportation Alternatives Program, which could help the Town to afford this stormwater management project. The culvert size, location and condition create significant restrictions during high water events causing streambank erosion, highway runoff and debris blockage on a consistent basis, which negatively impacts downstream water quality. He noted that the application process requires a letter of support from the Board and from the Windham Regional Commission.

The Board requested public comment and questions on the proposed project. None was received.

Jim Fleming ***moved to authorize the Selectboard Chair or Vice Chair to sign a letter of support for the Town's application for maximum funding under the FY2022 Transportation Alternatives Program for the replacement of culvert #12 on Spring Hill Road at Eddy Brook, which shall reference local matching funds and commit to future***

***maintenance responsibility for the proposed new bridge**, seconded by Taylor Prouty. The* ***motion passed** unanimously.*

d. Discuss disposal of surplus Town vehicles & equipment

O'Keefe mentioned that the online auction for surplus vehicles, equipment and materials wraps up at the end of the week, and the Town has the option of rejecting bids if deemed too low, and O'Keefe asked the Board if there were any items for which a minimum final bid should be established. He added that the total amount of bids so far is $8,261, and estimated that the total would be over $10,000 when over.

It was noted that some items, while presently having low bid values, will cost the Town money to dispose of them, so even low bids would be acceptable, and the need to clear the cold storage barn for other purposes was value to the Highway Department. There was discussion about the history of the fire truck, which at that time stood with a bid of $860. O'Keefe stated that the Town had spent approximately $700 to get the fire truck road worthy, so it is hoped that the Town would get at least that amount. It was acknowledged that in all likelihood bids would come in close to the ending of the auction. O'Keefe recommended not establishing a minimum on any of the sale items.

It was the consensus of the Board not to set any minimum sale prices, and O'Keefe stated that he would therefor accept all bids on behalf of the Town after the auction closes.

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board briefly discussed a request for $10,000 of ARPA funding from Mike and Tammy's Main Street Market and Deli, and it was noted that the business was open throughout the pandemic and provided an important service to the community.

O'Keefe mentioned that all ARPA requests so far and program resources are available to the Board on the Town's shared drive. He suggested that the Board should begin to think about what process the Board wishes to go through for solicitation, evaluation and decision - making with regard to ARPA funds.

Prouty expressed his hope that the Board would continue to get requests such as this from Mike and Tammy's, and Annunziata mentioned that he has encouraged others to look into eligibility for this funding. There was discussion about getting the word out to the community.

b. Review bids and award contract for Pingree Park & Town Hall winter maintenance services

O'Keefe provided the two bids received in response to the Invitation to Bid for this service, which is for a 2-year contract. Bids were received from two local vendors as follows:

Bidder #1	Location	Winter 2021-22	Winter 2022-23
Dryden's Outdoor, Inc.	Pingree Park	$1,200/season	$1,300/season
	Town Hall	$50/event	$60/event

Bidder #2	Location	Winter 2021-22	Winter 2022-23
Alberti Landscape & Constr.	Pingree Park	$3,360/year	$3,528/year
	Town Hall	$40/event	$42/event

O'Keefe noted that the Parks Board recommended hiring Dryden's Outdoor, Inc.

Jim Fleming ***moved to 1) accept the bid from Dryden's Outdoor, Inc. for winter plowing and sanding of Pingree Park and the Town Hall and 2) authorize the Town Administrator to enter into a contract agreement for these services on behalf of the Town****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. Town Office Renovation Project – Discuss bond vote

O'Keefe brought up the bond vote for renovations of the Town Office, which was last put on hold on 12/7/2020 due to COVID-19 pandemic concerns, and stated that if the Board wished to pursue the bond at the annual Town Meeting in March, the time to begin consideration is now due to bond sequence requirements. He mentioned that the Planning Commission, given its history of advancing this project, discussed this at its most recent meeting and recommended proceeding with the bond vote.

O'Keefe noted the great amount of uncertainty and volatility with the construction industry that remains, and that the Town's engineering consultant, while not having completed a revised project budget, estimates construction costs would escalate by 50%. He added that the original estimate for construction was $825,000, and with professional costs the project was originally pegged at approximately $950,000. But the project cost is likely in the range of $1.3 million at this time, he added, but that there are some elements of the project that can be paid from other sources such as grants to bring the bonding amount in at a lower figure.

It was the consensus of the Board to wait until the entire Board was together to make this decision. O'Keefe was asked to determine how long after a bond vote, if successful, the Town must exercise the bond.

The Board discussed the possibility of using existing building reserve funds to address some immediate building repair and cleanup needs.

d. Platt Elevation Project – 3rd Extension of Memorandum of Understanding

O'Keefe distributed to the Board a letter received that day from Tom Platt requesting an extension of the Memorandum of Understanding (MOU) to April 30, 2022, noting several unfinished items for the building elevation project at 2152 North Main Street. O'Keefe pointed out that several of the items were not covered by the State-funded project and not included in the approved scope of work. He added the existing MOU expires at the end of the month, as does the construction contract, and noted that the Town to date has expended approximately $104,000.

The State of Vermont had a target completion date of 11/30/2021 for the project, O'Keefe mentioned, but with so many fits and starts, having much to do with pandemic-related impacts with the construction industry, the project will clearly extend past that date. He noted difficulties working with the contractor. Fleming mentioned that the Platts have found a new electrician.

The work needed to finish the project was discussed, which included work not part of the approved work scope. It was generally agreed that using non-approved work to justify a long extension was invalid, and that a shorter timeframe was more appropriate for the contractor to address project-required work. O'Keefe recommended that an extension to February 28, 2022 would be appropriate.

He mentioned that the property owners were likely to seek an increase in the overall project scope of work and overall project cost. He added that there may be a future project extension if these increases are approved.

Taylor Prouty ***moved to extend the effective end date of the March 2, 2020 Amended Memorandum of Understanding between the Town and Thomas and Judith Platt related to the Platt's property at 2152 North Main Street, from November 30, 2021 to February 28, 2022, and to authorize the Town Administrator or Selectboard Chair to execute an acknowledgement on the document on behalf of the Town. The Board previously approved an extension on October 4, 2021****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

e. Platt Elevation Project – 3rd Extension of Construction Contract

O'Keefe mentioned that the Town just received a bill for over $7,000, but not everything specified in the invoice is an eligible cost.

Taylor Prouty ***moved to extend the term of the May 10, 2021 Contract for Services between the Town and Derry Downtown Limited for the elevation of the building located at 2152 North Main Street to February 28, 2022, and to authorize the Town Administrator to execute any formal documents on behalf of the Town related to this action. The Board previously approved an extension on October 4, 2021****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

f. Consider amendment to contract for Williams Dam Study

O'Keefe noted that the contract with consultant engineer DuBois & King, Inc., as authorized by the Board on 10/4/2021, was been signed. After further discussion with the consultant and those assisting O'Keefe with the project, it is considered best practice to conduct soil and silt testing to determine if there are hazardous materials present, which would greatly affect the cost of one or more of the alternatives. He recommended increasing the project budget from $45,000 to the $50,000 approved by the Voters to accommodate this work, which is approximately $1,500 per sample.

O'Keefe mentioned that the ANR-DEC River Coordinator Todd Menees has volunteered to assist the Town with the project.

Jim Fleming ***moved, with regard to the Town's service contract with DuBois & King to provide consultant services for the Williams Dam Study, to authorize the Town Administrator to execute an amendment that expands the scope of work to include silt and soil sampling, and increases the overall project budget to a maximum of $50,000, the amount authorized by the Voters at the 2021 Annual Town Meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

11. New Business

a. Approve preventive maintenance agreement for Town Office generator

The Board reviewed the proposed preventive maintenance contact for the Town Office generator with Brook Field Service for next year, which is quoted at $560 for a single visit or $907 for two visits. With the generator 3 years old at this time, it was generally agreed that for the first 5 years or so once/year service was appropriate and to consider twice/year service thereafter. O'Keefe noted that service takes place in the late fall each year, and that the unit tests each Monday morning.

Taylor Prouty ***moved to accept the preventative maintenance agreement from Brook Field Service for annual service of the Town Office generator one time per year, and authorize the Town Administrator to execute the agreement on behalf of the Board****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Request by Chester Snowmobile Club for use of Town property for snowmobile trails

The Board reviewed the annual request from the Chester Snowmobile Club to use a small portion of the shoulder of Lowell Lake Road for snowmobiling.

Jim Fleming ***moved to approve the request from the Chester Snowmobile Club to use a portion of Lowell Lake Road for snowmobiling between December 15, 2021 and April 15, 2022, and authorize the Town Administrator to execute a Vermont Association of Snow Travelers, Inc. landowner permission form on behalf of the Town****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

12. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 7:24 PM. The next regular meeting of the Selectboard is scheduled for December 6, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved December 6, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, December 6, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty, Melissa Brown and James Fleming.

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk & Parks Board Chair Kelly Pajala, and Parks Board member Marge Fish. Others – Consultants Cynthia Gubb (6:45 PM) and Seth Bongartz (7:05 PM), Manchester Town Manager John O'Keefe (7:18 PM), and Bruce Frauman (GNAT).

1. Call meeting to order

Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Shane O'Keefe recommended removing this matter of the long-term lease for the solar array project from the agenda and also moving an executive session to the end of the meeting.

Taylor Prouty ***moved to adjust the agenda by moving item 10.c., the Executive Session regarding real estate purchase or lease options to the last agenda item before adjournment, and by deleting item 10.d., the consideration of a long-term lease for the solar array project on the former septage field****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 11/15/2021

Vincent Annunziata ***moved to approve the minutes of the Selectboard meeting of November 15, 2021****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Vincent Annunziata ***moved to approve the pay orders for payroll and accounts payable****, seconded by Jim Fleming. The* ***motion passed*** *unanimously*

5. Announcements/Correspondence

Shane O'Keefe mentioned that the amendment to the Town's Traffic & Parking Ordinance, passed by the Board on 10/18/2021, which establishing speed limits on various paved roads in town, will go into effect on 12/17/2021 as there was no petition filed with the 44-day appeal period, which ended on 12/1/2021. Speed limit signs can now be put up.

He added that the Windham County Sheriff's Office has assigned two officers to Londonderry and Jamaica starting the previous week, to include weekend coverage as well, and new officers are being hired as well to get back up to full staffing.

It was noted that Gary Barton agreed to handle annual preventive maintenance for the Town Garage HVAC unit.

The Town Administrator stated that the Town has applied for priority listing through the Agency of Natural Resources Clean Water State Revolving Fund for the north and south villages for future water and wastewater grants. This is for this year's priority list, he added, and another priority list application round will come up in a few months. At the next Board meeting the draft water-wastewater study will be presented as will a proposal for additional planning work, the cost of which will covered by the State of Vermont.

He again mentioned that there remain two vacancies on the Energy Committee, and one for an alternate position on the Development Review Board, which are all being advertised.

Shane O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- A notice of a 12/15/2021 DRB hearing on an application for subdivision of land across VT Route 100 across from the Transfer Station from Curtis and Mary Merrill. He asked Bord members to let him know if there are any concerns that he can bring to the DRB.
- A letter of thanks dated 11/16/2021, from Neighborhood Connections for the Town's annual appropriation.
- The Windham County Sheriff's report for October 2021.
- The Town's signed letter of support for the Okemo Valley Regional Chamber of Commerce's recreational funding application, dated 12/15/2021

Tina Labeau mentioned that Transfer Station tickets for 2022 are now on sale.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Parks Board – Discuss future parks projects

Kelly Pajala reviewed a handout with the Board that covers the FY2023 budget and projects proposed for the coming year, noting that the budgeted items would generally be the same, subject to some inflation due to conditions, and some infrastructure improvements would be addressed this year.

The budget proposes that all Town parks property be mowed and plowed by a contractor instead of the Town Road Crew.

She mentioned projects proposed be paid from fundraising and dedicated non-tax funds such as the Pingree Park Fund ($5,500 balance), the Memorial Park Fund ($32,462 balance), and the Riverside Park Fund ($81,029 balance). Projects include a multi-use recreation space at Pingree Park instead of the pump track approved a few years back, pond treatment/aeration and a small storage shed at Memorial Park, and general improvements to Buxton Park.

Pajala spoke at length about the proposed multi-use recreation space, to include skateboarding and biking, and mentioned that fundraising and grants of about $30,000 would be necessary for initial design and site work, The entire cost of the facility would be several hundred thousand dollars, she added.

Pajala and Fish spoke about a parks usage survey recently sent out to the community with over 100 responses so far, and will keep the survey open for a few more weeks.

8. Transfer Station/Solid Waste Management

a. Updates

Labeau mentioned that there might be an applicant for the part-time Sunday position.

9. Roads and Bridges

a. Updates

Taylor Prouty noted the following usage for the month of November 2021:

Salt – 63 tons Sand – 129 yards

Fuel (gallons): Vehicles – 670.8, Town Office Generator – 0, Transfer Station – 70

He mentioned that the grader repair work was done at the Highway Garage instead of up in Williston, and it’s back on the road. And the 2016 International truck is off the road being repaired.

Prouty noted that lighting fixtures in the Town Garage need replacement, and Shane O’Keefe mentioned that he believed that Gary Barton would be handling that in December along with the HVAC work.

Shane O’Keefe mentioned that all but one item sold at the recent auction of surplus items in the cold storage building have been removed by the purchasers. He mentioned that surplus street name signs stored in the shed should also be sold off, and he’ll come back to the Board with a plan for that.

b. Access Permit 2021-08 – Haven Hill Road, Parcel 043003.000 (Veech)

Taylor Prouty mentioned that this permit was for a temporary logging access, and he saw no reason not to grant the permit, noting that the location would be put back to the way it is now after the logging operation.

Jim Fleming ***moved to approve access permit application No. 2021-08, submitted by Jock Harvey for temporary access for logging purposes only onto parcel #043003.000, located on Haven Hill Road****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Shane O’Keefe noted that the Town had not received any new ARPA funding requests or inquiries since the last meeting. Labeau mentioned that she received information on use of ARPA funds for emergency operations and possibly other Town Office improvements.

b. Town Office Renovation Project – Discuss bond vote

Shane O'Keefe briefed the Board on the project and provided the Board with a synopsis of previous decisions on this matter, noting that on 12/7/2020 the Board voted to "*rescind the Board's May 18, 2020 decision to schedule a bond vote for the Town Office renovations for the March 2021 Town Meeting, and instead hold off on scheduling such a bond vote until a later date"*. He explained that if the Board wished to pursue the bond at the annual Town Meeting in March, the time to begin consideration is now due to bond sequence requirements.

He noted that construction costs have escalated and the original project cost of ~$950,000 is probably now as high as $1.3 million, though funding opportunities for some of the project will allow the bond to possibly remain under $1 million. Options for the Board he explained would be to vote to hold the bond vote at the 2022 Town Meeting, a special Town Meeting thereafter, the 2023 Town Meeting or not at all. He noted that there is no expiration of project bonding authority once approved by the Voters, so a project approved this next year can wait some time for the optimal time to bid and bond.

Cavanagh stated that he felt that waiting a year would allow the Town to get better construction pricing, and that using existing building reserve funds to address some immediate building repair and cleanup needs could also lower the project cost. Prouty added that waiting may allow the Town to better qualify parts of the project for federal funding.

Shane O'Keefe mentioned that immediate building needs include fixing the building's side entry to the Clerk and Treasurer's office, to include roofing, carpentry and insulation, and basement cleanup and exterior painting, all of which can be done next spring.

He added that bond rates are low, which could offset to some degree the increase in construction costs.

Melissa Brown agreed that getting some of the smaller work done ahead of a bond made good sense, and on the idea delaying execution of a bond after it is approved, she mentioned that residents would likely have an expectation that the funds would be spent.

The consensus of the Board was to hold off on setting a bond vote and to instead raise the issue again for discussion next October.

11. New Business

a. Presentation on the proposed Northshire Community Field House

The scheduled presenters were not in attendance. There was brief discussion about the project based on the information provided to the Board. Cavanagh mentioned that while the project budget suggests that the project is seeking $628,000 from the Town, with a 2.1% bond the cost would actually be $879,120. This comes to $6.98/year per $100,000 of assessed value. There was little support for the project expressed by Board members.

It was decided to move on with the meeting agenda.

b. Consider sale of Town-owned property – Parcel 101001.000 [24 VSA 1061]

Shane O'Keefe raised the idea of selling a parcel of Town owned property acquired through tax deed to get in back on the tax rolls. He noted that the agenda mistakenly indicated that the subject property is parcel #101001.000, when it should have read #103001.000. He added that it is an undersized lot for zoning purposes and unable to support any development, and should be sold subject to the condition that it conveyed to one of the four abutting property owners and that it be merged with the abutting lot for tax and zoning purposes. He also informed the Board that Town Treasurer Tina Labeau is an abutting property owner and for the sake of transparency the property should be sold by way of sealed bid opened publicly by the Board. O'Keefe mentioned the notice and procedure requirements of 10 V.S.A Section 1061.

There was discussion of other surplus Town-owned properties that could be sold. The Board briefly discussed establishing a minimum bid and the consensus was that it should be $2,500.

Taylor Prouty ***moved to authorize the Town Administrator to solicit sealed bids for the sale of the Town-owned property known as parcel #103001.000 for consideration by the Selectboard, such sale to be conditioned on merger for tax and zoning purposes with an abutting property, and further subject to all applicable provisions of Title 24 V.S.A. Section 1061****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Appoint Forest Fire Warden position [10 VSA 2641(a)]

Cavanagh noted the recent passing of Forest Fire Warden Jim Twitchell, and Shane O'Keefe mentioned that he had spoken with Jim's son Melvin, who presently serves as Deputy Forest Fire Warden, and he states he would be honored to be appointed to fill the vacancy. It was noted that the term extends only to 6/30/2022, after which time a new appointment must be made.

Taylor Prouty ***moved to appoint Melvin Twitchell as the Town's Forest Fire Warden subject to concurrence by the Commissioner of the Vermont Department of Forest, Parks and Recreation pursuant to Title 10 V.S.A. Section 2641(a)****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

d. Consider participation in the National Opioid settlement

The Board reviewed documents related to the national opioid settlement, whereas several entities have settled litigation and will make payments to participating states and municipalities throughout the country. Shane O'Keefe mentioned that Town is eligible for ~$240/year for years 1-10 and ~$170/year for years 11-18, all of which must be spent on eligible drug-prevention activities, and he suggested that the funds could go to The Collaborative. If the Town does not participate the funds will go to the State of Vermont, which has similar spending restrictions.

There was discussion about whether it is worth the long-term administrative effort it will take. There was interest in keeping the funds local instead of releasing it to the State.

Jim Fleming ***moved that the Town of Londonderry opt in to and participate in the national opioid settlements as described by the Vermont Attorney General's Office, and authorize***

the Town Administrator to execute any documents necessary to ensure this participation*, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

e. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Taylor Prouty ***moved to move to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite the Town Clerk and Town Treasurer to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 6:59 PM, and came out of executive session at 7:09 PM.

f. Consider employee compensation matter

Jim Fleming ***moved to adjust the hourly rate of pay for Bonnie Cobb to $17.00, effective this pay period****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

a. Presentation on the proposed Northshire Community Field House

Consultants Cindy Gubb and Seth Bongartz,,and Manchester Town Manager John O'Keefe, gave a presentation on the proposed Northshire Community Field House on behalf of the Right Track Foundation, Inc., which is a philanthropic foundation of the Drunsic family. Gubb mentioned that the Field House would be located at the existing Dana L. Thompson Recreation Park in Manchester, and the project has been in the works for approximately 2 years. The presentation included a detailed explanation of the proposed building plans, uses and programming opportunities, and provided as follows:

Focus areas of the facility: Facility that serves a multi-town footprint. Promote health, fitness and social interaction across town lines. Diverse programming for all age groups. After-school, weekend, vacation weeks, summer programs for youth. Leagues, clubs, and other activities. Building lifetime habits of healthy living.

Other benefits are: Enhances the vitality of the entire region. Recruitment asset for local businesses. Additional asset to our local schools. Attraction for our lodging properties.

Field House Facts: Approximately 67,000 square feet. Solar panels. Energy efficient building (VT Commercial Building Energy Standards). Central location with easy access. Convenient parking to building. Access to sewer & water. No cost for land. Minimal infrastructure needed.

Field House amenities: Three multi-use courts which can be configured for basketball, volleyball, pickleball, indoor soccer, Futsal (indoor soccer). Dedicated pickleball court. State-of-the-art 45 foot climbing tower. 200-meter indoor track with indoor track & field. Batting cage for baseball practice. Fitness area with cardio deck and weight machines. Locker rooms for team sports. Multipurpose rooms for activities and programs.

Operating Strategy: Town of Manchester will own the Field House. Executive Director oversees Rec Park & Field House. Nonprofit board oversight. Self-sustaining operating budget. Operating costs covered by memberships, court usage fees, facility rentals, tournament fees, equipment rentals, sales. Energy efficient design reduces operating costs.

Excess income to fund capital reserve, scholarship. Guarantee for breakeven operating budget for 5 years.

Financing the Field House:

- Cost of construction: $13.25 million.
- Financed through public and private investors: Right Track Foundation - $3 million committed & Town of Manchester - $3 million (through public approval process)
- Balance of $7.25 million: One-time capital contributions from mountain & valley towns; Business contributions; and Private donors.

Participating Towns = Partners: Towns that contribute to the capital costs are partners in perpetuity.

- No annual contribution
- One representative on Field House nonprofit board

"Community Field House Partners" access resident rates:

- Resident memberships: $125 single/$200 couple/$250 family, Students: 6 – 13 $20/year, 14 – 19 $50/year
- Nonresident memberships: $375 single/$500 couple/$750 family, Students: 6 – 13 $120/year, 14 – 19 $200/year
- Residents have priority for memberships, reservation times; nonresidents memberships based on availability

Timeline: Town meeting March 2022 – Advisory votes in towns within footprint of market area to approve further consideration. Spring/summer 2022 – Bond vote to approve capital contribution to Field House. Private fundraising ongoing. Construction late summer/fall of 2022 when funding is in place or pledged

Bongartz explained the methodology for municipal contributions. According to the proposed funding plan the cost to the Town of Londonderry would be $628,050, which at a 2.1% bond interest would cost it $29,304 per year, which translates to $6.98 per $100 of property value for taxpayers. Cavanagh reiterated that the overall cost to the Town, with interest, would be $879,120.

There was considerable back-and-forth between the presenters and the Board. Annunziata inquired about possibilities for provision of childcare at the facility. In response to an inquiry on the cost of ballots for the bond vote, it Bongartz suggested that bond votes could take place during the November 2022 election. Discussion took place about project viability if town's do not participate.

The presenters recommended that the Board include the following non-binding article to the annual Town Meeting warning: "*Shall the voters indicate support for the concept of a regional fieldhouse at the Dana Thompson Recreation Park in Manchester, with the understanding that towns would participate in its construction costs under a formula based on a combination of grand list, population and distance, in exchange for a special use status for those who live or own a second home in the Town of Londonderry. This article is advisory in nature and does not bind the town to further action*."

Pajala informed the presenters that the Town holds its Town Meeting votes from the floor, and for any bond vote on the November General election ballot, the State will be mailing out ballots and there will be a local programming cost to add articles to the ballot.

Annunziata suggested that the project would be good for Manchester, but it's not something the Board can justify at this time due to bigger local concerns that these funds could go toward. He stated that affordable housing and childcare are greater regional priorities.

Concerns about coordination of use of the facility by various schools was discussed.

Gubb, Bongartz and John O'Keefe left the meeting at 7:58 PM.

g. Executive Session – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)

Jim Fleming ***moved to enter executive session to discuss negotiating or securing of real estate purchase or lease options, pursuant to Title 1 V.S.A. Section 313(a)(2), and invite the Town Administrator to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:59 PM.

The Board came out of executive session at 8:14 PM. No decisions were made.

12. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:15 PM. The next regular meeting of the Selectboard is scheduled for December 20, 2021.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved December 20, 2021.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, December 20, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, Melissa Brown and James Fleming.

Board Members Absent: Vincent Annunziata

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala Road Foreman Josh Dryden, Planning Commission Chair Sharon Crossman. Others – Resident Doug Friant, consulting engineers Christina Haskins and Everett Hammond (6:20 PM), and Bruce Frauman (GNAT).

1. Call meeting to order

Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

Taylor Prouty ***moved to delete from the Visitors and Concerned Citizens part of the agenda, the monthly update from One Londonderry****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to adjust the agenda by moving Old Business items 10.a. and 10.b., having to do with Water-Wastewater matters, to items 7.c. and 7.d. of the Town Officials Business part of the agenda****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 12/6/2021

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of December 6, 2021****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

Jim Fleming ***moved to approve the pay orders for payroll and accounts payable****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Shane O'Keefe noted that he would be on vacation the following week, and spoke to the correspondence included in the Board's meeting packet as follows:

- A notice from The Shopper regarding the Planning Commission's request for community comments on the north village master planning effort.
- The final tally of the recent auction of surplus vehicles, equipment and materials, showing net proceeds were $14,359.50.
- The Windham County Sheriff's report for November.
- A Motion to Dismiss filed on 12/17/2021 by attorneys for Vermont Woodchips in the DRB appeal case.

- Notice dated 11/15/2021 from the Federal Aviation Administration of a request from the U.S. Airforce to establish a permanent military operations area in the vicinity of Londonderry to help with Massachusetts Air National Guard training, and seeks public input with regard to aeronautical impacts.
- The annual report from the Brattleboro Development Credit Corporation (BDCC) and the Southeastern Vermont Economic Development Strategies (SeVEDS)

Sharon Crossman mentioned that the Planning Commission is still taking comments and questions from the public through 12/22/2021 on draft scenarios proposed under the Main Street master planning project. Comments will be used to develop a draft consolidated plan that will be presented at the next public meeting, to be held remotely via Zoom software on 1/6/2022 from 6:30 PM to 8:00 PM.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Town Treasurer – Year-to-date budget review

Tina Labeau presented the year-to-date budget through November, noting that the Town is on track and doing well income-wise, and offered that Board members could contact her at any time with questions on this.

b. Planning Commission – Monthly update

Crossman provided updates as follows:

- On the North Village Main Street Study and Master Plan project, she reiterated that the consultant will be incorporate public comments received at the October and November public meetings and from subsequent comments, and develop a final draft consolidated plans to be presented at the 1/6/2022 public meeting. She noted that the feedback form on the Commission's page on the Town website is not interactive. The final report will be available in late winter or early spring per the project schedule. Melissa Brown raised how best to get further public comment from those who may not understand the project. Crossman spoke to some of the draft scenarios and ways to respond to the public. On the roundabout alternative at the westerly intersection of VT Routes 11 and 100, Cavanagh mentioned that the 2020 road safety audit conducted by VTrans revealed it had a poor cost-benefit ratio and would cost approximately $3 million, and that engineers have noted that there is not much that can be done to enhance the intersection.
- The water testing for the Water-Wastewater project is still in process, with some complete and some still to go.
- On the proposed zoning bylaw overhaul, final edits prepared by the consultant are being reviewed, and she hopes for a final review draft in the early part of the new year in preparation for the required public hearing process.
- On the Town Hall restoration project, she noted that an application was filed in the past week for a historic preservation grant from the Preservation Trust of Vermont (PTV). The funding request was for $95,500, which would be matched by funds from the Town's buildings reserve fund of $75,000, for a total project cost is estimated to $170,500. Work for this phase of the restoration would primarily be for the following deferred maintenance items: replacing

roofing slate and shingles as necessary, refurbishing the windows, and bolstering the balcony structure, which is presently closed off to the public for safety reasons. She said that the Commission will continue to look for other matching funds. There was discussion about whether there was a grant-required match, and Crossman stated that there was none of which she was aware. There was also discussion of the Commission's budget request for this project.

- The Commission has decided to hold its meetings remotely for the foreseeable future, with a physical location at the Town Office for those who wish to participate in person.

c. Review and discuss draft water-wastewater study

Engineer Chrissy Haskins of the Dufresne Group reviewed with the Board the 12/17/2021 draft of the Community Wastewater Feasibility Study of the two villages, and she noted that it should be considered a 60% draft. Due to pandemic-related delays on a subconsultant the cost estimate section is yet to be completed, and the State of Vermont will make recommendations that will need to be incorporated.

She described some of the critical needs for community wastewater systems, such as septic systems within well isolation distances, systems within floodplains, an instance of an elicit discharge into the West River, E. coli contamination of the West River in South Londonderry.

Haskins referred to some concept designs for larger decentralized wastewater systems that will need further development to determine feasibility. She noted that Pingree Park is listed in the report and that language will be added to reflect the Board's decision not to pursue this property in the study. She recommended keeping the site in the study to create a basis for funding for future evaluation if determined to be necessary.

There are recommended additional tasks and a need to extend the effort to find locations for smaller decentralized systems: obtain preliminary approvals from property owners, including the Town, for proposed site locations; research on deed restrictions such as spring rights; surveying well locations and isolation distances; soil condition verification; hydrogeologic analysis for the potential systems; and property right acquisitions. She noted an interest in additional community outreach to better inform the public about community wastewater systems and there need and benefits.

Some of these tasks would require an amendment to the engineering contract and some would be done by others, including the Windham Regional Commission and the Town Attorney.

O'Keefe acknowledged that the Board just received the draft report over the weekend and suggested that the Board discuss it further at the next regular meeting.

d. Authorize grant application for water-wastewater planning funds

Haskins stated that the additional work described in the study can be covered by planning funds under the Clean Water State Revolving Fund program, which now provides 100% forgivable loans for village wastewater projects of up to $125,000, and the State of Vermont has suggested that the Town apply for this reimbursable amount for each village separately. This would cover further community outreach, detailed site evaluation, and property acquisition for each study area.

Crossman acknowledged that this is an unprecedented opportunity for this funding, and this project is a key piece of future community planning and initiatives, and the Planning Commission is supportive of this grant effort.

Melissa Brown ***moved to authorize submittal of applications for funding under the State of Vermont Revolving Loan Programs for community wastewater systems planning for both the north village and south village, and designate the Town Administrator as the authorized representative of the Town in connection with the project for the purpose of furnishing information, data and documents pertaining to the project as required by the State of Vermont****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Crossman and Haskins left the meeting at 6:41 PM.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that 2022 stickers are available for sale. Labeau mentioned that the Transfer Station would be closed on 12/25/2021 and 1/1/2022.

Brown inquired if it's possible to keep the facility open late one evening each week, and Cavanagh mentioned that this was not safe due to insufficient lighting. Brown suggested revisiting this concept once the days grow longer.

9. Roads and Bridges

a. Updates

Josh Dryden mentioned that the red truck was back on the road, but that the rear steering on the excavator is in need of repair. He briefly mentioned recent winter road maintenance and project efforts. And mentioned that the fallen stop sign on Mountain Lake Road has been found and will be replaced soon.

b. Review and discuss RSMS study

Engineer Everett Hammond of Hammond Engineering gave a comprehensive overview of the first draft of the Road Surface Management Systems (RSMS) paved road analysis, dated 12/2021, noting that there are 22.72 miles of paved Town highways, with 12.57 being class II and 10.15 being class III. He described the methodology for the preparation of the study, including travelling all of the paved roads with Road Foreman Josh Dryden, and how the roads were analyzed, rated and the repair strategy assigned. He also factored in traffic volume in the repair prioritization, and went on to describe a proposed 15-year capital plan for road repairs and repaving.

It was noted that the Town increased its paving budget to $200,000 last year, and the proposed capital plan recommends increasing that to at least $220,000 in the coming year and increasing it by $40,000 each year thereafter for 7 years, and then $15,000 thereafter simply to keep up on the existing and emerging needs and roadway rehabilitation and reconstruction. The amount of increase can be reduced if the Town desires to pave only and not make roadway improvements. On determining which roads to address on the plan, it is not recommended to "address the worst first", Hammond explained, but instead determine the most efficient way in which to spend available funds such as addressing roads before they deteriorate.

Hammond mentioned a rough rule of thumb being an expenditure of $10,000 per mile per year for roads in fair condition. He noted that road repair costs are rising annually.

There was discussion about the impacts of trucks on Town roads, including paved roads, and Hammond recommended posting them for overweight vehicles in the spring each year. Prouty and Dryden noted that local truck businesses are mindful of the road conditions and generally work well with the Town.

Hammond described in detail the proposed capital plan and the various road repair and maintenance techniques and touched on specific projects. He recommended that the Town consider increasing the highway improvement Reserve fund contribution to $230,000 in FY2023 to get a jump on the plan and reduce the increase the following year.

Hammond suggested that the plan be revisited and updated every three to five years to evaluate and address changing conditions.

Due to the Board having just received the draft study it will be on the agenda of the next regular meeting in case there are questions or comments.

The Board thanked Hammond for his presentation, and he left the meeting at 7:38 PM.

c. Access Permit 2021-09 – Under the Mountain Road, Parcel 036006.100 (Reilly)

Prouty described the project and noted that Dryden had met with the contractor.

Jim Fleming ***moved to approve access permit application No. 2021-09, submitted by Nathan Chaves on behalf of Mark Reilly for parcel #036006.100, located on the east side of Under the Mountain Road****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. Approve revised access permit application and fee

O'Keefe described some of the changes to the proposed new permit application: it allows for more accurate property information, it provides for property owner and applicant certification of accuracy, and provides authorization of Town access for inspection. It also recommends an application fee increase from $25 for all permits to $50 for driveway modifications and $75 for new driveways. O'Keefe recommend the fee increase to better reflect the actual staff time spent on applications. The proposed fee increase was discussed, and fees charged from other communities were considered; it was agreed that the proposed fees were appropriate.

Melissa Brown ***moved to approve the new access permit application form as presented and require its use for new and modified Town Highway accesses beginning immediately****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Dryden left the meeting at 7:45 PM.

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Shane O'Keefe noted that the Town had not received any new ARPA funding requests or inquiries since the last meeting, and no new program information has come from the Vermont League of Cities and Towns or other sources, and that final rules have yet to be issued. Labeau mentioned that the ARPA reporting portal has opened.

Brown suggested that beginning with the new year it can be expected that others will come forward with requests.

11. New Business

a. Consider requests for Town Meeting articles

O'Keefe noted that the Town has received three separate requests for the Selectboard to voluntarily include articles in the annual Town Meeting warning: 1) from Doug Friant to fund speed control efforts in lieu of a policing contract; 2) from Cynthia Gubb and Seth Bongartz for a non-binding vote on support of the proposed Manchester fieldhouse project; and 3) from the Beautification Committee to fund new "Welcome to Londonderry" signs.

Friant stated that he felt a better way to do address speed control is to install mechanical means to slow traffic such as radar speed signs, rumble strips and speed tables, and suggested that the Board include the following article: "*As an alternative to contracting with the Windham County Sheriff, shall the town vote to raise the sum $30,000 to control speeding by installing mechanical means, such as radar signs, rumble strips, and speed tables, at the selectboard's discretion?"*.

He provided information from the Federal Highway Administration of designs for speed tables. Friant stated that hiring the Windham County Sheriff Department to issue tickets to speeders was punitive and unethical in his view, and that there was a financial incentive to write tickets. He mentioned that 77% of the traffic stops resulted in a ticket. O'Keefe corrected Friant and stating that the Sheriff's Office does not benefit financially from issuance of tickets. There was discussion about distribution of fines between the Town and the State of Vermont, and Labeau stated that the Town has received approximately $10,000 so far this fiscal year.

Friant stated that the Sheriff's department does not do community patrols and spends most of its time writing speeding tickets. He does not want Londonderry to become known as a speed trap.

Cavanagh noted that any mechanical devises within the State highway, where most of the speeding is occurring, would require State approval. Brown recalled that the Sheriff's Office mentioned that they would have radar speed signs available for use in the community and she noted that they have not been in use of late. O'Keefe mentioned that speed tables and rumble strips need to be engineered and properly located, so there would be associated professional costs and warning signage costs for these initiatives if advanced. Prouty mentioned that over time as speeding becomes less frequent the Sheriff's Office can concentrate more on community policing.

There was extensive discussion on the request and policing efforts in the community. There was general support of the article in some form as an addition to the article on the policing contract, not in lieu of it.

Melissa Brown ***moved to include in the 2022 Annual Town Meeting warning the following article: "Shall the town vote to raise the sum $40,000 to control speeding by designing and installing mechanical means, such as radar signs, rumble strips, and speed tables, at the Selectboard's discretion?"****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The Board then considered the request to add to the warning the non-binding vote on support of the proposed Manchester fieldhouse project as discussed at the previous Bord meeting. Brown noted that she had spoken to some families in the community and they're very excited about the potential for the project, and that the Voters should be allowed to decide whether to signal the community's support. Pajala suggested that a vote on the matter from the Board soon would allow the project leaders adequate time to gather signatures for a petitioned article.

Taylor stated that the recommended article is advisory in nature and non-binding, and therefore a relatively benign request.

Melissa Brown ***moved to include in the 2022 Annual Town Meeting warning the following requested article: "Shall the voters indicate support for the concept of a regional fieldhouse at the Dana Thompson Recreation Park in Manchester, with the understanding that towns would participate in its construction costs under a formula based on a combination of grand list, population and distance, in exchange for a special use status for those who live or own a second home in the town of Londonderry? This article is advisory in nature and does not bind the Town to further action."****, seconded by Taylor Prouty.*

Brown raised the matter of how the project will address second homeowners in the membership formula, noting it will be an interesting thing to work out. Cavanagh noted that if the article passes it would likely be followed up with a bond vote at a subsequent Town Meeting.

The ***motion passed*** *unanimously.*

The Board then considered the request to add to the warning the funding of "Welcome to Londonderry" signs. O'Keefe noted that while $11,680 of the $13,680 was being requested from the Voters, he had been informed that the project already has commitments of $3,000, so clarity on the request is needed. This was further discussed and the Beautification Committee must provide final figures to the Board.

There was discussion about property control of the sign locations, and there was question about whether easements are in place from the previous efforts to erect the signs. Friant stated that he believed that easements had not been obtained. Pajala stated that she could do a quick review the land records for the easements.

Friant had some suggestions on the sign materials to ensure durability.

O'Keefe will inquire of the Beautification Committee what the overall gross cost of the sign project is, whether fundraising is still going on, what the net project cost is that will be requested, and what the status of the property easements. The matter will be discussed at the next regular meeting.

b. Review and discuss proposed FY2023 Budget

Labeau suggested that given he late hour it might be best to pick a night for just the budget to be discussed, or to begin an upcoming meeting early for budget review. She mentioned that the deadline for the Town Report is as late as the first week of February. It was agreed by the Board to start the next regular meeting early to work on the budget.

O'Keefe suggested that the budget be adjusted to include funding for an individual to take minutes for various boards and commissions.

c. Discuss 2022 Town Meeting appropriations

The Board reviewed a list of appropriations as prepared by Labeau. She mentioned that she had one late request (Flood Brook Athletic Association) and several agencies have not submitted requests (Friends of the West River Trail, Londonderry Historical Society). Pajala noted that 78 signatures were required for petitions at this time.

The Board review each of the requests and organizations previously funded, and agreed upon the following list of appropriations for the Town Meeting warning:

Londonderry Conservation Fund	500
Champion Fire Company #5	20,000
Phoenix Fire Company #6	20,000

Londonderry Volunteer Rescue Squad	15,000
South Londonderry Library Association	10,000
Grace Cottage Foundation	750
Greater Northshire Access TV	2,000
Green Mountain RSVP	415
Green Up Vermont	100
Health Care & Rehabilitation Services	1,513
Mountain Valley Health Council	5,000
My Community Nurse program	2,500
Neighborhood Connections	6,000
Senior Solutions	950
SVEDS	5,307
SEVCA	1,700
Southeast Vermont Watershed Alliance	410
The Collaborative	1,000
Valley Cares	2,742
Visiting Nurse Assoc. of VT & NH	7,000
Vermont Rural Fire Protection	100
West River Montessori School	3,000
Windham County Youth Services	315
Women's Freedom Center	800

O'Keefe noted that requests not on the previous Town Meeting article have been included as special stand-alone articles on the draft warning as follows:

American Red Cross	500
Londonderry 4th of July	1,500

d. Septage Fields Project – Consider PFAS post-closure corrective action plan and sampling

O'Keefe reminded the Board that Per-and Polyfluoroalkyl Substances (PFAS) had been detected at low levels in the groundwater at the former septage fields, and the State of Vermont has reviewed recent sampling results and notified the Town of the need to develop within 90 days a long-term sampling protocol for the PFAS, to include twice/year sampling and annual reporting for the foreseeable future. While there is no indication that the contamination will reach the West River, the Town will be required to sample the drinking water at the Riverside Condominiums on Boynton Road annually; a previous sample showed no contamination. He reviewed with the Board the consultant work plan and price proposal. O'Keefe noted that due to the ever-changing requirements for this contamination, the $5,000 allocated to this work for FY2022 will be exceeded with this extra work.

There was discussion about cost reimbursement through the State of Vermont, and how to address these ongoing expenses. O'Keefe recommended accepting the proposal.

Taylor Prouty ***moved to accept the work plan and long-term groundwater monitoring for PFAS at the former septage field prepared by Waite-Heindel Environmental Management, to cost***

approximately $3,800 in FY2022 and approximately $5,700 per year thereafter, and authorize the Town Administrator to execute necessary documents to employ the consultant firm for this service on behalf of the Town*, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

e. Consider adjustments to January 2022 Selectboard meeting schedule

Because the first regular meeting in January would immediately follow the new year and the second would land on Martin Luther King, Jr. Day, and because there are 5 Mondays in the month, O'Keefe recommended adjusting the schedule by pushing the meetings out a week. Cavanagh noted that Vincent Annunziata would likely agree to this due to his holiday work schedule.

O'Keefe suggested keeping track of COVID-19 trends and to consider the possibility of holding upcoming Board meetings primarily remotely.

Taylor Prouty ***moved to adjust the regular Selectboard meeting schedule for January 2022, to meet on January 10 at 5:00 PM and on January 24 at 6:00 PM, instead of January 3 and 17****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

12. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:15 PM. The next regular meeting of the Selectboard is scheduled for January 10, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved January 10, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair