Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, January 10, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty, Melissa Brown and James Fleming. All but Cavanagh attended remotely via Zoom meeting software in conformance with 1 VSA 312(a)(2).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau*, Town Clerk Kelly Pajala*, Beautification Committee members Barbara Wells, Martha Dale, Pam Abraham* and Bonnie Johnson*. Others – Resident Kevin Beattie*, Chester Snowmobile Club member Lewis Lettenberger*, and Bruce Frauman (GNAT).
(*attended remotely)

1. Call meeting to order

Tom Cavanagh called the meeting to order at 5:08 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Taylor Prouty ***moved to delete from the New Business part of the agenda, the executive session on employee evaluations****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 12/20/2021

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of December 20, 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 Jim Fleming. The* ***motion passed*** *unanimously.*

It was agreed to hold off on Announcements & Correspondence until after the budget review.

5. Old Business

a. Review and discuss proposed FY2023 Budget

Tina Labeau went over the proposed budget line-by-line with the Board, first covering revenue and then expenditures, and noted that the budget does not reflect a significant overall change from this year. There were questions back and forth on various budget lines. Melissa Brown inquired about the FY2022 budget being very lean compared to some parts of the proposed budget and it was noted by Labeau that this was due in part to pandemic conditions.

O'Keefe questioned whether reserve fund revenues and expenses should be reflected in the budget. He and Labeau will further discuss this.

Revenue highlights are as follows:

- Transfer Station revenues are up from other towns to reflect the increases expenses.
- Expenses from law enforcement is increased due to actual revenues.
- A new revenue line for solar array rents is pegged at $6,000.

Expense highlights are as follows:

- The salaries for the Town Treasurer and Town Clerk reflect 5% increases, and the budget reflects 5% increases for all other Town employees. Labeau mentioned that previous years' increases were 2%. O'Keefe noted that any salary adjustments for him, the Zoning Administrator and the Town Assessor area waiting annual performance evaluations.
- Health insurance costs are down overall.
- Election expenses are up due to national elections later in the year.
- New GIS mapping will be paid through both the Listers and Zoning offices.
- The Planning Commission recommended the hiring of an administrative assistant.
- O'Keefe suggested that the Board consider funding a position for an individual to take minutes for various boards and commissions.
- In general, fuels and utilities are increased due to trends.
- Contracted trash hauling at the Transfer Station is budgeted to increase from $195,000 to $225,000, or 15.4%. Contracted organics recycling cost increases 110%, hauling of recyclables increases 74%, and hazardous waste/electronics contracting increases by 48%.
- There is an ongoing PFAS sampling requirement at the former septage fields that is budgeted at $5,000, an amount that O'Keefe will confirm.
- The Parks Board looks to contract out all of its mowing at Memorial, Pingree, Williams and Buxton Park, instead of relying on the Highway Department. Only Memorial Park was contracted out this past year.
- Parks infrastructure expenses are increased to address resurfacing the basketball court, to include pickleball lines.
- Debt service shows a 6% decrease.
- Paving is removed from the highway budget and instead will be handled through the new reserve fund.
- Gravel is moved to winter highway operations.
- The budget for tires and tire chains are increased due to planning and readiness needs.
- Salt and sand budgets are increased due to usage and pricing.

The first review budget indicates a budget decrease of .31%, with the amount to be raised by taxes decreasing by 7.33%.

Labeau thanked everyone who helped to develop the budget. Board members thanked her for a great job putting it all together.

6. Announcements/Correspondence

Shane O'Keefe noted that Board members not physically in attendance should come by in the coming days to sign documents as necessary. He mentioned that the Town had heard from the Windham Regional Commission that the application for funding of $5,500 for a plate compactor for the Highway Department wasn't approved, as there was a limited amount of money and demand exceeded supply.

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

- A 12/17/2021 email from Zoning Administrator Will Goodwin regarding access permits on class IV roads and changes proposed under the new draft Zoning Bylaw.
- A 12/20/2021 application and acknowledgement related to an amendment to the Town's Municipal Roads General Permit, which is now pending.
- The equalization study results for 2021 from the Vermont Division of Property Valuation and Review, which again show acceptable figures for the Town's Common Level of Appraisal and Coefficient of Dispersion.
- Regarding the proposed solar array at the former septage fields, an information request dated 1/5/2022 from the Vermont Public Utilities Commission of Green Lantern Solar regarding location of utility poles and inverters to elsewhere on the property
- Several documents, including a scheduling hearing notice for tomorrow, a motion and proposed stipulation regarding the tax deeding case of Contos vs. the Town of Londonderry. He mentioned that he would be signing off tomorrow on the Town's response to interrogatories and requests to produce.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Beautification Committee – Request for Town Meeting article

Bonnie Johnson responded to questions previously raised by the Board by responding as follows:

- Overall project gross cost is $13,680, and with $3,000 already raised through donation there is only a need for $10,680 from the Voters.
- Fundraising is no longer going on.
- Approvals allowing the signs by property owners in 1999 were through "agreements to convey by donation", and not easements.

She noted that all four property owners have been approached, and that two of the property owners were the same as that in 1999 and two were newer owners. Three have provided letters of support and the fourth verbal support ,but no formal approvals are in place.

Johnson stated that she had been in contact with VTrans and the signs are in compliance with State requirements. She asked the Board for guidance on next steps.

O'Keefe mentioned that the Town Attorney has determined that the previous agreements constituted revocable consent agreements which do not run with the land. He suggested that the Board needs to decide whether revocable consent agreements constitute sufficient site control for the project, and while easements ae preferred, revocable consent agreements can work for the Town and are easier to secure from property owners.

Board members expressed support for acceptance of revocable consent agreements. O'Keefe suggested that the Town Attorney could review the previous agreements and determine if the same or a different document should be used. He will work with the Town Attorney on this and report back to the Board.

The matter of whether permits were required for the redesigned signs was raised and O'Keefe suggested that the Beautification Committee should work with Zoning Administrator Will Goodwin on this. Beautification Committee members stated that they would follow up on this, And they inquired as to whether the Town Road Crew could assist with installation of the signs to keep down the overall project cost.

The draft warning already contains the following article, which would be revised to include the revised dollar figures: "Shall the Town vote to raise and appropriate a sum of $11,680, which will match $2,000 of private funds raised by the Beautification Committee, to fund the fabrication and installation of four new "Welcome to Londonderry" signs?"

Cavanagh suggested that the Beautification be sure to attend the Town Meeting to speak to this request. The Committee members left the meeting at 6:24 PM.

9. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that 2022 permits are available for sale. Labeau mentioned that in addition to on-line purchases the windows at the Town Office would be available for in-person purchases. It was noted that there are no applications for the part-time Sunday position.

10. Roads and Bridges

a. Updates

Taylor Prouty noted the following usage for the month of December 2021:

Salt – 472 tons   Sand – 1,172 yards

Fuel (gallons): Vehicles – 1,469.9, Town Office Generator – 0, Transfer Station – 0

b. Consider request for VAST use of Town highway – Mansfield Lane

On behalf of the Chester Snowmobile Club, Lewis Lettenberger presented the Club's request to use a 1/10 mile portion of Mansfield Lane for snowmobile use to allow for a connection to a new dead end spur trail from Lowell Lake Road to the new restaurant, the Revival Kitchen. The use would be similar to Lowell Lake Road, and would include trail grooming approximately once or twice per week.

Prouty as Road Commissioner noted that this section of the road is narrow and steep, and requested that grooming not reduce the width of the roadway. He expressed support for the proposal and noted that because the VAST approval is granted annually, the Town can monitor this for future.

Mansfield Lane property owner Kevin Beattie stated that he had no problem with the proposal there appear to be no safety issues and in fact it would make for a better situation.

Lettenberger stated that the trail would likely only used during restaurant hours and there may be some signage directing people there. He noted that four of the six property owners have been contacted about the proposed use of the roadway.

Taylor Prouty ***moved to approve the request from the Chester Snowmobile Club to use a portion of Mansfield Lane 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 Melissa Brown. The* **motion passed** *unanimously.*

c. Access Permit 2022-01 – Middletown Road, Parcel 060202.001

Prouty described the project and noted that it is a modification of a previous permit where the property owner wishes to move the driveway up the hill from where previously approved. He noted that Road Foreman Josh Dryden has reviewed the application.

Taylor Prouty ***moved to approve access permit application No. 2022-01, submitted by Steven Wurtz, for tentative parcel #062020.001, located on the east side of Middletown Road, which shall supersede access permit #2021-06, which was approved by the Board on October 4, 2021****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

d. Review and discuss RSMS study (continued)

O'Keefe mentioned that at the previous meeting the Board had just the day before received the draft RSMS paved roads analysis and he asked if the Board members had any questions or concerns to pass on to the engineer. He noted that he had had a chance to review it carefully and had inquired of the engineer about the costs for the paving and upgrades, as the unit costs were from 2014. There were no questions or comments from the Board.

11. Old Business

a. Consider sale of Town-owned property – Parcel 103001.000 [24 VSA 1061]

In response to a notice of intended sale of Town-owned parcel #103001.000, which was issued on 12/23/2021, O'Keefe reported that he had received one sealed bid, which he provided to Cavanagh. Cavanagh opened the bid envelop and stated that the bid was received from Bettina and Pierre Labeau with a bid amount of $2,799.00.

As was mentioned at the 12/6/2021 meeting, O'Keefe stated that the property is an undersized lot for zoning purposes and unable to support any development, and as such was offered subject to the condition that it conveyed to one of the abutting property owners and be merged with the abutting lot for tax assessment and zoning purposes. He again mentioned for the sake of transparency that Bettina Labeau is the Town's Treasurer and an abutting property owner.

If the bid is accepted, O'Keefe explained, the next step in the sale process is to advertise the proposed terms of sale for 30 days and thereafter the Board must formally authorize the sale and designate an agent to convey it. However, if 5% of the legal voters of Londonderry sign and file with the Town Clerk a petition objecting to the sale within 30 days of the required notice, the Town will hold a town meeting vote on the question of whether to convey the sale.

Taylor Prouty ***moved to accept the sealed bid offer from Bettina and Pierre Labeau for the purchase of Town-owned property located at parcel #103001.000 in the amount of $2,799.00, conditioned on 1) merger of the property for tax assessment and zoning purposes with the purchaser's abutting property, and 2) all notice and petition provisions as provided for under 24 V.S.A. Section 1061. This property was acquired by the Town by Tax Collector's Deed dated and recorded on May 19, 2020, and recorded in Book 86, Page 385 of the Londonderry Land Records. Prior to any final authorization of conveyance, the Board shall certify the designation of an agent empowered to convey the subject property on behalf of the Town****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Review and discuss draft water-wastewater study (continued)

O'Keefe mentioned that at the previous meeting the Board had just the day before received the 60% draft of the water-wastewater study and he asked if the Board members had any questions or concerns to pass on to the engineer. There were no questions or comments from the Board.

c. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Cavanagh mentioned that the final federal rules for ARPA have been issued by the U.S. Department of Treasury, effective April 2022, and that Board members have received information and an overview on this from the Vermont League of Cities and Towns. He noted that there have been changes and some expenses are now allowed that previously were not, such as culverts.

O'Keefe mentioned that the VLCT information suggested that Town's put ARPA activities on hold until they have provided new recommendations.

He also went over with the Board an ARPA funding request letter received from the West River Montessori School outlining a number of capital improvements totaling over $127,000.

12. New Business

a. Review draft Town Meeting Warning

O'Keefe presented and reviewed with the Board the first review draft of the warning for the annual Town Meeting. It was noted that the deadline for article petitions is presently 1/13/2022, but would change if the Town Meeting date is changed to a later date.

Kelly Pajala mentioned that due to COVID-19 pandemic conditions new legislation allows for Towns to change the date of the Town Meeting and/or to hold Town Meeting by Australian ballot, essentially the same as last year. There was discussion about moving the date for Town Meeting, and holding it indoors at Town Hall. Pajala suggested holding the meeting on a Saturday, and there was interest in scheduling it to avoid school vacation, and in holding the Town Meeting in-person and not by Australian ballot. Meeting logistics were discussed, including air filtration and locating the Selectboard and staff on the stage.

Taylor Prouty ***moved to move the annual Town Meeting to April 30, 2022****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Consider sale of Town-owned property – Parcel 110001.000 [24 VSA 1061]

Taylor Prouty spoke about the idea of selling the tax deeded property at the northwest corner of Derry Woods Road and VT Route 11 to get it back on the tax rolls. It is .68 acres and includes lands under the West River. Setting of a minimum bid was considered, and it was agreed that $2,500 was appropriate. Other similar Town-owned properties with potential for sale were discussed.

Taylor Prouty ***moved to authorize the Town Administrator to solicit sealed bids for the sale of the Town-owned property known as parcel #110001.000, with a minimum bid of $2,500, for consideration by the Selectboard, subject to all applicable provisions of Title 24 V.S.A. Section 1061****, seconded by Jim Fleming. The* ***motion 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)

Vincent Annunziata ***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 Taylor Prouty. The* ***motion passed*** *unanimously.*

Vincent Annunziata ***moved to enter executive session to 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 invite Town Administrator Shane O'Keefe to attend****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:25 PM, and came out of executive session at 7:38 PM.

Vincent Annunziata ***moved to authorize the Town Administrator to sign a settlement agreement on behalf of the Town in the claim lodged by Paul Feinberg regarding property on Cross Road, after review of any settlement documents by the Town Attorney****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

13. Adjourn

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

The meeting adjourned at 7:39 PM. The next regular meeting of the Selectboard is scheduled for January 24, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved January 24, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, January 24, 2022
Meeting held remotely via online video with no physical presence

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, Solid Waste Manager Esther Fishman, Planning Commission Chair Sharon Crossman, Tree Warden Kevin Beattie, Beautification Committee members Barbara Wells and Bonnie Johnson. Others – Business owners Judy and Tom Platt, resident Dwight Johnson, One Londonderry representatives Mimi Wright, Patty Eisenhaur, Marlene Boyaner and Stuart Osnow.

1. Call meeting to order

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

He noted that in keeping with the recent passing of Senate Bill 222 in response to the continuing COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

He noted a few matters of meeting process, including that all non-unanimous decisions must be taken by roll-call vote, and that the Board would be going into executive session at the end of the meeting.

Each of the Board members then vocally identified themselves.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

*Vincent Annunziata **moved to add to the Town Officials Business an update on Legislative Redistricting**, seconded by Taylor Prouty. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 1/10/2022

*Vincent Annunziata **moved to approve the minutes of the Selectboard meeting of January 10, 2022**, 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 noted that that day the Town received word that BDCC has approved a technical assistance grant of $4,032 for engineering, design work and construction management for the Town Hall restoration project, which is likely to be used for the structural engineering for the balcony. He also mentioned that he had posted notice of the sealed bid sale for the property at VT Route 11 and Derry Woods Road, and it will be in the week's Vermont Journal.

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

- A copy of Senate Bill 222, approved last week as Act 78 of 2022, which authorizes temporary changes to the Vermont Open Meeting Law, including allowing meetings of public bodies to be held remotely on meeting software and without a physical location.
- A copy of the 1/19/2022 notice of sale required under Title 24 VSA 1961 that provides the terms of the sale of Town property to Pierre and Bettina Labeau, and the Voter's right of petition.
- Notice of the 5/21/2022 electronics collection event to be held again at the Flood Brook School.
- A 1/10/2022 notice from Green Mountain Power advising of upcoming tree trimming and vegetation management activities over the next 6 months.
- A copy of the Municipal Roads General Permit for the Town, issued by the Vermont Department of Environmental Conservation on 1/20/2022.
- A letter of request from O'Keefe to the Vermont Department of Environmental Conservation, dated 1/14/2022, requesting funding for stormwater planning process.
- The Windham County Sheriff's report for December 2021.
- A letter, dated 1/13/2022, from DC Fiber reporting its annual budget for 2021.
- A letter, dated 12/28/2021, from Ruck Up, Inc. thanking the Board for allowing the organization to hold its annual coin drop.
- A letter of thanks from Merleen Wilder to the Trustees of Public Funds.

Kelly Pajala mentioned that dog owners can renew dog registrations, and they're due by 4/1/2022. Over 80 dogs have been registered so far this year.

6. Visitors and Concerned Citizens

Martha Dale requested that the Board move the discussion on agreements for the One Londonderry signage, scheduled under Old Business, to earlier in the meeting. There was no objection to this and it was agreed to handle this under the Town Officials Business part of the agenda, as item 7.d.

a. Monthly update – One Londonderry

Patty Eisenhaur noted that the One Londonderry housing group submitted a formal ARPA funding request for a community housing study to the Board, which included a sample housing consultant proposal indicating a cost of $23,000. She noted that a formal procurement process would likely be needed, and that the study would seek to gather data and find where housing is needed most and who has the greatest need. This work could supplement the North Village master planning effort, she mentioned.

Marlene Boyaner, speaking on behalf of the economic vitality group, spoke about how she and other group members are educating themselves on community revitalization, and toward that end have met with BDCC staff and are establishing State of Vermont staff contacts to determine the possibilities for the community betterment. She explained that they are working with a tool that helps to quantify impacts on development in town, and they propose to work closely with and take input from the business community. Boyaner also mentioned that there has been contact with staff from the Town of Brandon and they may be willing to share experiences from the Town's recent downtown revitalization efforts.

Mimi Wright added that this work is in its infancy, and she wants to make sure that businesses are heard. Boyaner stated that she welcomed input, comments and advice.

7. Town Officials Business

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

Tina Labeau mentioned that the Town is right on track for the year and there is a possibility for a budget surplus. Taxes have come in well, she reported, and there is only about $150,000 of outstanding taxes, which compares well with previous years.

There were no questions from the Board and Tina suggested that Board members contact her directly with any follow-up questions.

b. Planning Commission – Monthly update

Sharon Crossman provided updates as follows:

- There have been meeting postponements of late due to some notice issues, which will be rescheduled.
- On the North Village Main Street Study and Master Plan project, she spoke of the 1/6/2022 presentation of a draft consolidated plan, and there was great attendance and good discussion after the consultant presentation. Feedback has been received they are waiting for the video to be published by GNAT. Next steps in the project will be discussed at the next Commission meeting.
- Regarding the Water-Wastewater is entering a new phase on the project, and there will be promotion of a public education effort, looking at other towns as models/examples.
- On the proposed zoning bylaw overhaul, she reported that the public hearing process will hopefully begin in late February.
- On the Town Hall restoration project, she reported that the Town did not received the historic preservation grant from the Preservation Trust of Vermont (PTV), but that a small grant from BDCC was received as reported earlier in the meeting.

Pajala asked about the public availability of the latest draft of the zoning Bylaw. Crossman stated that the Commission is still waiting on some changes and comments to be incorporated by the contractor, and that the upcoming version #4 will be the hearing draft. The adoption process requires that the hearing draft is available well be for the public hearing, and will be disseminated as soon as available she added. Crossman also stated that the draft-to-draft changes now underway are not major, and those interested in the overall project could use draft #2 to review.

c. Legislative Redistricting update

Pajala said that members of the Board of Civil Authority should have received an email she forwarded from the House Government Operations Committee on current redistricting process, and that there are majority and minority proposals for Londonderry which includes other towns as follows:

- The majority proposal includes Weston, Peru, Landgrove, Winhall, Stratton and Somerset
- The minority proposal includes Weston, Andover and Jamaica.

The House committee has opted to start its work with the minority map as a starting point. There is a public hearing on 1/27/2022 and Cavanagh stated that he would attend this. The BCA has previously given comment to the Legislative Apportionment Board, and will meet again on 1/31/2022 in preparation for the 2/15/2022 feedback deadline.

Pajala stated there is still quite a bit of process to undergo but that new House and Senate maps will be produced by the end of the legislative session. She mentioned that she has printed out some maps for the BCA members and public, and stated that she can put a link to the General Assembly's website page dedicated to this matter on the Town's website.

d. Consider agreements for Welcome to Londonderry signage

The Board reviewed a proposed revocable license agreement document boilerplate for the proposed replacement "Welcome to Londonderry" signs, which was prepared by the Town Attorney Bob Fisher. At the previous meeting the Board members expressed support for acceptance of this arrangement for site control.

Taylor Prouty ***moved to approve the use of License Agreements as prepared by the Town Attorney for use in securing permission from property owners to erect and maintain new "Welcome to Londonderry" signs at the existing sign locations, and authorize the Town Administrator to execute the documents on behalf of the Town****, seconded by Melissa Brown. The* **motion passed** *unanimously.*

O'Keefe will coordinate with the Beautification Committee members Barb Wells and Martha Dale on getting the documents signed by the property owners.

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman mentioned that the electronics collection is set for 5/21/2022 from 9:00 AM to 1:00 PM at the Flood Brook School, and that hazardous materials collections will also be at the school from 9:00 AM to 1:00 PM on both 6/4/2022 and 10/1/2022. All related information is available on the Town's website, she noted.

9. Roads and Bridges

a. Updates

Taylor Prouty mentioned construction work at a home on Old School Street, and that a spring was disturbed and site issues are causing water to flow onto the road and freeze. There are efforts to come up with a short-term fix but a long-term solution for roadside drainage is needed. Jim Fleming mentioned that his property might be part of the issue and he needs to fix his culvert as well.

b. Access Permit 2022-02 – Little Pond Road, Parcel 017043.000

Prouty described this permit application, which is for a temporary access for logging purposes. Fishman inquired about the route for log removal and Prouty surmised that it would be by way of Little Pond Road. Prouty said that he'd find out the timing and extent of the logging and let her know. Beattie mentioned he was involved with the project, that it would look to freeze in a landing now and commence in about March of this year, and that it involves clearing (as opposed to logging) about 12 acres away from the Town road, and additional 15 acres as well.

Melissa Brown noted that an old cemetery is in that vicinity, and there was discussion about its exact location in relation to the proposed access. O'Keefe noted that according to the parcel map, which may not be accurate, the cemetery is on an adjacent parcel. Beattie stated that he would work with others to locate the cemetery and report back to the Board. Labeau noted that there was no reference to the cemetery in the property deed.

There was a brief discussion about the proper authority for protection of a private cemetery.

Taylor Prouty ***moved to approve access permit application No. 2022-02, submitted by Hunter Excavating, Inc. on behalf of Howard Cohen and Deirdre Duggan, for temporary access for logging purposes only onto parcel #017043.000, located on north side of Little Pond Road, such permit being contingent upon identifying the location of a cemetery on said parcel****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. 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 or classification this past year.

Taylor Prouty ***moved to move 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 Vincent Annunziata. The* ***motion passed*** *unanimously.*

d. 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. O'Keefe mentioned that in the past the Board has passed over this, but that given the recent presentation on road paving study, where it was recommended that the Town post its roads, the Board may wish to consider this at some time.

It was mentioned that maybe this was something that can be considered over the summer. It was agreed to pass over making any decisions to establish special weight limits for Town highways and bridges.

e. 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 fees were paid, and insurance certificates received. More of these would be coming in the next month or so. O'Keefe reminded the Board of the attachment that goes with the approved permits which give local contacts and requests adherence to speed limits.

Taylor Prouty ***moved to approve the excess weight permit for Newport Sand & Gravel Co., Inc./Carroll Concrete Co., Inc., and authorize the Town Administrator to execute the permit on behalf of the Town****, seconded by Jim Fleming. The* **motion passed** *unanimously.*

10. Old Business

a. Consider agreements for Welcome to Londonderry signage

This matter was addressed earlier in the meeting.

b. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Cavanagh mentioned the new request for funds from One Londonderry for a housing study, which was discussed earlier in the meeting.

O'Keefe mentioned that the Town is still waiting for information from the Vermont League of Cities and Towns on the newly issued final federal ARPA rules, which may allow for a broader interpretation of eligible uses of the funds for municipalities.

Prouty suggested compiling a list of all requests received to date. O'Keefe mentioned that all of the requests have been uploaded to the Town's shared computer file drive which all Board members have access, and he would assemble the list for the Board to review at the next regular meeting.

Crossman inquired whether funding requests are still being accepted and Cavanagh stated that they were, and that there was no shut-off on proposals as of yet.

c. Platt Elevation Project – Discuss project status and consider budget change request

O'Keefe spoke about the ongoing building elevation project at 2152 North Main Street, noting that the project has reached a point where the Board needs to weigh in as it is stalled, and the property owners are seeking both a budget increase and compensation for some work already done that is not part of the scope of work.

Dwight Johnson, on behalf of Tom and Judy Platt, stated that the electrical hookup would take place that week with a new contractor. He also summarized the additional project costs as follows:

- Additional masonry work necessitated for the existing foundation.
- Replacement of original loading dock removed at the request of the elevation contractor
- New covered stairs for the rear door
- Insulation costs for new foundation side walls
- Compensation of 10% general contractor's fee to Tom Platt.

Cavanagh mentioned that the Town had been informed by Mr. Platt at the very beginning of the procurement process that he would not be taking any funds from the project. O'Keefe mentioned that he had gone back to the video of the Selectboard meeting on this and confirmed Mr. Platt's statement, and noted that the second lowest bid for the project was roughly $10,000 higher, which accounted for a general contractor's fee. He also mentioned that at that initial meeting, held on 10/7/2019, it was made clear that the Platt's company, Derry Downtown, Limited, was the general contractor and the Town would not be paying subcontractors. Johnson requested a copy of the meeting video to review, and O’Keefe stated that he would send him a link to the GNAT website where it can be found.

Cavanagh reminded Johnson that the Town is still awaiting documentation of payment of subcontractors, and Johnson noted that he and Platts were prepared to provide that to the Town at a meeting scheduled for the next day. Johnson also mentioned that they were never told early in the project that they would have to provide all of the payment documentation to the Town.

O’Keefe noted that he has been in close contact with the State of Vermont oversight staff on the project, and that he would ensure that the information provided by the Platts was offered to the State in a format that would help expedite project review.

O’Keefe mentioned that there were funding requests from the Platts made in the recent documents that were for work completed without prior authorization from the Town. He pointed out that replacement of broken rows of cinderblock on the old foundation was clearly a necessity and received approval from the Town, but other work such as some interior work is beyond the approved scope of work and he has serious concerns about them.

Johnson raised the notion that the changes were necessary under the circumstances, and believed that the State of Vermont, as funding agency, can best make those decisions. He stated that lack of prior authorization of work was a mistake, but the State may be willing to authorize funding for them. O’Keefe reminded Johnson that if the State were to increase the budget, then the Platts would be responsible for an increased local match, and Johnson acknowledged that the Platts were aware of this.

O’Keefe recommend that the Board not make a decision on the Platt’s requests for budget increase until receipt of the requested documents needed to submit to the State in order to receive funds now pending since November 2021.

Johnson stated that this project and others owned by the Platts scheduled to benefit from the Vermont Emergency Management Hazard Mitigation Program are important to the community in that they help to keep and maintain the tax base. Cavanagh reminded everyone that all along this project was not supposed to cost the Town anything, but that it has been using up resources such a staff time.

Prouty acknowledged that he felt the project was being handled in good faith, and that he was supportive, but there is a certain level of expertise necessary for a project such as this, and that all proper steps must be taken and due process followed.

O’Keefe mentioned that there would be a meeting between him, the Platts, Johnson and Cavanagh to go over project documents the following day, and Annunziata asked to be a part of the meeting.

Noting that there may be other projects similar to this one in the pipeline, Fleming said that this project is sets precedent and if there are problems with this project they should be fixed now.

Pajala suggested that ARPA economic development funds could be used to assist with this project, which has economic development value.

Beattie expressed concern about the project. And advised the Town to move slowly on releasing funds and said it was a big mistake to have had Mr. Platt as the contractor. O'Keefe assured Beattie that the Town has being diligent and meticulous.

No decisions were made, and this matter will be included on the agenda for the next regular meeting.

d. Review draft Town Meeting Warning

O'Keefe shared with the Board the draft Town Meeting Warning that inserted all changes reviewed at the previous meeting. He also explained that after reviewing the article seeking to raise funds for the Community Economic Development Improvement Reserve Fund he went back to the minutes of the 5/1/2021 Town Meeting and saw that it had been amended when established such that it was not permitted to accept funds by vote at Town Meeting. It was amended in that way to allow for the fund to be used to accept and distribute ARPA funds. But upon more recent review he and Labeau believe that an ARPA reserve fund should only be allowed to accept funds from the State and the federal governments, and a separate new fund should be established. The Town Attorney recommended that if the intention is to have a reserve fund for general economic development purposes separate from ARPA, that would accept funds at Town Meeting, then an article should be inserted and voted upon that provides for this.

Fishman mentioned that she is aware of other communities that have economic development funds for general economic development purposes. O'Keefe explained that the Community Economic Development Improvement Reserve Fund serves this purpose, but presently can only receive funds from grants, gifts, donations or interest, and not through Town Meeting appropriations. Crossman stated that she recommends that the Board establish an ARPA fund and allow for Town Meeting funding of the Economic Development Improvement Reserve Fund.

The Board reviewed the language proposed by the Town Attorney and found it acceptable.

O'Keefe will draft an article establishing a reserve fund specific to ARPA for consideration at the next meeting. Regarding the Town Meeting warning, Pajala suggested including the establishment of an ARPA reserve fund before the other two articles are addressed.

O'Keefe mentioned that due to the new date for the annual Town Meeting the Board may be able to insert an article on the Williams Dam as the ongoing dam study will likely be completed by the time the warrant is to be signed.

It was noted that a petitioned article to fund the Flood Brook Athletic Association will be likely be received timely.

Annunziata mentioned that at last May's Town Meeting there was discussion about addressing the Emerald Ash Borer infestation and coordinating with neighbors on use of the felled wood for firewood. Tree Warden Kevin Beattie stated that he'd be happy to talk to the Board on this at the next regular meeting. He said that the Town is in a holding pattern on this and is awaiting communication on what Green Mountain Power will be taking down.

11. New Business

Zoning Administrator Will Goodwin was not present so it was agreed to pass over on his attendance in the executive session. Fishman will contact him on attendance at the next regular meeting.

a. **Executive Session(s) – 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 to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 8:05 PM, O'Keefe left the executive session at 8:26 PM, and came out of executive session at 8:48 PM.

a. **Consider employee compensation matter**

The Board considered compensation for Town Administrator O'Keefe.

Taylor Prouty ***moved to grant a $50.00 per month stipend for cell phone, and review a pay raise in a time accordingly for next budget year, approximately in June, with the stipend effective immediately****, seconded by Melissa Brown. 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 8:49 PM. The next regular meeting of the Selectboard is scheduled for February 7, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved February 7, 2022.

LONDONDERRY SELECTBOARD

Vincent Annunziata, Vice Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, February 7, 2022
Meeting held remotely via online video with no physical presence

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, Tree Warden Kevin Beattie and Town Health Officer Richard Phelan. Others – Verizon Wireless representatives Brian Sullivan and Louis Hodgetts.

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.

He noted that in keeping with the recent passing of Senate Bill 222 in response to the continuing COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

He noted a few matters of meeting process, including that all non-unanimous decisions must be taken by roll-call vote, and that the Board would be going into executive session at the end of the meeting.

Each of the Board members then vocally identified themselves.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

O'Keefe noted that several agenda matters should be deleted due to various reasons, including there only being three members of the Board present.

Taylor Prouty ***moved to delete from the Roads and Bridges part of the agenda, the consideration of excess vehicle weight permits****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to delete from the Old Business part of the agenda, the discussion on the Platt Elevation project****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to delete from the New Business part of the agenda, both the executive session on the appointment or employment or evaluation of a public officer or employee, and the consideration of employee compensation****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 1/24/2022

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of January 24, 2022****, 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 that a final version of the RSMS paving study has been completed and is available on the shared drive under Highway Department, and a hardcopy in at the Town Office for review. Regarding the sealed bid sale for the property at VT Route 11 and Derry Woods Road, he stated that there is a site visit on 2/10/2022 at 9:00 AM and bids are due on 2/17/2022 at 4:00 PM. O'Keefe mentioned that the Town received a timely Town Meeting article petition with the required number of signatures for an article proposing $2,500 of funding for the Flood Brook Athletic Association.

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

- An open letter from the Windham County Sheriff on the Office's policy on fair and impartial policing, dated 2/2/2022.
- A notice from VLCT-PACIF, dated 1/24/2022, the Town's insurer regarding returns of funds to towns, its grant program, and reimbursement for cybersecurity training.
- A 1/2022 document from the Vermont Cannabis Control Board providing guidance to communities working with individuals and businesses seeking to establish a cannabis business.
- The 1/2022 Town Bulletin from the Brattleboro Development Credit Corporation.

Tina Labeau mentioned that dog owners can renew dog registrations, and they're due by 4/1/2022.

6. Visitors and Concerned Citizens

Rich Phelan thanked the Board and Town staff for the great job that they do. He inquired as to whether a proclamation can be made that recognizes the valuable dedication and outstanding service of the Londonderry Volunteer Rescue Squad. He also inquired about weekend coverage of the Windham County Sheriff's Office, and it was noted by several Board members that they have noted such patrols, and O'Keefe mentioned that there is State funding for Sunday patrols while Saturday patrols are increasing with new staffing hires.

Annunziata said that the Board can add the proclamation to the agenda for the next regular meeting, and Phelan agreed to provide some recommended language for it.

7. Town Officials Business

a. Town Tree Warden – Discuss Emerald Ash Borer

On the matter of property owners taking firewood generated from the removal of ash trees, Tree Warden Kevin Beattie stated that he has not connected with Green Mountain Power on its tree cutting efforts in the rights of way but speculated that they've done quite a bit of work already but would be back doing more in the future.

With GMP cutting he noted that the landowner gets first choice on the wood, and if they're not interested GMP contacts Beattie and he advertises its availability on social media. He confirmed that when the Town fells trees in the right-of-way the wood goes to the abutting property owner, and that unwanted wood could likewise be advertised for local usage.

Beattie inquired of Taylor Prouty about when the Highway Department would start taking down trees, and he responded that it's likely to be summer work this year. He noted that sometimes unwanted wood is brought back the Town Garage so those interested in it are not processing it along the roadside. The option of having one or more firewood stations for the public was briefly discussed

Beattie noted that while an emerald ash borer has been found in Londonderry, he is not aware of any infected ash trees in the community.

Prouty reminded those attending that funds are being to the Emerald Ash Borer Infestation Reserve Fund each year to address this matter, and the funds can be used for contracting out tree removal. He added that a day's worth of contracted work can cost $2,500. The Town Meeting warning includes another $3,000 to be added this year.

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

O'Keefe noted that this is an annual action required of the Board, and stated he had received an email from Town Assessor Jeremiah Sund that there are no appeals pending because of the actions taken by the listers/assessor for the 2021 Londonderry Grand List.

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

8. Transfer Station/Solid Waste Management

a. Updates

Labeau mentioned that the Transfer Station was closed the previous Friday due to inclement weather.

9. Roads and Bridges

a. Updates

Taylor Prouty noted the following usage for the month of January 2022:

Salt – 275 tons   Sand – 776 yards

Fuel (gallons): Vehicles – 1,750.6, Town Office Generator – 0, Transfer Station – 38

He mentioned that there was an issue with the loader such that it could not lift salt and sand, and has been brought to Hunter Excavation to look it over for repairs. And Chaves Excavation has loaned the Town a replacement unit for this purpose, the agreement for which is yet to be determined.

Beattie applauded and thanked both Hunter Excavation and David Chaves Excavating for their willingness to step up and assist the Town in its time of need, not just this time but in others over the years. All in attendance agreed with this sentiment.

Ongoing home renovation work along Old School Street has caused some water runoff freezing over the road, Prouty noted, and the property owner has hired Hunter Excavation to keep the road surface clear A longer-term fix will be needed, he added. O'Keefe stressed that the property owner is obligated to do this work, which should be engineered, and is responsible for any damage. Prouty spoke of possible remedial actions during warmer weather such as using the drop inlet in the library parking lot or running a culvert across the road. Prouty also expressed an interest in looking at the entire length of the road, and mentioned that there already is a culvert above the property being renovated. O'Keefe noted that the renovations exposed a spring and the two driveways have been altered have combined to create the drainage problem. Prouty mentioned that the property owner has been cooperative and will be pursuing both immediate fixes and a long-term engineering solution.

10. Old Business

a. Review and discuss proposed FY2023 Budget

O'Keefe reviewed with the Board several recommended adjustments for the FY2023 budget. First was an adjustment to compensation budget lines for the Town Administrator, Zoning Administrator, Town Assessor and Recycling Coordinator to reflect the same year-over-year 5% cost-of-living increase as all other Town employees. The second adjustment was to add a new part-time position that would be responsible for taking minutes for various boards, commission and committees. He stated that he did not believe it to be efficient use of Town resources for the Town Administrator to be writing the minutes of the Selectboard, and that the new position would create better efficiency and consistency for all of the volunteer public bodies. To pay for this he recommended using the funds budgeted for the Conservation Commission administrative assistant and newly proposed Planning Commission administrative assistant. O'Keefe noted that he had contacted PC Chair Sharon Crossman and LCC Chair Irwin Kuperberg about this proposal, and mentioned that Kuperberg had expressed disagreement with the proposal noting that tasks other than just the minutes were handled by the assistant.

Crossman stated that the Planning Commission has not discussed this budget adjustment as of yet and would do so at its next meeting. She noted that the Commission in requesting its new assistant position expects the person to do more than just minutes.

Annunziata stated that this should be addressed at the next regular meeting when the full Board is expected to be present.

b. Review draft Town Meeting Warning

O'Keefe reiterated that a petition seeking to raise $2,500 for the Flood Brook Athletic Association has been received and he pointed to the following article having been added to the draft warning:

> *Article 10 Shall the Town vote to raise and appropriate the sum of $2,500 to support the Flood Brook Athletic Association? [By petition]*

He also pointed out that, based on the discussion at the previous meeting, he had drafted an article establishing the American Rescue Plan Act Reserve Fund as follows:

Article 18 Shall the Town establish, pursuant to 24 V.S.A. 2804(a), a reserve fund to be named "The American Rescue Plan Act Reserve Fund", the purpose of which is to allow for segregation of Town revenue and expenses related to the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act of 2021, also known as ARPA? Such fund may receive income only from funds distributed by the State of Vermont and/or by the federal government in furtherance of the Town's participation in ARPA, and expenses from the fund shall only be for purposes permitted under ARPA as determined by the Londonderry Selectboard. Such fund shall expire on June 30, 2030.

He mentioned that he had sent the proposed article to the Vermont League of Cities and Towns for an opinion, and that it may be altered based on that review.

Regarding the Community Economic Improvement Reserve Fund, which was also discussed at the previous meeting, he included some qualifying language to the article raising the funds, as follows:

Article 19 Shall the Town amend the Community Economic Improvement Reserve Fund to allow it to receive appropriations as voted by Town Meeting vote in addition to receiving funds from grants, gifts, or donations from any source and through accrued interest?

Article 20 Shall the Town vote to raise an appropriate the sum of $5,000 to be deposited in the Community Economic Improvement Reserve Fund? **This Article shall only be considered if Article 19 passes.**

This should be reviewed by the Town Moderator and the Town Attorney.

O'Keefe also mentioned that there may be an article on the Williams Dam depending on the timing of the evaluative engineering report.

Annunziata inquired whether he article on the Manchester Recreation Center was necessary, and he was reminded that the Board voted previously to include it. There was further discussion on this non-binding article.

c. Discuss Town Office repairs

O'Keefe presented and the Board reviewed a scope of work for repairs to the side entrance area of the Town Treasurer and Town Clerk's office prepared by engineer Chris Cole. New roofing, new insulation, a new door and significant sill work was required, and O'Keefe stated that he hoped to put this out to bid now to try and get the work completed over the summer and with as little disturbance to office operations as possible. The project would be paid for through the Town Buildings Reserve Fund unless other funding sources can be found. There is no estimate of cost due to the uncertainty with the extent of sill repairs.

Taylor Prouty ***moved to accept the scope of work for the Town Office side entrance renovations, 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.*

d. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board reviewed a listing of all ARPA requests received to date. Annunziata noted that the funds requests have slowed and he brought up timing of when funds would be dispersed. He mentioned that the requests must be vetted to ensure that they are eligible expenses.

O'Keefe mentioned that the Vermont League of Cities and Towns has recommended that towns put fund disbursement decisions on hold pending new Vermont guidance on recently issued rules issued by the U.S. Department of Treasury.

O'Keefe suggested Town projects that address stormwater management may now be eligible for ARPA funding, and suggested consideration of the replacement of the large culvert on Spring Hill Road.

Crossman stated that the Planning Commission may be submitting one or more funding requests.

Prouty brought up the timeline for decision-making and thought that the Board may want to briefly discuss ARPA at Town Meeting, but that action would follow the Town Meeting in case other request come through.

11. New Business

a. Consideration of application for communications tower on land of Ski Magic, LLC

Attorney Brian Sullivan discussed with the Board the proposed application for a new telecommunications tower at the Magic Mountain base area, for which a 60-day notice of intent to file the application with the Vermont Public Utilities Commission (PUC) was distributed to parties. The tower is proposed to be 78 feet in height with base facilities behind the existing maintenance building and generators, and would provide service to the base area and trailside condominiums. He noted that service from the towers at the top of the mountain do not provide adequate service at its base, thus the need for the new tower.

Engineer Louis Hodgetts described various siting matters and reviewed with he Board the plans for the facility. It was noted that the State Department of Environmental Conservation asked that the location be moved from Verizon's initial desired location due to possible riparian impacts.

Visibility of base equipment and the tower itself were discussed at length. Proposed signal coverage was discussed but it was not depicted on the plans, but would be in the application to be submitted.

Sullivan offered that municipal rescue services can work with Verizon to place facilities on the tower at no rental or installation cost, but would not cover the equipment cost. Phelan suggested that a second repeater for emergency services would be helpful and asked that it could be included. Beattie suggested that the best position for a repeater would be on the top of the mountain, and it would need to be requested and purchased by Southwestern New Hampshire District Fire Mutual Aid.

Sullivan noted there has been some concerns expressed by residents of trailside condominiums, and Hodgetts noted that the tower would only be visible by three units. Sullivan noted that the tower would be 4' to 6' in diameter at the base and approximately 2'at the top, with 12' antenna mounts.

Sullivan mentioned that he would be meeting with the Planning Commission the following Monday to make a similar presentation. The Selectboard and the Planning Commission each have party status once the application is filed with the PUC, which Sullivan stated would not be filed until after the Planning Commission discussion and once an updated abutters list can be generated.

O'Keefe suggested that Board members Town Cavanagh and Melissa Brown could attend the Planning Commission to view the presentation on this project, and that the Board could take this up again once the application is filed. The Board members concurred with this process.

b. 2nd Class Liquor License – Derry Downtown, Limited, DBA Derry Downtown, Limited

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

Taylor Prouty ***moved to approve a 2nd Class Liquor License for Derry Downtown, Limited, doing business as Derry Downtown, Limited, related to property located at 2116 North Main Street (VT Route 11)****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Consider application of VLCT-PACIF grant

O'Keefe noted that the Town is eligible for up to $6,000 of funding, without a local match, from the VLCT-PACIF for employee health and safety such as equipment purchases or facility improvements that significantly reduce the potential for future insurance claims. The Board reviewed program eligibility criteria and considered lists of both eligible and ineligible expense requests. O'Keefe suggested that the departmental areas of the greatest value for this funding resource would include the Highway Department and the Transfer Station.

It was agreed to hold off on a decision on this matter until the next regular meeting to give staff and Board members an opportunity to consider proposals and for there to be a full Board in attendance.

12. Adjourn

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

The meeting adjourned at 7:34 PM. The next regular meeting of the Selectboard is scheduled for February 21, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved February 21, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, February 21, 2022
Meeting held remotely via online video with no physical presence

Board Members Present: Thomas Cavanagh Vincent Annunziata, Taylor Prouty and Melissa Brown.

Board Members Absent: James Fleming

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe (via telephone), Town Treasurer Tina Labeau, Solid Waste Manager Esther Fishman, and Planning Commission Chair Sharon Crossman. Others – Londonderry Volunteer Rescue Squad President Peter Cobb, resident Dwight Johnson, business owners Judy and Tom Platt, and Bruce Frauman (GNAT).

1. Call meeting to order

Tom Cavanagh called the meeting to order at 6:04 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Vincent Annunziata ***moved to adjust the agenda by moving to the first item under the Visitors and Concerned Citizens part of the agenda, the Proclamation for the Londonderry Volunteer Rescue Squad****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Vincent Annunziata ***moved to move to delete from the agenda the Old Business items #10.h., the Executive Session on negotiating or securing of real estate purchase or lease options, and #10.i., the consideration of a long-term lease for solar array project on former septage field****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 2/7/2022

Vincent Annunziata ***moved to approve the minutes of the Selectboard meeting of February 7, 2022****, seconded by Taylor Prouty. The* ***motion passed*** *3-0-1, with Cavanagh abstaining due to his absence from the previous meeting.*

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 noted that the Invitation to Bid for the Town Office side entrance repairs will hit the street in the next few days, with an advertisement in the *Vermont Journal*. He also mentioned that the Green Lantern Solar application to the Public Utility Commission seeking approval of the solar array at the former septage fields is close to being approved, but that day a neighbor requested that it be dismissed.

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

- A copy of the One Londonderry Steering Committee meeting minutes of 2/9/2022.
- A copy of the petition to add to the Town Meeting warning an article seeking to raise $2,500 for the Flood Brook Athletic Association.
- A 2/15/2022 press release from the Windham County Sheriff's Office on its purchase of and plan to move to a new facility on Brattleboro.
- A 2/1/2022 letter from the *Vermont Journal* regarding its rates for the coming year.
- The narrative portion of the Post Closure Corrective Action Plan for the former septage fields, dated 2/14/2022, prepared by our hydrogeology consultant, Waite-Heindel Environmental Management, and submitted to the Vermont Department of Environmental Conservation. This work was approved by the Board on 12/20/2021.

Tina Labeau mentioned that the Taconic and Green Regional School District would be holding its informational hearing via Zoom meeting software on 2/22/2022 at 7:00 PM, and Australian ballot voting will be at the Town Office on 3/1/2022 from 7:00 AM to 7:00 PM.

6. Visitors and Concerned Citizens

a. Proclamation – Londonderry Volunteer Rescue Squad

Cavanagh read aloud the following proclamation:

WHEREAS, provision of emergency medical services is a vital public service; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, since 1963, the town of Londonderry has been provided with top notch emergency medical services by the Londonderry Volunteer Rescue Squad, Inc., and

WHEREAS, in addition to Londonderry, LVRS provides service to all or part of the mountain town communities of Andover, Landgrove, Peru, Weston Winhall, Windham and Stratton, a coverage area of 255 square miles; and

WHEREAS, the volunteer members of the LVRS engage in hundreds of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, the members of the LVRS are ready, willing and able to provide lifesaving care to those in need 24 hours a day, seven days a week, averaging over 500 calls per year;

NOW, THEREFORE, the Selectboard of the Town of Londonderry, Vermont, hereby recognizes and expresses its deep appreciation to all of the volunteers at the Londonderry Volunteer Rescue Squad for their hard work and dedication to the health, safety, and welfare to the residents of Londonderry and surrounding mountain towns.

*Vincent Annunziata **moved to approve and execute the proclamation in support of the Londonderry Volunteer Ambulance Squad**, seconded by Taylor Prouty. The **motion passed** unanimously.*

The proclamation was presented to LVRS President Pete Cobb.

b. Monthly update – One Londonderry

One Londonderry representative Esther Fishman spoke about the work of the One Londonderry Steering Committee and shared that the 2/9/2022 Committee minutes had been provided to the Board for review. She offered that ensuring transparency with OL's work is very important to its success in the community, and she wants to make sure that the organization works together with the Town.

She mentioned the recent skating rink project as an example of a project with immediate impact. And there was discussion about potential for other projects particularly in the vicinity of the easterly intersection of VT Routes 11 and 100. The subject of a Selectboard representative to OL was briefly raised.

7. Town Officials Business

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

Tina Labeau mentioned that the Town as having a good year from a budgeting standpoint and is right on track for the year. Delinquent taxes were lower than expected, she reported.

There were no questions from the Board and Tina suggested that Board members contact her directly with any follow-up questions.

b. Planning Commission – Monthly update

Sharon Crossman provided a number of updates on projects presently underway with the Commission, and mentioned collaboration with the Brattleboro Development Credit Corporation. She also gave an update on the schedule for the Zoning Bylaw amendment process.

8. Transfer Station/Solid Waste Management

c. Updates

Esther Fishman provided updates on the activities of the Transfer Station.

9. Roads and Bridges

a. Updates

Taylor Prouty mentioned that the loader was now fixed and in operation, and that he anticipated that the rental rate for use of the equipment on loan from Chaves Excavating would be very reasonable.

Cavanagh observed that due to weather conditions quite a few people taking sand from the sand shed area, and he encouraged people to instead use the sand pile made available at the Transfer Station for safety reasons.

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

This is an annual approval required by VTrans.

Taylor Prouty ***moved to approve the annual VTrans certification of Town Road and Bridge Standards and Network Inventory, and authorize the Chair to sign the certification on behalf of the Board****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

c. Discuss VTrans FY2023 Municipal Highway Grant application

O'Keefe described the VTrans Municipal highway grant program, which has two components: the structures program, and the class II roadway program, each of which provide for grants of up to $200,000, up from $175,000 in previous years. As the Town last year received a grant for the structures program to replace culvert #12 on Spring Hill Road, he noted that the Town would have better eligibility under the roadway paving program. Given the capital plan specified in the recently completed RSMS Paved Road Evaluation, he recommended that the Town seek funding for the reclamation and repaving of Landgrove Road.

Melissa Brown inquired about the local match requirement of a successful application and it was noted that it was either 20% or 30%, depending on whether the Town meets certain requirements, which O'Keefe mentioned the Town currently meets.

Taylor Prouty ***moved to authorize the Town Administrator to submit an application for funding under the VTrans Municipal Highway Grant program for reclamation and repaving of Landgrove Road****, seconded by Melissa Brown. The* ***motion 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:***
- ***Hunter Excavating, Inc., Hunter Transport & Hunter Timber Harvesting***
- ***New England Quality Service, Inc.***
- ***Record Concrete, Inc.***
- ***Renaud Brothers, Inc., and***
- ***Valley Crane Services, Inc.,***

and to authorize the Town Administrator to execute the permits on behalf of the Town*, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

10. Old Business

a. Platt Elevation Project – 4th Extension of Memorandum of Understanding

b. Platt Elevation Project – 4th Extension of Construction Contract

O'Keefe stated that the agreements relative to the ongoing elevation of the former post office building at 2152 North Main Street owned by Tom and Judy Platt would be expiring at the end of the month and needed to be extended once again. Dwight Johnson, Judy and Tom Platt spoke to the project status and various additional work to be done to complete the work. Mr. Platt mentioned that the electrification of the building was held up due to the ground wire being frozen but mentioned that the furnace is ready to be installed.

Cavanagh noted that he and O'Keefe had met with State project representatives and it was made clear that because the project was almost complete there would be no issue with authorizing extensions at the State level.

It was noted that any decisions on a requested budget increase would be made at another meeting.

Melissa Brown ***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 February 28, 2022 to May 1, 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 November 11, 2021****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Melissa Brown ***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 May 1, 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 November 11, 2021****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

c. Consider sale of Town-owned property – Parcel 110001.000 [24 VSA 1061]

In response to a notice of intended sale of Town-owned parcel #110001.000, which was issued on 1/24/2022, O'Keefe reported that he had not received any sealed bids by the 1/17/2022 submission deadline, but that a sealed bid had been submitted a day late by Hunter Excavating.

The Board discussed whether to consider the late bid, and whether the Town would be better off holding onto the property until the ongoing dam study is completed. There was general agreement among of the Board members not to entertain sale of the property at this time and to pass over this matter.

d. Designation of agent and authorization to convey Town-owned property – Parcel 103001.000

O'Keefe mentioned that the Notice of Sale of Municipal Real Estate required under 24 VSA 1061 regarding the intended sale of this Town-owned property to Bettina and Pierre Labeau, had been posted on 1/19/2022 and the 30-day period during which the sale could be petitioned to a Town Meeting vote had tolled without receipt of a petition.

Melissa Brown ***moved to 1) to convey the Town-owned property located at parcel #103001.000 to Bettina and Pierre Labeau for the purchase price of $2,799.00, conditioned on merger of the property for tax assessment and zoning purposes with the purchaser's abutting property located at parcel #103002.000, 2) to designate Town Administrator Shane O'Keefe as the Town's agent for this conveyance, 3) to authorize the Selectboard Chair to execute and file a certificate of said designation with the Town Clerk for recording, and 4) to acknowledge that all notice provisions specified under Title 24 V.S.A. Section 1061 have been followed****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

O'Keefe again noted for the sake of transparency that the property had been offered for sale via a publicly advertised sealed bid process with certain requirements, and the Town only received the single bid from Town Treasurer Tina Labeau and her husband, who were qualified buyers.

e. Consider application of VLCT-PACIF grant

Reiterated from the previous meeting, where this matter was briefly discussed, O'Keefe noted that the Town is eligible for up to $6,000 of funding, without a local match, from the VLCT-PACIF for employee health and safety such as equipment purchases or facility improvements that significantly reduce the potential for future insurance claims. The Board reviewed program eligibility criteria and considered lists of both eligible and ineligible expense requests.

Taylor Prouty noted that the Highway Department was interested in any of the following items: traffic cones, traffic barricades, a spill containment pallet, and vehicle backup cameras. Fishman mentioned that the Transfer Station needs safety kits.

O'Keefe mentioned that application period is open until 10/31/2022 but that the funding could dry up if the Town waits too long to apply. It was agreed to discuss this again at the next regular meeting and that O'Keefe would coordinate this effort between the departments.

f. Review and discuss proposed FY2023 Budget

O'Keefe reviewed with the Board several recommended adjustments for the FY2023 budget, which had been raised at the previous meeting but decided to await until this meeting. First was an adjustment to compensation budget lines for the Town Administrator, Zoning Administrator, Town Assessor and Recycling Coordinator to reflect the same year-over-year 5% cost-of-living increase as all other Town employees. The second adjustment was to add a new part-time position that would be responsible for taking minutes for various boards, commission and committees. He reiterated that he did not believe it to be efficient use of Town resources for the Town Administrator to be writing the minutes of the Selectboard, and that the new position could create better efficiency and consistency for all of the volunteer public bodies. And to pay for this he recommended using the funds budgeted for the Conservation Commission administrative assistant and newly proposed Planning Commission administrative assistant.

O'Keefe reported that the Conservation Commission had opined that it would be acceptable to the Commission if the new position included in its job description the Commission's administrative position. Crossman stated that the Planning Commission was not supportive of eliminating its new administrative position.

Brown suggested that the Board would need to see job descriptions for any new positions. Cavanagh stated that any new position would need a separate Town Meeting article to be established. Prouty suggested that there could be administrative members of the various boards, commissions and committees that handle administrative efforts. Annunziata suggested reaching out to all public bodies for comment on their needs.

The Board decided not to take any action on the budget recommendations at this time.

g. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board reviewed a listing of all ARPA requests received to date, and spoke at length about the various requests for funding and the process for deciding on them. Annunziata suggesting setting up a mechanism in place for deciding on the requests, to include feedback from the Vermont League of Cities and Towns on specific eligibility of each proposal.

Annunziata spoke about the need for a toddler room at the West River Montessori School, which would appear to be a good use of ARPA funds.

It was agreed that local organizations seeking funding should be asked about their requests to other towns. Prouty will reach out to Neighborhood Connections and Annunziata will reach out to all others on this and report back.

Brown suggested establishing a submission deadline, and it was agreed that a request deadline of 4/1/2022 be set for outside organizations, and that internal requests should be developed as well. O'Keefe mentioned the replacement of the Culvert #12 on Spring Hill Road and a possible candidate for some of the funding, depending on other grant opportunities. O'Keefe will post the new ARPA proposal deadline to the Town's website.

It was noted that once funds are granted to outside entities, there will need to be some verification of expenditures of ARPA funds to ensure regulatory compliance.

11. New Business

a. Consider public access and requirement for wearing protective masks at Town Offices

The Board discussed COVID-19 safety precautions at the Town Office in light of recent changes in the pandemic. It was noted that on August 16, 2021 the board voted "*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*".

Cavanagh noted that staff in the Treasurer and Clerk's office mentioned they were fine with opening up their office to all visitors. O'Keefe had no objections and had not heard from others in the Town Office if they had issues with it.

Vincent Annunziata ***moved to rescind the August 16, 2021 Selectboard orders that the Town Offices 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 be worn by all visitors****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

b. Highway Garage lighting improvements – Authorize use of Town Buildings Reserve Fund

The Board reviewed and Prouty described a proposal to complete a lighting efficiency installation inside the Town Highway Garage, estimated to cost $2,155, which include Efficiency Vermont incentives.

Taylor Prouty ***moved to accept the proposal for energy-efficient lighting improvements at the Town Highway Garage from electrician Gary Barton, and to authorize use of up to $2,500 from the Town Buildings Reserve Fund for this work****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

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

Vincent Annunziata ***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 to invite Will Goodwin, and***

***Esther Fishman to attend the executive session**, seconded by Brown. The **motion passed** unanimously.*

The Board entered executive session at 7:55 PM, Goodwin left the executive session at 8:35 PM., and the Board came out of executive session at 8:55 PM.

*Vincent Annunziata **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 to invite Esther Fishman to attend the executive session**, seconded by Brown. The **motion passed** unanimously.*

The Board entered executive session at 9:00 PM, and invited Tina Labeau to attend the executive session at 9:15 PM, and came out of executive session at 9:25 PM.

d. Consider employee compensation matter

*Melissa Brown **moved to adjust the hourly rate of pay for Will Goodwin to $23.10, effective at the beginning of the current pay period**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

*Vincent Annunziata **moved to adjust the hourly rate of pay for Esther Fishman to $27.00, effective at the beginning of the current pay period**, seconded by Taylor Prouty. The **motion passed** unanimously.*

12. Adjourn

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

The meeting adjourned at 9:30 PM. The next regular meeting of the Selectboard is scheduled for March 7, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved March 7, 2022.

LONDONDERRY SELECTBOARD

____
Vincent Annunziata, Vice Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, March 7, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Vincent Annunziata, Taylor Prouty, James Fleming and Melissa Brown.

Board Members Absent: Thomas Cavanagh

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Lister Sandra Clark, Town Assessor Jeremiah Sund, and Road Foreman Josh Dryden. Others – Town Attorney Bob Fisher (via phone at 7:00 PM) and Green Lantern Solar representative David Carpenter (via phone at 7:00 PM).

1. Call meeting to order

Vincent Annunziata, acting as Chair due to the absence of Tom Cavanagh, called the meeting to order at 5:38 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

Taylor Prouty ***moved to adjust the agenda by reversing the order of Old Business items by holding the executive session on negotiating or securing of real estate purchase or lease options after the Board's consideration of a long-term lease for solar array project on one of the former septage fields****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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

Melissa Brown ***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 Lister Sandra Clark and Town Assessor Jeremiah Sund to attend the executive session****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The Board entered executive session at 5:40 PM, Clark and Sund left the executive session at 6:15 PM., and the Board came out of executive session at 6:32 PM.

4. Minutes Approval – Meeting(s) of 2/7/2022

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of February 21, 2022****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O'Keefe noted the following:

- The deed for the conveyance of the Town property at parcel 1003001.000 to Bettina and Pierre Labeau was signed and recorded that day.
- All of the agreements with property owners allowing the new Welcome to Londonderry signs have been signed and were given to the Town Clerk that day for recording.
- Responses to the Invitation to Bid for the Town Office side entrance repairs are due on 3/15/2022.
- The State of Vermont Dam Safety Program has reclassified the Williams Dam from being a Low Hazard Potential Dam to a Significant Hazard Potential Dam, which will require the Town to prepare an Emergency Action Plan in the coming 6 months. The FY2023 budget will need to include about $2,000 for engineering costs.

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

- A copy of the Certificate of Public Good (CPG) issued on 3/2/2022 by the Vermont Public Utility Commission (PUC) to Green Lantern Solar for the proposed solar array at the former septage fields.
- A copy of the 2/28/2022 scheduling order for a merits hearing in the zoning appeal case of Vermont Woodchips Real Estate Holdings.
- A copy of the Ruck Up, Inc. statement of program services rendered.
- The latest Notice of Vacancies for Town boards, commissions and committees, showing openings on the Planning Commission, Development Review Board and Energy Committee.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Ratification of 1/10/2022 vote to reschedule Town Meeting to 4/30/2022

O'Keefe noted because the Board voted on 12/10/2021 to move the annual Town Meeting to 4/30/2022, and the enabling legislation allowing for this action did not take effect until 12/14/2022, the Board must ratify its initial vote.

Taylor Prouty ***moved, pursuant to Act 77 of 2022, to ratify the Board's January 10, 2022 decision to move the date of the 2022 annual Town Meeting to April 30, 2022****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Acknowledgement of extension of terms of Town officers and officials, and organizational decisions

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 April 30, 2022, and as provided for under Act 77 of 2022, that 1) all elected Town officers shall serve their terms until the Town Meeting elections, and 2) all terms of Town officials appointed, and all organizational votes taken, at the Selectboard's 2021 organizational meeting shall remain in effect until the organization meeting of the Selectboard following Town Meeting****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

9. Transfer Station/Solid Waste Management

a. Updates

Annunziata noted community complaints about the hours of the Transfer Station, specifically being closed on Sundays and there being no extended hours on weekdays. He also raised staffing needs to accommodate this. Brown mentioned she had also had this kind of feedback. Prouty mentioned that extended hours during the winter was problematic due to darkness. Extending hours in the summer was briefly discussed. O'Keefe suggested conducting a user survey.

It was agreed to include this matter on the agenda of the next regular meeting.

10. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of February 2022:

Salt – 259 tons Sand – 669 yards

Fuel (gallons): Vehicles – 1,884.0, Town Office Generator – 0, Transfer Station – 0

Prouty mentioned recent road conditions due to inclement weather and the maintenance challenges for the Road Crew.

Prouty also noted that the Town of Windham has expressed an interest in renting the Town's new roadside mower due to their having issues with equipment rental. Windham looks to address invasive species, and look to possible pay Londonderry $4,500/week for two weeks during July or August. The mechanics of a rental agreement was briefly discussed, as was the need for Londonderry to have priority for scheduling.

The need to work closely and cooperatively with neighboring Towns was briefly discussed. The consensus of the Board members was to ask that the Town of Windham provide the Board with a written proposal to consider. Prouty will contact Windham on this.

b. Approve rustproofing Release and Hold Harmless Agreement

O'Keefe explained that this is a document that must be signed each year.

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 Jim Fleming. The* ***motion 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.

Jim Fleming ***moved to approve the excess weight permits for:***

- ***Bazin Brothers Trucking, Inc.***
- ***Fabian Earth Moving, Inc., and***
- ***David Chaves Excavation, Inc.,***

and authorize the Town Administrator to execute the permits on behalf of the Town*, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

11. Old Business

The Board decided to adjust the Old Business part of the agenda by first discussing the proposed long-term lease for solar array project on one of the former septage fields, and then go into executive session on negotiating or securing of real estate purchase or lease options.

Dryden left the meeting at 6:58 PM

a. Consider long-term lease for solar array project on former septage field

Town Attorney Bob Fisher and Green Lantern Solar representative David Carpenter met with the Board beginning at 7:00 PM by speakerphone.

Carpenter spoke to the Board about the proposed lease between the Town and Green Lantern Solar (GLS) for the solar array at the former septage field behind the Transfer Station, in particular the arrangements for eventual decommissioning of the facility in the future.

He mentioned that decommissioning study issued by the U.S. Department of Energy's National Renewable Energy Laboratory (NREL), dated February 2021, being used by the Town is not a document adopted into the mainstream in his understanding, and that it is not being used in Vermont or Maine by the GLS engineering team. In the alternative they have based their estimate of cost for decommissioning on a report from the New York State Energy Research and Development Authority, dated November 2021. He will review the NREL study, which provides for hiring decommissioning costs.

He noted that while the Vermont Public Utility Commission (PUC), in issuing the Certificate of Public Good (CPG) for the project, requires a decommissioning plan, smaller projects such as this one do not require decommissioning bonds. He mentioned that there are three levels of protection for the Town with decommissioning: there is a condition on the CPG, there is a requirement under the PUC rules, and lease provisions for the site.

The proposed lease at this time provides the Town with $15,000 to bank for the decommissioning at the end-of-life of the facility. Carpenter described the salvage value of array components and materials but noted that there is no salvage market for decommissioned solar panels at this time he is pretty confident that there would be in the future but they are not banking on this. He stated that at the end of the project if the project owner doesn't do what they are supposed to do the Town could use the $15,000 and accrued interest to decommission the project.

He clarified that the original offer was to give the Town $15,000 up front, and the Town would return the $15,000 when the project is decommissioned, but he offered to give that amount to the Town and they Town could hang onto it no matter what happens and characterized it as a gift.

Fisher inquired of Carpenter whether any other communities in Vermont or Maine that have escrow funds or surety bonds in their leases.

He stated that to his knowledge none of their net metering projects in Vermont have decommissioning bonds, but in Maine for 1 megawatt projects there are bonds required by statute. He added that Vermont projects of 2.2 megawatt do have decommissioning bonds posted in favor of the State.

Fisher mentioned that Solar leases are a new phenomenon so there is no track record for decommissioning, and asked Carpenter if he had looked into pricing for a bond of a smaller size such as this one, to which Carpenter responded that he had not but would check with others at GLS.

Fisher noted that he had inquired of the Vermont League of Cities and Town on this matter. He asked Carpenter if his engineers have priced out the actual decommissioning costs, and Carpenter responded by saying there is no way to know the future cost, but he did not know and would inquire of his engineers.

O'Keefe inquired of Carpenter whether he would provide to the Town a list of other Vermont communities that they have worked with on land leases, and he said that he would send that along.

Carpenter stated he would try to respond to the requests for information to O'Keefe and Fisher by the end of the week. He left the meeting at 7:20 PM.

b. Executive Session – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)

Taylor Prouty ***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 and Town Attorney to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:21 PM, and the Board came out of executive session at 7:47 PM.

c. Consider proposal for Town Hall structural design, and use of Town Buildings Reserve Fund

O'Keefe spoke of the various elements of work necessary to address the needs of the Town Hall, and the Board reviewed a list of steps for this project put together by project engineer Chris Cole. Based on the previous structural analysis of the building one of the next steps is to hire back the structural engineer for design work for the stabilization of the balcony so it can used once again. The Board reviewed a structural design proposal from Engineering Ventures, PC showing $10,500 for design, construction plans and specifications, and $6,000 for construction administration, which would only be expended if the project goes to construction. O'Keefe noted that the Town had received a grant from the Brattleboro Development Credit Corporation in the amount of $4,032, which would offset the cost of the effort. He is waiting for confirmation of project eligibility of the use of funds.

He also mentioned that Town Hall efforts soon to come to the Board include roof repairs, likely handled by the construction company hired last year, VMS Construction, Inc. and additional project management and coordination work from Cole Company, Inc.

Fleming questioned the high cost of the structural engineering work. The initial estimate of cost for structural stabilization from Chris Cole is $50,000.

O'Keefe mentioned that the proposal calls for design of the balcony to continue as a suspended structure and not held up with posts, a less expensive alternative, in order to maintain the building's historical integrity. He added that by developing the design for the balcony improvements the Town is creating an attractive project for historic preservation funders to embrace.

The Board discussed in detail the inherent value of fixing the Town Hall. The proposal at this time also includes an additional $1,000 for contingency.

Jim Fleming ***moved to 1) accept the proposal from Engineering Ventures, PC as submitted for structural design services for the old Town Hall, estimated to cost up to $11,500, 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 of up to $7,500 for this effort to be paid from the Town Building Reserve Fund****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. Review draft Town Meeting Warning

The Board discussed the most recent draft of the warning for the April 30, 2022 annual Town Meeting. O'Keefe mentioned that he and Treasurer Tina Labeau recommend removing the proposed article creating a reserve fund related to the American Rescue Plan Act (ARPA) because advice from the Vermont League of Cities and Towns provides that existing fund accounting can adequately address this. There were no objections to removing this.

Regarding the proposed article on the Manchester fieldhouse, it was noted that the project failed at the Town Meeting the previous week in several communities, including Manchester, and the project proponents have shelved the project. O'Keefe recommended rescinding the previous vote to add the advisory article for the project to the warning.

Vincent Annunziata ***moved to rescind the Board's December 20, 2021 vote to include in the 2022 Annual Town Meeting warning an advisory article asking the Voters to indicate support for the concept of a regional fieldhouse at the Dana Thompson Recreation Park in Manchester****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Annunziata asked that the minutes reflect that he says "Get dunked on Manchester".

e. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Annunziata mentioned that he had spoken with several of the those organizations that have requested funds and mentioned that Neighborhood Connections would not be asking for funds for next year. He noted that Planning Commission would likely come to the Board for funding for the Town Hall restoration project.

O'Keefe read aloud the ARPA funding availability notice from the Town's website requested at the previous meeting, which pointed out the 4/1/2022 submission deadline, and was asked to send out a press release on this as well.

12. New Business

a. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Jake's Marketplace Café, Inc., DBA Jake's Marketplace Café

The Board reviewed and discussed these applications for liquor licenses.

*Melissa Brown **moved to approve 1st and 3rd Class Liquor Licenses and 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 Jim Fleming. The **motion passed** unanimously.*

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

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

*Jim Fleming **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 Taylor Prouty. The **motion passed** unanimously.*

c. Consider employee compensation matter

*Vincent Annunziata **moved to adjust the hourly rate of pay for Jeremiah Sund up by $2.20 per hour, effective the next pay period**, seconded by Jim Fleming. The **motion passed** unanimously.*

13. Adjourn

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

The meeting adjourned at 8:17 PM. The next regular meeting of the Selectboard is scheduled for March 21, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved March 21, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Friday, March 11, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Highway Department employees Jeremy Peters and Austin Morse (4:45 PM). Others – None.

1. Call meeting to order

Thomas Cavanagh called the meeting to order at 4:00 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

None.

3. Executive Session(s) – 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 Shane O'Keefe and Jeremy Peters to attend the executive session at that time, and Austin Morse to attend later in the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 4:02 PM. Peters left at 4:44 PM and Morse entered the executive session at 4:45 PM. Morse left at 5:38 PM, and the Board came out of executive session at 6:10 PM.

Vincent Annunziata ***moved to move to grant a paid leave of absence to Highway Department employee Jeremy Peters for the period March 9, 2022 through March 23, 2022, the latter date being his last day of Town employment****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

4. Adjourn

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

The meeting adjourned at 6:11 PM. The next regular meeting of the Selectboard is scheduled for March 21, 2022.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved March 21, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Tuesday, March 15, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Road Foreman Josh Dryden. Others – Resident Donald Lyon.

1. Call meeting to order

Thomas Cavanagh called the meeting to order at 5:02 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

None.

3. Executive Session(s) – 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 potential hiring of a new Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O'Keefe, Josh Dryden and Donald Lyon to attend the executive session****, seconded by melissa Brown. The* ***motion passed*** *unanimously.*

The Board entered executive session at 5:03 PM. Lyon left the meeting at 5:29 PM and was invited back in at 5:39 PM. The Board came out of executive session at 5:42 PM.

Taylor Prouty ***moved to hire Donald Lyon to a full-time Road Crew position at a rate of $24.50 per hour, plus benefits, effective April 2, 2022 as a starting date, subject to completion of a probationary period of 6 months****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board congratulated Lyon on his appointment and discussed available training opportunities. Lyon left the meeting at 5:55 PM.

Jim Fleming ***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 Shane O'Keefe and Josh Dryden to attend the executive session****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The Board entered the executive session at 5:56 PM. Annunziata left the meeting at 6:06 PM, and the Board came out of executive session at 6:40 PM.

4. Adjourn

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

The meeting adjourned at 6:43 PM. The next regular meeting of the Selectboard is scheduled for March 21, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved March 21, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, March 21, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata (6:04 PM), Taylor Prouty, James Fleming and Melissa Brown.

Board Members Absent: None

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Solid Waste Manager Esther Fishman, and Planning Commission Chair Sharon Crossman, and Conservation Commissioner Gary Hedman. Others – DuBois & King, Inc. representatives Charles Johnston and Bobby Lanzilotta, resident Dwight Johnson (6:25 PM), business owners Judy and Tom Platt (6:25 PM), and Bruce Frauman (GNAT).

1. Call meeting to order

Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

Taylor Prouty ***moved to adjust the agenda by moving the review and discussion of the Williams Dam study from Old Business to the Visitors and Concerned Citizens part of the agenda, as item 6.b.****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to add to the Old Business section of the agenda as item 10.a, consideration of proposals for Town Hall roof repairs and construction management services, and use of the Town Buildings Reserve Fund****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Melissa Brown ***moved to add to the New Business section of the agenda as item 11.d, the consideration to review of job descriptions and update****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 3/7/2022, 3/11/2022 & 3/15/2022

Melissa Brown ***moved to approve the minutes of the Selectboard meetings of March 7, 2022, March 11, 2022 and March 15, 2022****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Shane O'Keefe noted that the blueboard insulation in the cold storage barn, which was sold at bid but never claimed, was rebid and sold for $190, the same amount as the previous auction.

Cavanagh and Tina Labeau gave a reminder that the annual Town Meeting will be held on April 30th at 9:30 AM at the Town Hall.

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

- An offer from the New England Municipal Resource Center (NEMRC) for training on understanding annual audit documents, dated 3/7/2022.
- A 3/11/2022 Entry Order decision on a Motion to Dismiss from the Vermont Environmental Court regarding the Vermont Woodchips Real Estate Holdings LLC zoning matters.
- A list of Town Hall restoration project work items and estimated costs, prepared by Engineer Chris Cole, revised 3/4/2022.

6. Visitors and Concerned Citizens

Annunziata entered the meeting at 6:04 PM.

a. Monthly update – One Londonderry

Esther Fishman distributed to the Board an invitation to, and spoke to the importance of, a civic health assessment meeting with One Londonderry and the Planning Commission scheduled for Saturday, 3/26/2022 from 2:00 to 5:00 PM. She mentioned there is a remote attendance option and expressed the hope that all Board members could attend, as the meeting would help everyone to work better together.

She mentioned that the Board had also received the minutes of the most recent One Londonderry steering committee meeting.

O'Keefe questioned whether if quorums of either the Selectboard or Planning Commission attended the discussion would constitute a meeting under the Vermont Open Meeting Law. He stated that if there is a quorum and the discussion involves matters over which the Board or Commission has oversight, then it would be a meeting and therefore subject to public notice, public attendance, and the need for minutes.

Sharon Crossman added that a consultant will facilitate the meeting, who is being paid for by the Brattleboro Development Credit Corporation and the Planning Commission, and that it constitutes a training event.

O'Keefe will look into whether the event is subject to the Open Meeting Law.

b. Review and discuss Williams Dam Study

Charles Johnston, consulting dam engineer from DuBois & King, Inc., spoke to the Board about the firm's study of the Williams Dam, which came about from the 2021 annual Town Meeting vote to authorize $50,000 to evaluate the condition of the dam and determine the comparative costs of its repair, replacement or removal. He had provided a handout with a project overview, and spoke about the data collection, analysis and modelling of the dam. He noted three significant deficiencies:

- Dam structural integrity – water flowing through the concrete, which is cracking and spalling.
- Inadequate dam operating controls – the outlet drain is inoperable and has allowed sediment to accumulate.

- Inefficient spillway hydraulic capacity – Unable to pass a flood through.

The project alternatives were each developed with a goal of improving the conditions of the dam, he noted, and gave an overview of each of them:

- A no-action alternative was considered, but new State of Vermont dam safety rules being adopted will require additional work no matter what. The State recently reclassified the Williams Dam from a “low hazard” dam to a “significant hazard” dam, he added, meaning that a failure will occur someday and there would be a strong likelihood of the State directing the Town to take some remedial actions. The only cost of this option is an annual registration fee plus periodic inspections, so an annualized budget of $5,000 is estimated. He noted that a dam breach analysis shows that flood damage would not occur too far downstream.
- The rehabilitation option, which removes and replaces deteriorated elements of the dam, and includes an upstream secondary dam, would cost approximately $800,000. This alternative would require dredging the river and a large amount of concrete. An alternative rehabilitation plan is still being developed which would better enable the possibility of historic preservation funding and save as much as $200,000. State historical grant
- A replacement option provides for a new, wider dam 20 to 25 feet downstream which allows more water through, but this still has issues as the VT Route 11 bridge still constricts water flow to the dam. The cost of this alternative is $2.1 million.
- A removal option would remove the concrete structure and recreate the historic stable stream channel down to bedrock, similar to what is now downstream of the dam. This would cost approximately $400,000 and would eliminate liability for the Town.

Regarding outside funding for the various alternatives, Johnston noted that there was no sources for the replacement alternative, and the rehabilitation alternative is not eligible for State historic preservation funds as it is not a “high hazard” dam. He explained that there are many outside funding options for the removal option, and noted that conversations with the Connecticut River Conservancy have indicated that that organization would handle the removal at no cost to the Town.

He described the various costs for the projects, including permits, engineering and actual construction, and reviewed with the Board various plans and diagrams for the alternatives. He added that the final study would be issued in a matter of days.

Johnston noted that the sediment tests showed mild petroleum-based contamination but that much of the sediment, if removed, can be reused as fill. Dredging to bedrock would be required for all alternatives, and is 9 feet deep at the dam.

He discussed details regarding flooding potential for all alternative, and answers various questions from those attending the meeting. He and O’Keefe described potential next steps in the process, which would include the Town voting on which option to design, followed by preliminary design and permitting, then a bond vote before final design and construction.

Melissa Brown spoke about the need to get information out to the Voters before Town Meeting, and possibly holding a special public hearing that could include visualizations of the alternatives.

The Board thanked Johnston, and he and Lanzilotta left the meeting at 6:47 PM.

7. Town Officials Business

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

Tina Labeau mentioned that the budget is pretty much on track for the year, but noted that there were a lot of Highway Department material expenses this past week due to the poor road conditions. There were no questions from the Board.

b. Planning Commission – Monthly update

Sharon Crossman mentioned that the consultant for the North Village Main Street Study and Master was finishing up the project and that they are targeting early April for presentation to and comments from the Planning Commission. She suggested that the presentation to the Selectboard could take place on 4/18/2022, as the planning grant expires at the end of April. It was noted that that meeting would be the last regular Selectboard meeting before the annual Town Meeting.

On the wastewater study, she noted that the consultant is still looking for viable locations for small inground systems. Regarding waters tests as part of the project, there were not many people interested and there are unused water tests. She noted efforts to reach out to other towns that have been successful with such systems, and have an upcoming discussion with representatives of the Town of Warren. Brown noted that the Town of Ludlow was having some on-site wastewater system issues of late due to the influx of many new residents, and she suggested contacting folks from that community.

She noted that discussion on the Town Hall restoration would occur layer in the meeting.

Regarding the board training with One Londonderry, she stated that she was supportive of this and hoped for good participation.

c. Beautification Committee – Request to waive permit fees for "Welcome to Londonderry" signs

The Board reviewed the request from the Beautification Committee to waive zoning permit fees for the new signs. It was noted by O'Keefe and Labeau that if the fee was paid there would be necessary administrative financial steps that would need to be made that seem unnecessary. Labeau mentioned that there is also the recording fee to consider.

Brown asked about the applicability of zoning permits for these signs. There was mention of the signs being larger than permitted by the zoning bylaw but that there is a waiver of sign dimensions for signs of cultural merit that can be determined administratively by the Zoning Administrator. O'Keefe mentioned that all license agreements with the property owners have been signed and recorded.

Melissa Brown ***moved to approve waive all local fees related to the Beautification Committee's effort to erect new "Welcome to Londonderry" signs****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

d. E911 Coordinator – Approve name of new private road

O'Keefe mentioned that this matter involves a recent subdivision that has had all of its lots sold, and that a verbal request from the realtor to change the name to "Moose Hill" Came in before it was sold. He recommended that the Town get a letter from the new property owner confirming that they are amenable to the name.

It was noted that the Selectboard must approve all new road names due to E911 requirements and the potential for inappropriate or offensive names. The Board agreed that correspondence from the new owner confirming that this is the name they would prefer should be requested and that this matter be addressed at the next regular meeting.

e. E911 Coordinator – Rename Legal Trails #2 & #4

O'Keefe noted that in December 2020 the Board named legal trail #4 as Shatterack Mountain Road, but that in coordination with neighboring towns the E911 Coordinator suggests that legal trail #4 should be considered part of Under the Mountain Road and that legal trail #2 should be named as Leonards Road.

*Vincent Annunziata **moved to change the name of Londonderry Legal Trail #4 from "Shatterack Mountain Road", as previously approved on 12/7/2020, to "Under the Mountain Road"**, seconded by Jim Fleming. The **motion passed** unanimously.*

*Vincent Annunziata **moved to name Londonderry Legal Trail #2 as "Leonards Road"**, seconded by Jim Fleming. The **motion passed** unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Fishman gave the Board an update on various legislative initiatives affecting solid waste management and recycling, as follows:

- H.155 regarding extended producer responsibility for hazardous waste collection.
- S.236 regarding extended producer responsibility for packaging.
- H.500 on the sale of mercury-containing lightbulbs, which will take effect in January 2024.
- H. 175 which is the expansion of the bottle bill, to include additional types of bottles and cans, which would impact the intake of materials at the Transfer Station.

She mentioned that an infrastructure grant from the State of Vermont would be announced soon and she plans to apply for funds for an extension of the redeemables shed, as the existing one is inadequate. She also noted that she would not be using the food scrap grant as there is no way to use it effectively.

Cavanagh mentioned that he is still being asked about why the facility is closed on Sundays, and related that the Town has not been able to attract anyone to take the part-time Sunday position to allow for its opening. O'Keefe mentioned that he has begun advertising for the position again along with two other Town positions.

b. Consider changes to hours of operation

Fishman shared research on the hours of operation for Londonderry's facility and other similar transfer stations, and noted that despite its small coverage population ours is open more days and hours than most comparable facilities.

Regarding Sunday hours, Fishman suggested adding hours to the Sunday position to make it more attractive. Brown stressed that being open on Sunday is very important and the Town needs to think outside the box, such as by rotating hours of existing staff to cover it. Cavanagh stated that existing staff will not work Sundays, and full-time staff does not have sequential days off as it is. Annunziata suggested seeking volunteers to help and Prouty agreed with Fishman that extending the hours of the Sunday position would make it more attractive, and suggested that being open one Sunday each month might work with existing staff. Brown offered to volunteer one Sunday each month.

Cavanagh stated that staff has said that opening an hour late and closing an hour late could work depending on available sunlight. Fishman questioned whether Sundays are only important during the winter for skiers, and it was offered that there could be established summer hours and winter hours.

Fishman stated that the Town must have two staff members on at all times due to the State requirement to have both trash and recycling open the same time. O'Keefe added that it is also due to staff safety concerns.

Brown suggested doing a user survey to determine which days and hours are desired in the service area. She suggested creatively reworking the staff hours to accommodate Sundays.

It was agreed to add this matter to the agenda for the next regular meeting.

9. Roads and Bridges

a. Updates

Prouty spoke of the particularly difficult mud season being experienced, and that the Road Crew is out doing their best to keep the roads open despite being one person short. He noted that the focus is simply to keep roads passable, and mentioned Under the Mountain Road was in such poor condition that Hunter Excavation was hired to assist with 5 trucks and a grader, and 30 loads of gravel was used. Chaves Excavation helped out as well due to the current staff shortage.

The impacts of heavy trucks on the roads was discussed, and it was agreed that local truckers are appreciative of the conditions of local roads and avoid them at this time of year. Bus routes have been rerouted at avoid gravel roads. Sometimes the best thing for the roads is just to stay off them, even the Town trucks, added Prouty.

Annunziata and Fishman each left the meeting at 7:35 PM

Prouty mentioned that an application has come in for the open Road Crew position. It was agreed to hold a special Selectboard meeting on 3/24/2022 at 5:00 PM to conduct an interview and possibly finalize the Town Meeting warning and the FY 2023 budget depending on how those matters went later in the meeting.

b. Access Permit 2022-03 – Mountain Lake Road, Parcel 019009.300

Prouty described this permit application, which is for a new driveway for a proposed new single-family home. This location is not on the Class IV section of the road.

Jim Fleming ***moved to approve access permit application No. 2022-03, submitted by David Chaves Excavating, Inc. on behalf of Melanie and Chris Reeves, for parcel #019009.300, located on the south side of Mountain Lake Road****, seconded by Taylor Prouty. The* ***motion 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:***

- ***Connecticut Valley Trucking, Inc.***
- ***Fuller Sand & Gravel, Inc.***
- ***St. Pierre, Inc.***
- ***Cardinal Logistics Management Corporation,***
- ***Gurney Brothers Construction, Inc., and***
- ***R.K. Miles, Inc.***

and authorize the Town Administrator to execute the permits on behalf of the Town*, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

10. Old Business

a. Consider proposals for Town Hall roof repairs and construction management Services, and use of Town Buildings Reserve Fund

The Board reviewed a list of the next steps for the Town Hall restoration project, and it was noted that most of the structural engineering work was approved at the previous meeting.

Roofing work – slate maintenance	$17,500
Roofing work – Asphalt shingle replacement	$22,500
Window restoration work – original building	$40,000
Window restoration front of building	$10,000
Structural work on 2nd floor balcony/truss	$50,000
Structural engineering design	$15,000
Total direct work	$155,000
Construction Management Services	$15,500
Contingency (10%)	$15,500
Total Cost	$186,000

O'Keefe noted that the roofing estimates will need to be updated and that the next step would be the roof repairs and structural work, followed by the window restoration. He stated that he wanted to present this information to the Board so that the Board was aware of the projects being contemplated for the Town Hall for the next year or so, and noted that much of the finding would come from the Town Buildings Reserve Fund.

On the reserve fund, O'Keefe mentioned that there would be a roughly $252,000 unassigned balance on 7/1/2022 if the Voters approve the proposed $100,000 reserve fund deposit at the next Town Meeting.

The availability of grant funding was raised by Cavanagh, and O'Keefe mentioned that the balcony structural work would be an attractive project for a historic preservation grant.

O'Keefe noted that he would likely come back at the next regular meeting with a construction management proposal from Chris Cole.

Jim Fleming ***moved to acknowledge receipt of estimates of cost for various expenses related to the Town Hall restoration project, estimated to cost approximately $186,000, and proposed to be paid for the most part through the Town Building Reserve Fund. Each such expense shall first be approved by the Board after procurement in keeping with the Town's Purchasing Policy****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Platt Elevation Project – Consider budget change request

Regarding the State-and federally-funded building elevation project at 2152 North Main Street, the Board reviewed documents provided by Dwight Johnson on behalf of Judy and Tom Platt requesting a project budget increase of $12,476.71 for additional work as follows:

1. "Construction of a loading dock and stairway at the side of the building. The additional work was necessary to provide access to the main floor of the building after it was raised to put it above flood level. The additional work was due to an oversight by the engineer who originally estimated the required work for the project. The cost of the additional work was $4,905.88.
2. Insulation of the lower sidewalls of the building which became exposed to the elements after the building was raised. The cost of this additional insulation was $4,400.
3. Purchase of Rear Door. The purchase was necessitated by the unexpectedly poor condition of the original door. The cost of the replacement door was $838.15.
4. Foundation cinder block replacement. The reasons for this have previously been discussed with the Town and agreed upon. This requires a budget increase of $2,332.68".

Johnson noted that the Platts are the only property owners in the north village that have taken the step to floodproof their buildings with federal funding, with them paying 25% of the cost, and that by doing so they are protecting property values and the tax base. He stated that the Town has not been cooperating with the Platts on the projects, not paying enough attention, and must do more to assist them or the project won't happen. It is in the Town's best interest to facilitate these projects, he added, but that he has recommended that the Platts take a State-sponsored buyout of their restaurant properties.

Mr. Platt spoke of the rising cost of flood insurance.

O'Keefe discussed the budget request as well as a request for reimbursement, each of which had been received late that day. He noted that several of the reimbursement items were also contained in the budget increase request, and therefore could not be considered at this time.

There was prolonged discussion about the complicated nature of compliance with State and federal requirements. Cavanagh disputed Johnson's claim that the Town has not been cooperative and noted that O'Keefe has spent an extraordinary amount of unreimbursed time on it. He added that while the Board may vote to approve the budget amendment it is up to the State of Vermont to decide upon it.

Melissa Brown ***moved to accept the request from Tom and Judy Platt for an increase in budget for the Platt Elevation Project at 2152 North Main Street in the amount of $12,476.71, subject to 1) concurrence and grant award adjustment for Subgrant #02140-34000-126 by the Vermont Department of Public Safety's Hazard Mitigation Grant program, and 2) amendment of the Memorandum of Understanding between the parties, which shall require a 25% local match from the property owners, and furthermore to authorize the Town Administrator to execute and file all necessary documents with the State of Vermont for this budget amendment****, seconded by Taylor Prouty. The* ***motion passed*** *3-0-1, with Fleming abstaining.*

On the request for payment request, only the request for construction of the front stairs is eligible for payment, O'Keefe noted, and a request to advance payment for electrical work received previously is denied without submission of an invoice and proof of vendor payment.

Tom Platt inquired whether the Town is able to back out of the building flood-proofing projects at the neighboring 2113-2136 North Main Street, and he was informed that the Board had that right. There was discussion about Town participation in a FEMA buyout of the property.

The Platts and Johnson left the meeting at 8:15 PM.

c. Discuss Town Office Repairs

O'Keefe updated the Board that that there were no bids received in response to the Invitation to Bid that was issued on 2/22/2022 for the side entrance repairs, though contractor expressed interest. Prouty noted that the timeline for the project may have been an issue and that rebidding with an accelerated project start date would make sense. O'Keefe said he could put out a new invitation later in the week.

d. Review and discuss proposed FY2023 Budget

Given the late hour it was agreed to hold off on this until the special meeting on 3/24/2022.

e. Discussion of use of funds from the American Rescue Plan Act (ARPA)

O'Keefe mentioned that new funding requests came in from the South Londonderry Free Library and Tom & Judy Platt/Derry Downtown LTD. He also shared with the Board information from the Windham Regional Commission that clarifies the assumption of the federal government that all municipalities would have lost revenue of $10 million, and that they can simply use the full amount of the allocated ARPA funds for municipal purposes if they so choose. Londonderry's allocation is $495,044.

O'Keefe suggested the option of using the first year's allocation ($247,522) for those making requests and using the second year's allocation for Town projects such as the Spring Hill Road culvert replacement or possibly the work on the Williams Dam if needed.

Prouty supported keeping a balance, and Cavanagh mentioned support requestors this year and support all taxpayers the following year. Brown stated that the intent of the funds is to help to rebuild the community and not go toward the Town government.

It was noted that the request from the Platts needs greater detail on the financial request and its intended use.

With ARPA request deadline scheduled for 4/1/2022, it was agreed that the Board would review all of the submittals at the regular meeting of 4/4/2022.

f. Consider annual Town Meeting Warning

O'Keefe noted two new articles for consideration by the Board: one on which way to proceed with the dam, and one on the new administrative assistant position for the Planning Commission.

On the dam, it was agreed that further discussion was needed on which alternative should be recommended to the Voters. On the administrative assistant, O'Keefe mentioned he had asked for feedback from other boards and commissions on whether there was interest in administrative assistance for minutes and the like, and he reported that there dd not appear to be much interest in this.

Given the late hour it was agreed to hold off on this until the special meeting on 3/24/2022. It was agreed to hold off on

11. New Business

a. Annual appointments – Planning Commission

The Board reviewed applications for reappointment from Mimi Lines and Dick Dale. It was noted that Andy Rackear had decided not to seek reappointment, so there is now a vacancy.

*Jim Fleming **moved to reappoint Mary Adams Lines and Richard Dale to the Planning Commission, each for a three-year term ending 3/31/2025**, seconded by Melissa Brown. The **motion passed** unanimously.*

Crossman left the meeting at 8:35 PM.

b. 1st & 3rd Class Liquor Licenses – Smith Foodservice Hospitality & Entertainment, LLC, DBA Revival Kitchen

The Board reviewed and discussed these applications for liquor licenses.

*Taylor Prouty **moved to approve 1st and 3rd Class Liquor Licenses, and acknowledge receipt of an Outside Consumption Permit, for Smith Foodservice Hospitality & Entertainment, LLC, DBA Revival Kitchen, related to property located at 3928 VT Route 11**, seconded by Jim Fleming. The **motion passed** unanimously.*

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

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

d. Consider review and update of job descriptions

Brown noted that the job description for the Town Highway Road Crew has not been updated since 1996 and maybe it's time for that to happen. It was suggested that the Board review and update all of the job descriptions over the coming months, maybe one per month. O'Keefe mentioned that the descriptions for the Town Administrator, Zoning Administrator and Town Assessor were al relatively new.

Particulars of Road Crew hours and pay were discussed, and on-call pay was discussed.

O'Keefe will work to revise Road Crew job description.

12. Adjourn

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

The meeting adjourned at 8:43 PM. The next regular meeting of the Selectboard is scheduled for April 4, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved April 4, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, March 24, 2022
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 Administrator Shane O'Keefe, Road Foreman Josh Dryden, and Town Treasurer Tina Labeau (5:45 PM). Others – Resident Troy Maynard.

1. Call meeting to order

Thomas Cavanagh called the meeting to order at 5:06 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

None.

3. New Business

a. Executive Session(s) – 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 potential hiring of a new Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O'Keefe, Josh Dryden and Troy Maynard to attend the executive session****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Board entered executive session at 5:07 PM. Maynard left the meeting at 5:25 PM. The Board came out of executive session at 5:42 PM.

Dryden discussed Road Crew attendance at the Vermont League of Cities and Town's annual Town Fair on 5/11/2022, where they can meet with vendors and view new equipment and vehicles. Cavanagh stated he'd like to go, and Prouty may attend as well

Dryden left the meeting at 5:48 PM.

4. Old Business

a. Review and discuss proposed FY2023 Budget

Labeau presented to the Board on a large screen the proposed FY2023 budget.

There was discussion on various revenue items. It was recommended that the revenue for the proposed solar array at the former septage fields be removed given the uncertainty of the lease for the project. The methodology for billing participating towns for Transfer Station expenses, which is based on population, was discussed and it was agreed to be reconsidered in the future. Additional COVID-19 recovery funds were noted.

On expenses items, Labeau noted that she had included funds to allow 5% salary increases for all employees. The Board reviewed the expense budget line-by-line. The Planning Commission's proposed Administrative Assistant position has been removed from the proposed budget and instead added as an article on the Town meeting warning. The overall budget summary was considered as follows:

Town of Londonderry - General Fund Budget Summary

Account Name	FY21 Budget	FY21 Budget Actual	FY 22 BUDGET	FY22 Actual to 02/28/2022	FY23 Proposed	Percent Change from Prior Year
Budgeted Cash Receipts						
Taxes	156,841	1,907,352.65	150,341	1,829,813.38	161,341	7%
Licenses & Fees	29,925	53,729.56	30,375	35,429.30	35,900	18%
Transfer Station/Recycling	338,900	346,027.21	388,677	294,379.53	402,885	4%
Other Revenues	409,419	513,748.94	168,569	202,153.99	223,654	33%
Total Budgeted Cash Receipts	**935,085**	**2,820,858.36**	**737,962**	**2,361,776.20**	**823,780**	**12%**
Budgeted Cash Disbursements						
Admin Salaries	220,250	212,278.56	236,090	153,210.71	248,850	5%
Admin Benefits	97,154	84,137.84	100,862	69,172.14	101,330	0%
Admin Office Expenses	56,225	61,143.53	56,400	38,627.74	69,180	23%
Admin Other Expenses	45,021	59,445.34	45,400	45,571.65	47,457	5%
Planning Commission	11,570	16,725.30	33,920	30,190.52	9,920	-71%
Development Review Board	20,180	27,647.97	32,867	16,806.47	35,576	8%
Electricity	17,900	17,602.52	18,700	11,949.00	20,400	9%
Town Buildings	35,876	36,476.92	27,850	21,686.12	29,860	7%
Transfer Station	275,629	262,104.50	307,463	183,054.32	329,090	7%
Recycling	128,412	146,521.50	132,278	90,565.89	174,459	32%
Hazardous Waste	39,060	41,231.63	42,040	31,564.41	53,939	28%
Septage	-	5,975.00	5,000	4,999.68	6,700	34%
Town Parks	30,865	10,120.71	32,365	19,724.66	49,218	52%
Insurance	27,750	27,390.52	30,400	42,689.50	30,525	0%
Debt Service	209,600	211,850.96	138,192	97,617.41	129,726	-6%
Dispatching	33,000	34,347.00	34,000	-	35,000	3%
Conservation Commission	6,296	1,533.54	6,296	1,209.62	6,296	0%
Summer Roads	744,237	686,920.57	466,449	327,938.37	286,515	-39%
Winter Roads	257,651	312,192.36	325,539	289,870.46	416,337	28%
Energy Coordinator	1,000	278.00	500	-	500	0%
Emergency Management	4,500	325.00	3,500	11,274.50	3,500	0%
Beautification Committee	3,150	3,149.86	3,150	633.49	3,150	0%
Total Budgeted Cash Disbursements	**2,265,324**	**2,259,399.13**	**2,079,260**	**1,488,356.66**	**2,087,527**	**0%**
Excess/(Defiency) of Cash Receipts over Cash Disbursements/ (TAXES NEEDED TO BE RAISED BEFORE APPROPRIATIONS	**(1,330,239)**	**561,459.23**	**(1,341,298)**	**873,419.54**	**(1,263,747)**	**-6%**
Appropriations Voted Separately						
State Police Patrol	5,000	6,916.57	45,000	31,161.83	-	
Appropriations	83,302	82,302.00	103,352	103,352.00	-	
Highway Equipment Fund/Infrasture Fund	120,000	120,000.00	100,000	-	-	
Infrastructure Fund	100,000	100,000.00	80,000	-	-	
Total Appropriations Voted Separately	**308,302**	**309,218.57**	**328,352**	**134,513.83**	**-**	
Grant Expenses	**-**	**28,350.00**				
Emerald Ash Borer Removal Reserve Fund	3,000	-	3,000	-	-	
Total Cash Disbursements	**2,576,626**	**2,596,967.70**	**2,410,612**	**1,622,870.49**	**2,087,527**	**-13%**
Excess/(Deficiency) of Cash Receipts over Cash Disbursements/ (TAXES NEEDED TO BE RAISED WITH APPROPRIATIONS	**(1,641,541)**	**223,890.66**	**(1,672,650)**	**738,905.71**	**(1,263,747)**	**-24%**

The proposed budgeted expenses for FY2023 are $2,087,527, an increase of .4% from the FY2022 budget of $2,079,260. As proposed non-tax revenues increase 11.6% from $737,962 in FY2022 to $823,780 in FY2023, property tax revenue is budgeted to decrease by 5.8% from FY2022 to FY2023 from $1,341,298 to $1,263,747, not accounting for appropriations.

It was noted that the grand list is increasing and if all appropriations are approved the municipal tax rate should not be much higher.

There was discussion of how best to display the reserve funds in the budget.

Melissa Brown ***moved*** **to approve the proposed FY 2023 budget of $2,087,527.25, subject to Town Meeting approval**, *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Review and discuss Williams Dam Study

The Board reviewed the preliminary dam study overview that was previously provided to the Board by the engineering consultant, and O'Keefe noted that the final report had been issued by the consultant that day. He provided to the Board members the revised cost figures for the various alternatives from the final report, as follows:

Owner Costs	No-Action	Rehab. A	Rehab. B	Replace	Removal
Annual fees	2,000	2,000	2,000	2,000	0
Construction	0	808,000	675,000	1,186,000	364,000
Engineering	0	80,000	80,000	120,000	40,000
Permits	0	10,000	10,000	23,000	21,000
Total	**$2,000**	**$900,000**	**$767,000**	**$1,331,000**	**$425,000**

Cavanagh mentioned that correspondence with the Connecticut River Conservancy and the Vermont Department of Environmental Conservations indicates that there is funding available for the removal option, and it may not cost the Town much at all. O'Keefe provided this information to the Board, and reiterated that it indicates the removal option would have little or no cost to the Town.

O'Keefe described the various alternatives, noting that the no-action alternative is not viable given the new dam rules and the new "significant" hazard classification.

Prouty suggested recommending dam removal to the Voters as the low- or no-cost alternative and a Town Meeting discussion starter. Cavanagh noted that it is the least cost and least liability alternative. O'Keefe suggested that given the potential savings of the removal alternative that a cistern or water tank could be developed to address firefighting needs.

There was discussion about the potential liability to the Town caused by the dam. There was discussion of the likely pushback from some in the community to removal due to the long-time presence of the dam in the community and the upstream dry hydrant for firefighting. Brown suggested that in addition to having the engineer, Connecticut River Conservancy and State staff available to answer questions for the public, the Board must be prepared to address these concerns. She suggested having visual representations of what the removal alternative might look like, and described what she thought could be helpful. There was discussion about whether to hold a special informational meeting in addition to the Town Meeting discussion.

How best to get information for this study out to the community was discussed. It was agreed that O'Keefe would draft a press release on the dam study process and the Board's recommendation, and post the study to the Town's website. Cavanagh will post a link to it to the community Facebook page. It was acknowledged that the people of the community will inform themselves on the issue if the Town can get the word out.

Jim Fleming ***moved to recommend to the Voters that the Town pursue the removal alternative relative to the Williams Dam****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. Consider annual Town Meeting Warning

The Board reviewed the latest draft of the warning, and considered two additions to the Town Meeting warning: articles 11 and 22, the first to add a vote on whether to hire an Administrative Assistant for the Planning Commission, and the second to include an article seeking to remove the Williams Dam.

O'Keefe noted that he reached out to other boards and committees regarding their need for an administrative assistant and there was not much interest. He stated that such a position could prove helpful to the Town by better allocated staff resources. Prouty stated that at some point a position such as that O'Keefe recommended should be established.

The Board agreed to add the following articles:

> Art. 11. Shall the Town vote to raise and appropriate the sum of $5,167 to fund the hiring of an Administrative Assistant to the Planning Commission, a new position?
>
> Art. 22. Shall the Town vote to raise and appropriate the sum of $40,000 for engineering costs for the removal of the Williams Dam.

Jim Fleming ***moved to approve and sign the Warning for the 2021 Town Meeting, scheduled for April 30, 2022****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The Board members signed the warning for the 4/30/2022 annual Town Meeting warning.

5. Adjourn

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

The meeting adjourned at 7:38 PM. The next regular meeting of the Selectboard is scheduled for April 4, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved April 4, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Tuesday, March 29, 2022
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 Administrator Shane O'Keefe. Others – None.

1. Call meeting to order

Thomas Cavanagh called the meeting to order at 5:15 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

None.

Melissa Brown raised, and the Board briefly discussed development in the community, noting some of the opportunities and constraints or challenges.

Taylor Prouty spoke about the need for bottle and can redemption in the community, and ways to increase services at the Transfer Station, and it was agreed to add this matter to the agenda of the next regular meeting.

3. Old Business

a. Executive Session(s) – 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 potential hiring of a new Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town Administrator Shane O'Keefe to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Board entered executive session at 5:17 PM and came out of executive session at 5:20 PM.

Taylor Prouty ***moved to hire Troy Maynard to a full-time Road Crew position at a rate of $22.00 per hour, plus benefits, effective as soon as possible, subject to completion of a probationary period of 6 months****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

4. Adjourn

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

The meeting adjourned at 5:28 PM. The next regular meeting of the Selectboard is scheduled for April 4, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved April 4, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, April 4, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Solid Waste Coordinator Esther Fishman. Others – Magic Wastewater Association, Inc. President Ken Alberti, resident Lisa Sicotte, and Bruce Frauman (GNAT).

1. Call meeting to order

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 he is working on a new version of the road crew job description but that it is not yet ready, and recommended removing this matter from the agenda.

*Taylor Prouty **moved to adjust the agenda by deleting from the Roads & Bridges part of the agenda, the review of the Road Crew job description**, seconded by Jim Fleming. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 3/21/2022, 3/24/2022 & 3/29/2022

*Taylor Prouty **moved to approve the minutes of the Selectboard meeting of March 21, 2022, March 11, 2022 and March 15, 2022**, seconded by Jim Fleming. The **motion passed** unanimously.*

*Taylor Prouty **moved to approve the minutes of the Selectboard meeting of March 24, 2022, March 11, 2022 and March 15, 2022**, seconded by melissa Brown. The **motion passed** unanimously.*

*Taylor Prouty **moved to approve the minutes of the Selectboard meeting of March 29, 2022, March 11, 2022 and March 15, 2022**, 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 Taylor Prouty. The **motion passed** unanimously.*

5. Announcements/Correspondence

Shane O'Keefe noted the following:

- The Williams Dam Study has been uploaded to the Town website and a copy is available at the Town Office for people to review.

- Responses to the Invitation to Bid for the Town Office side entrance repairs are due on 4/12/2022.
- The most recent notice of vacancies for Town boards and commissions includes one opening for a regular member on the Planning Commission, one opening for an alternate DRB member and two openings for members of the Parks Board.
- The Town received a 3/14/2022 application to the Vermont Public Utility Commission from Verizon Wireless for certificate of public good for a new cell tower on land owned by Ski Magic, LLC at the base of Magic Mountain. This was previously discussed by the Board on February 7, 2022, he recalled, and mentioned that both the Selectboard and the Planning Commission are statutory parties and each may participate if they so choose.

Tina Labeau mentioned that the Town Report would hopefully be in the mail that week to Voters.

Tom Cavanagh gave a reminder that Town Meeting will be held on 4/30/2022 at 9:30 AM at the Town Hall.

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

- The DRB notice of public hearing, scheduled for 4/20/2022, on the application by the Beautification Committee for the Welcome to Londonderry signs.
- An advance notice of a 20kW solar net metering project from Same Sun of Vermont, Inc., dated 3/24/2022, for property at 2920 Under the Mountain Road.
- A 3/24/2022 letter from VTrans informing the Town that the grant for replacement of culvert #12 on Spring Hill Road at Eddy Brook, in the amount of $300,000, was not successful. O'Keefe mentioned that the Town already has a grant for $175,000 for this $500,000 project but additional funding for the project is necessary.
- The annual announcement from the Vermont Association of Conservation Districts of its Rural Fire Protection Grant Program, which can award of up to $20,000 for installation of new dry hydrants and other types of rural water supplies.
- The Windham County Sheriff's reports for January and February 2022.

  Brown inquired why there were police patrols that included several roads in the town of Jamaica. O'Keefe explained that the Sheriff patrols include both communities each day and it is more efficient for the Sheriff's Office to list all of the roads patrolled.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

None.

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman mentioned that she is gearing up to submit an application for grant funding for improvements to the redemption shed, specifically a new slab for the building. She added that the building could possibly be moved to accommodate this, and mentioned that the stove does not provide adequate heat.

b. Consider changes to hours of operation

Cavanagh stated that he had spoken with facility staff, and they are willing to open an hour late and stay open, preferably on Tuesdays. Fishman suggested that if the idea is to accommodate those working during the day then staying open until 6:00 PM might work better.

Cavanagh will discuss this with the facility staff and report back at the next regular Board meeting. He mentioned that this would not work in the winter due to darkness.

c. Discuss bottle/can redemption

Fishman mentioned that Wayne's redemption center in town had collected 150 bags per week before it closed and that number of bags is too large for our existing facilities, and there is only one company providing this service in the state now. She stated that getting licensing for this is not difficult, but it has several issues: 1) redemption facilities must take bottles and cans from anyone, not just users from the member towns, and 2) these facilities must deal in cash, which is not a desired way to conduct business for the Town, and 3) returnables must be sorted by type, material and brand, which is extremely difficult to do, and she handed out one page of a lengthy materials separation list to demonstrate this. She noted that the Lamoille facility employs someone full-time do handle this and is losing money on it.

Taylor was suggesting that this effort would possibly help create hours to make the Sunday position more attractive and help raise income at the same time.

Fishman stated that a bill is in the Legislature that expands the Bottle Bill by covering more types of products would make a redemption center even busier, messier and in need of more storage space. The idea of using redemption machines to help with redeeming returnables was discussed and thought to be problematic.

She stated that at present, redeemable bottles and cans are collected as donations and brought to a redemption center and the proceeds go to the parks and the Flood Brook Athletic Association.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of February 2022:

Salt – 158 tons   Sand – 1,188 yards

Fuel (gallons): Vehicles – 1,383.3, Town Office Generator – 6, Transfer Station – 70

He mentioned looking to purchase a drill press for the Highway Garage and mentioned the prices he was quoted, which were below that needing Board review.

Dryden mentioned that new employee Don Lyon started work that day and he discussed some plans for work and equipment for Lyon.

There was some discussion on repair work needed for the 2018 truck. There was also mention of the amount of stone needed to keep Under the Mountain Road open and high cost for this that has hit the budget hard, and places to save money to offset that will be necessary.

Prouty mentioned that a proposal from the Town of Windham for use of the Town's roadside mower came in late that day and this can be discussed in the future.

He also mentioned that Green Mountain Power needs to replace an electrical service below the road surface of Under the Mountain Road and he will be meeting with their representative in the coming days to discuss this.

Prouty also stated that he had developed some Highway Department summer work plans for future discussion, which will allow for better understanding for the Board of Highway Department goals and accomplishments.

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.

Jim Fleming ***moved to approve the excess weight permits for:***

- ***Camp precast Concrete Products, Inc., and***
- ***Beacon Sales Acquisition***

and authorize the Town Administrator to execute the permits on behalf of the Town*, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board reviewed a package of all 12 of the funding requests that came in before the 4/1/2022 submission deadline as well as a table that summarized each of them. O'Keefe noted that several requests came in toward the submission deadline, and that two proposals came in that superseded previous requests.

The total amount of requests was $412,200, and the Town has received $247,522 and will receive the same amount in FY2023 for a total of $495,044. O'Keefe recommended that the Board hold a special meeting to go over the requests, and have the Windham Regional Commission, and possibly the Vermont League of Cities and Towns, vet them ahead of time for eligibility to make the process most efficient.

Prouty suggested that the Board separate out the requests by category and give each within the category the same amount to be fair. He mentioned that ARPA is meant to address the impacts of the COVID-19 pandemic and that facility maintenance, as some requestors have proposed, is not necessarily related to the pandemic impacts.

Annunziata suggested that breaking it down by type of request creates an extra layer of decision-making.

Ken Alberti spoke to the request from the Magic Wastewater Association, Inc., and noted that ARPA eligibility was also directed toward wastewater infrastructure improvements. Cavanagh also suggested that the State of Vermont will be providing infrastructure funding for this type of use.

Cavanagh mentioned that the plan for the Board is to allocate ARPA funds at the next regular meeting. It was noted that there will be a need for the Town to determine how to verify expenditures for those receiving funds as being for eligible purposes

b. Report on training with the Planning Commission and One Londonderry

Melissa Brown spoke to the 3/26/2022 facilitated training session with Selectboard, Planning Commission and One Londonderry representatives invited. The facilitator Jeff Siegler was very informative she noted and provided many examples of various communities. She mentioned that it was eye-opening and hard to hear sometimes, as others believe that communication is not good and that there are misunderstandings. The goal of the session was to help bring the groups together.

The feeling of the people in a community can be reflective of how their community looks, she mentioned, and that the small things can help to lift the community.

She suggested that better communication in the community could help, such as broadcasting Selectboard meetings live. Fishman suggested posting 5 points each week to the Town email list to talk about what’s happening with the Town.

Annunziata suggested just broadcasting the meeting on Zoom so citizens can watch but necessarily participate. Brown stated that the Board should always endeavor to attract people to its meetings, and that approachability is key.

It was noted that GNAT can only broadcast live if there is special equipment at the location. But a web camera could be an option.

Annunziata suggested having a periodic meeting of representatives of various boards to share information. Prouty suggested that the Town always stay current with technology to help with getting information out to the community.

Brown mentioned that the participants all wanted the same thing: to be very proud of the where we live.

c. Ratify 3/21/2022 decision to acknowledge proposals for Town Hall roof repairs and construction management Services.

O’Keefe noted because the Board voted on 3/21/2022 on several matters regarding the Town Hall restorations after adding the matter to the agenda, the Board must ratify its vote.

Taylor Prouty ***moved to ratify the Board’s 3/21/2022 decision to acknowledge receipt of estimates of cost for various expenses related to the Town Hall restoration project, estimated to cost approximately $186,000, and proposed to be paid for the most part through the Town Building Reserve Fund. Each such expense shall first be approved by the Board after procurement in keeping with the Town’s Purchasing Policy****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

d. Consider proposal for Town Hall construction management services, and use of Town Buildings Reserve Fund

O'Keefe presented to the Board a proposal for construction management services for the Cole Company, Inc, which includes engineer Chris Cole preparing scopes of work for various pieces of the restoration project, and after the Town conducts the solicitation process, works with contractors to ensure proper workmanship and contract adherence. The cost would be 15% of the overall construction cost, and O'Keefe stated that Cole provides a very valuable service to the Town.

Jim Fleming ***moved to 1) accept the 3/30/2022 proposal from Cole Company, Inc. for professional construction management services for the Town Hall restoration project, 2) authorize the Town Administrator to execute a contract for these services, and 3) authorize the use of up to $15,500 from the Town Buildings Reserve Fund for this service. It is acknowledged that $9,300 was paid to Cole Company, Inc. for similar services for this project between 4/1/2021 and 3/30/2022, all of which was to be paid from the Town Buildings Reserve Fund****, seconded by Taylor Prouty.*

O'Keefe noted that the last sentence was to ensure that the record was clear that previous construction management efforts were also to come from the buildings reserve.

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

11. New Business

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

The Board reviewed and discussed these applications for liquor licenses.

Jim Fleming ***moved to approve 1st and 3rd Class Liquor Licenses for Manzana Inc., doing business as Manzana, Inc, also known as SoLo Farm & Table, related to property located at 95 Middletown Road****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

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

Jim Fleming ***moved to approve 1st and 3rd Class Liquor Licenses, and acknowledge receipt of an Outdoor Consumption Permit, for upper Tamarack, Inc. DBA Upper pass Lodge, related to property located at 420 Magic Mountain Access Road****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

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

Vincent Annunziata ***moved to approve a 2nd Class Liquor License for Jelley Enterprises, Inc., doing business as Jelley's Auto Care Center, related to property located at 2102 North Main Street****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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

Vincent Annunziata ***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 North Main Street*, seconded by Jim Fleming. 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 7:15 PM. The next regular meeting of the Selectboard is scheduled for April 18, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved April 18, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Tuesday, April 12, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe and Town Treasurer Bettina Labeau. Others – One Londonderry representative Elsie Smith.

1. Call meeting to order

Thomas Cavanagh called the meeting to order at 5:30 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

*Melissa Brown **moved to add a discussion on the special meeting scheduled for next week**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

O'Keefe suggested that the Board should not make any firm decisions with regard to the Williams Dam matter as this was not in the agenda and could cause concerns for those who have expressed issues over the Board's process. It was agreed to address this matter after the ARPA discussion.

3. Old Business

a. Consideration of use of funds from the American Rescue Plan Act (ARPA)

O'Keefe started off by noting that the Vermont League of Cities and Towns strongly recommends that towns elect to declare the standard allowance of lost revenue, which would still allow the Town to disperse funds in accordance with the eligibility requirements. The election to take this course is required by the end of April, and once done the funds can be used right away. He stated that one of the biggest benefits of doing so is that the level of reporting going forward is greatly reduced.

Both O'Keefe and Labeau suggested that the Board make this election to avoid exhaustive reporting for the Town and funding recipients for the coming years. The Board was provided with several resource documents from VLCT and other sources.

Prouty stated that it makes sense for the Town to get some better indications are what the ARPA money is to be used for by the requestors. Brown said that for next year, as people find that it may be easier to apply for

Cavanagh suggested that the ARPA funds should be distributed to those making requests this year and that the other half should go toward Town projects that will benefit all taxpayers.

Prouty suggested meeting specific needs this year and more generalized uses next year as for all taxpayers. O'Keefe mentioned several underfunded capital projects that will need to be funded through bonds, with interest, if they are not funded through ARPA funds.

Brown stated that there are those in the community experiencing greater loss now that what they were experiencing during the pandemic, and idea behind these funds is that they go to businesses, individuals and not-for-profits to help them stay on their feet financially. She stated that she is not comfortable not giving all of the money to the community, and Annunziata agreed.

There was discussion about which items closely met with the eligibility requirements, and several Board members suggested where they think the funding should be allocated. Cavanagh suggested the following funding allowances:

1. **Neighborhood Connections** **$50,000**
   - General organizational operating funds
2. **My Community Nurse Project** **$25,000**
   - Expanded service hours for two advanced practice nurses, upgrade equipment
3. **Tammy Clough** **$18,000**
   - Business impacts of pandemic
4. **West River Montessori School** **$55,000**
   - Roof replacement $39,000
   - Exterior protections $16,000
5. **Community Housing Study** **$23,000**
   - To be conducted by the Town
6. **South Londonderry Free Library** **$15,511**
   - Lost revenue from 2020 & 2021
7. **Thomas & Judy Platt/ Derry Downtown** **$8,600**
   - Business impacts of pandemic
8. **Huzon Alexander** **$12,500**
   - Dojo roof $8,500
   - Exterior repairs $4,000
9. **Magic Wastewater Association, Inc.** **$14,911**
   - Rebuild spray field electrical panel $7,552
   - Renovate pump control electrical panel $7,359
10. **The Collaborative** **$12,000**
    - Support expansion of Refuse to Use (RTU) program
11. **Friends of the West River Trail** **$13,000**
    - Improved access off West River ST, and construct new kiosk

The Board members were in general agreement with the allocations suggested by Cavanagh. And it was agreed that the $50,000 request from the Community Fund of Londonderry to establish a housing assistance fund should await the results of the community housing study.

Brown suggested coming up with parameters for next year's spending. It was agreed to add this to the agenda for the 2nd meeting in May. Prouty suggested that next year's process could be different to better reflect community priorities.

Cavanagh suggested that some of next year's allocation should go to the Town projects and some specific community needs.

O'Keefe read aloud the following resolution, which was drafted in coordination with the VLCT:

RESOLUTION FOR AMERICAN RESCUE PLAN ACT (ARPA) ALLOCATION

WHEREAS, *on March 11, 2021 the President of the United States signed into law the American Rescue Plan Act (ARPA) to provide continued relief from the impact of the COVID-19 pandemic; and*

WHEREAS, *the ARPA program appropriates funds to assist state, local, tribal and territory governments in responding to the COVID-19 pandemic; and*

WHEREAS, *the Town of Londonderry, Vermont has been notified of ARPA funding in the amount of $495,044.38, payable in two tranches; and*

WHEREAS, *the Town of Londonderry is in receipt of the first tranche in the amount of $247,522.19; and*

WHEREAS, *the Coronavirus State and Local Fiscal Recovery Funds provide needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency; and*

WHEREAS, *Treasury presumes that up to $10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund "government services."; and*

WHEREAS, *Recipients may elect a "standard allowance" of $10 million to spend on government services through the period of performance; and*

WHEREAS, *All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula provided by US Treasury, including those with total allocations of $10 million or less; and*

WHEREAS, *the Town of Londonderry has the need to fund government services while in the recovery phase of the COVID-19 pandemic.*

NOW, THEREFORE IT BE RESOLVED, *the Selectboard of the Town of Londonderry, Vermont, determines and authorizes the following:*

That the Town of Londonderry, Vermont hereby elects to declare a fixed amount of revenue loss, referred to as the "standard allowance", at the full amount of the Town's ARPA funding ($495,044.38) to be allocated to fund government services under the "replacing lost public sector revenue" spending category.

Vincent Annunziata ***moved to adopt the resolution as read****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Board members each signed the resolution.

O'Keefe was asked to draw up a recommended motion for the allocations for Board consideration at the next regular meeting. Subject to finalization of funding allocations, it was agreed that letters should be sent to each of the funding recipients as well as letters to the Community Find of Londonderry and One Londonderry.

b. Discuss special meeting scheduled for next week

Melissa Brown expressed that she was glad that a public meeting would be held for the upcoming vote on replacement of the Williams Dam, which had become a contentious item, and inquired about how the meeting should be run. Cavanagh mentioned that the Board would open with a statement and then hand it over to the engineer for a presentation, followed by questions and answers. O'Keefe noted that Moderator Doug Friant has agreed to moderate the meeting. Cavanagh added that his opening statement would be that the Board has not made any decisions, and it would be the Voters that ultimately choose the course of action.

Fleming stated that he hears from people that the vote is happening too quickly. Cavanagh mentioned that no matter which choice is made the project will take several years to take shape due to permitting requirements.

Taylor brought up the way the Town Meeting article reads. O'Keefe noted that in helping to draft the article he struggled with how to come up with language that would allow for voters to choose between options.

On those invited to attending the meeting, O'Keefe noted that in addition to the consulting engineers from Dubois & King, Inc., representatives from the Vermont Department of Environmental Conservation, the Connecticut River Conservancy and Trout Unlimited were invited as resources. Cavanagh mentioned he had sent an invitation to both fire departments as well.

Brown stated that she feels that the fire department wants to be able to weigh in on the project and be a resource, and that she understands that the department was not spoken to earlier in the engineering review process. Cavanagh noted that fire department representatives were at the previous Town Meeting and did not reach out to the Town on any concerns, and O'Keefe noted that Emergency Management Director Kevin Beattie was on the working group seeing through the engineering study.

O'Keefe suggested that the real issue for the community is the future of the Williams Dam and not ancillary issues such as wetlands, water supply and viewsheds. If the no-cost dam removal alternative is chosen then the cost savings could be applied to solutions for the other issues such as several dry hydrants.

Prouty and Brown brought up the unfortunate and negative online discourse revolving around this matter. It was mentioned that when people educate themselves about the alternatives, they've come to realize that the removal option makes most sense. And that it is a vocal minority of people pushing for the dam to remain.

The idea of visual depictions of the various alternatives was discussed, and the high cost of this was mentioned as being an issue.

Brown stated that it is up to the Board to try to put everyone at ease on the process of considering the alternatives. She mentioned that removal of the dam is an emotional issue for many people, and added that she has heard of concerns in the community about non-voters looking to speak at the Town Meeting.

There was discussion about fear of change in the community. There was also discussion on alternatives to the existing dry hydrant at the mill pond should the dam be removed. Cavanagh mentioned he had spoken with the Fire Chief early on and assured him that the dry hydrant would not be going away with the dam removal option, and would be relocated if the design called for it. Cavanagh mentioned that he had spent many hours researching the potential for other dry hydrant locations in the north village area. O'Keefe stated that he would inform the consulting engineer about concerns with the dry hydrant and to be prepared to address them.

O'Keefe noted that he had inquired of the consulting engineer the cost of dredging the entire mill pond and it is estimated at $150,000.

Prouty suggested that cost of the options will drive the decision-making process, and that repairing the dam will only perpetuate the liability dam it represents. Labeau mentioned the legacy we would be leaving if the Town doesn't take care of this now, and added that the local emergency management plan calls out the dam as a significant hazard. Brown inquired whether FEMA had been involved in the engineering process.

Annunziata suggested the possibility establishing dam committee to look into grants for the various alternatives. The applicability of a State of Vermont historic preservation grant was discussed, and O'Keefe noted that they are limited to $20,000 and would only apply to the more expensive of the two repair options.

It was agreed that the Board needs to remain transparent with all aspects of this process. There was further discussion of the extreme negative statements and feedback by way of social media outlets. Fleming suggested that the Board insist that people remain civil at the upcoming meeting, and it was agreed that the meeting would likely go smoothly when folks are in-person.

Arrangements for meeting setup were briefly discussed.

4. Adjourn

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

The meeting adjourned at 6:44 PM. The next regular meeting of the Selectboard is scheduled for April 18, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved May 9, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, April 18, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None

Others in Attendance: <u>Town Officials</u> – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Solid Waste Coordinator Esther Fishman, Conservation Commissioner Gary Hedman. <u>Others</u> – One Londonderry representative Mary Ellen Yankosky, Planning Consultant Mark Westa, Magic Wastewater Association, Inc. President Ken Alberti, resident Lisa Sicotte, and Bruce Frauman (GNAT).

1. Call meeting to order

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 mentioned that a last-minute liquor license application was received, and he recommended moving the executive session to the end of the meeting.

*Vincent Annunziata **moved to add to the New Business part of the agenda, as item 11.g., the consideration of a 2nd Class Liquor License for Mountain Energy of VT, Inc., DBA Mountain Energy, the review of the Road Crew job description**, seconded by Jim Fleming. The **motion passed** unanimously.*

*Vincent Annunziata **moved to adjust the agenda by moving from Old Business to the last item under new Business, as 11.h., the executive session on the appointment, employment or evaluation of a public officer or employee**, seconded by Taylor Prouty. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 4/4/2022 & 4/12/2022

*Taylor Prouty **moved to approve the minutes of the Selectboard meeting of April 4, 2022**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

O'Keefe noted that the minutes of the 4/12/2022 meeting are not complete yet and will be scheduled for approval at the next regular meeting.

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 noted the following:

- For a second time the Town did not receive any responses to the Invitation to Bid for the Town Office side entrance repairs, which were due on April 12.
- That an invitation to bid for summer maintenance of several Town parks for the coming three summers has been advertised and bids are due on 4/25/2022.

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

- A letter of 4/11/2022 to the Selectboard from Martha and Dick Dale noting that they will be unable to attend the upcoming annual Town Meeting and registering their support for the article funding engineering for the removal of the Williams Dam.
- An email of 4/8/2022 from Mad King Quarry giving notification of the impending blasting event at its facility on Rowes Road on April 22, which O'Keefe mentioned had been changed that day to April 26th.
- A notice from the Vermont League of Cities and Towns of an upcoming training on 5/11/2022 for Selectboard members on conducting legal and effective meetings.

O'Keefe mentioned that Town Treasurer Tina Labeau is awaiting a multi-year contract for a new Town Office copier that would be for a better machine at lower monthly cost, and inquired as to whether the Board wished the contract to come to the Board for review. Board members expressed that this would not need to come to the Board, and there were no issues with the Treasurer executing the contract.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Mary Ellen Yankosky, Chair of One Londonderry's community center working group, presented information to the Board about preliminary plans for the proposed Tri-Mountain Community Center, a regional multi-use facility that would serve the towns of Londonderry, Weston, Andover, Windham, Winhall, Jamaica, Landgrove, Peru, Bondville and Chester. There is an initial working group made up of non-for-profit groups, schools and the general public, and the facility is proposed include a multi-purpose gymnasium, a pool, athletic spaces, a commercial kitchen, a laundromat, a disaster relief component, and office, daycare and youth center spaces.

She noted that there will be in-kind services and support provided by several project partners, including project development work by Norwich University. She spoke to the many partnerships and relationships that the group hopes to include, and mentioned that grants and in-kind work would pay for the entire project.

Yankosky spoke to details of the many anticipated services and operational spaces within the proposed facility. And she noted that they are aware of costs, maintenance needs and overall facility sustainability.

The presentation included next steps and anticipated project timeline. She noted that there is no proposed site yet but that it would be in Londonderry. The Board thanks Yankosky for her efforts and the presentation.

7. Town Officials Business

a. Planning Commission – Presentation of North Village Main Street Study & Master Plan

Sharon Crossman introduced Mark West, the principal planning consultant working on the North Village Main Street Study and Master Plan, and mentioned that he had recently met with the Planning Commission and will be making the same presentation to the Selectboard. She added that the grant was wrapping up soon and she hopes come up with the final draft study.

Westa presented and discussed in detail various plans and diagrams related to the study and master plan effort. He discussed the public input process of how plans were refined based on that input. He mentioned several area constraints, such as traffic flow, flood hazard zones, water and wastewater matters.

He presented a draft preferred plan and noted features such as marking and realigning the entries to the village area to help define it as a pedestrian area and slow traffic down, promoting compatible infill construction, elevating roadways, realigning VT Route 100, creating a river walk and public space. He spoke about plan implementation taking a significant amount of time in various phases.

There was discussion about the proposed movement of VT Route 100 to accommodate the plan, and whether that is feasible. Cavanagh stated the VTrans would not allow for the proposed changes and Westa mentioned that there have been examples of roadway alignments being changed.

Westa spoke about community character, and whether the town sees itself as developing as a pedestrian-oriented or vehicle-oriented place. Brown suggested that the community should be nimble about the plans, as some of it can be done over time while some may not come to fruition. She added that it was an interesting exercise for the town to come together to discuss community concerns and desires.

Crossman mentioned that this good work is just a start for further conversations on community viability. Prouty recognized that the effort is based on a public process whereby participants collectively provided input.

There was discussion about the public process that took place for this planning process. Also discussion took place on flood hazard constraints.

Crossman stated that the next step for the process is for the Planning Commission to sign off on the plan and return to the Selectboard for its acceptance as a draft plan for North Main Street area. Project implementation steps could follow thereafter

Annunziata suggested that the Planning Commission should share with property owners along the river that this is a “big picture” project and that no one is proposing to take any one’s property for its implementation.

Crossman and the Board thanked Westa for his presentation.

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

O'Keefe mentioned that Emergency Management Director Kevin Beattie could not be at the meeting, and that this update to the Local Emergency Management Plan is done each year in order to provide the State of Vermont with municipal contacts and a list of local resources. He added that it is due on 5/1/2022 and will therefore need to be revised after Town Meeting.

Taylor Prouty ***moved to adopt the 2022 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 Vincent Annunziata. The* **motion passed** *unanimously.*

c. Conservation Commission – Williams Dam alternatives

Gary Hedman spoke to the recent position memo produced by the Conservation Commission with regard to the alternatives for the Williams Dam, which recommends that the Town pursue removal of the dam which makes most sense based on an ecological point of view.

He noted that the environmental benefits of dam removals are well known and documented. He noted that whichever alternative is chosen the next engineering phase will address recent concerns brought up in the community, including water for firefighting and both historic preservation and esthetic concerns.

He stated that the Commission has posted to its webpage a webinar previously aired that it produced on the Mill Pond. He said that the Commission looks forward to the upcoming informational meeting, and mentioned that several resource people involved with dam removals will attend and may be able to weigh in on availability of dam removal funding and can act as resources.

Brown noted that the study took place in the fall and questioned whether that was a consideration from an ecological standpoint. Hedman responded by saying that the study was only to consider costs of alternatives and that any next phase would need to look at ecological impacts for the State permitting processes. He mentioned that State agencies prefer to see dams removed and that any impacts on wetlands are a considered a cost to the benefit. Dam removal will allow the river to revert to its natural habitat, he added. And that there would be short-term ecological impacts from any of the alternatives. Three things that dams do to rivers, he said, is to elevate the temperature profile, starve it of natural siltation and nutrients, and prevents passage of fish.

Taylor Prouty ***moved to accept the recommendation of the Conservation Commission on this matter****, seconded by Jim Fleming. The* **motion passed** *unanimously.*

d. Conservation Commission – Proposed Shamberg property trails

Hedman noted that the Commission had met with representatives of the One Londonderry recreation group to discuss OL's interest in establishing a trail system on the Shamberg Town Forest property off of Green Mountain Trail. Given its oversight of Town Forests, the Commission provided a position memo to the Board, which notes that the Commission is supportive of the idea of creating better outdoor recreation opportunities, but notes some general concerns that need to be addressed. Hedman pointed out that periodic logging activity is likely to impact trails in the future and may be impacted. He noted that a site walk will take place soon, and that grant funding for this effort for planning and implementation may start rolling out as soon as this spring.

Vincent Annunziata ***moved to accept the recommendation of the Conservation Commission on this matter****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

e. Conservation Commission – Bee the Change program

Gary Hedman mentioned that the Commission recently hosted a representative of "Bee the Change", a Vermont-based organization seeking to establish pollinator-friendly plots in each town in Vermont. The organization is looking for two locations, and presently the Commission s considering the buyout property at the intersections of VT Routes 11 and 100, and the riverfront area of the Prouty property off Middletown Road. Commission members will do a site visit soon with the organization.

There would be no cost to the Town for land preparation and planting, and the idea is that it would be a low maintenance planting. Other property locations were briefly discussed, and it was noted that there many options for the organization as they can work with private landowners as well. There were no objections from the Board to considering this program further. Hedman mentioned that the next step is formalizing a request for partnering with Bee the Change and then coming back to the Board.

Yankowsky and Westa left the meeting at 6:57 PAM.

f. E911 Coordinator – Approve name of new private road (Moose Hill)

Following up the discussion on this matter on 3/21/2022, the Board reviewed a letter from the new property owner requesting Moose Hill as the name for the private road that serves several new lots at 4935 VT Route 11, and traverses parcel #.110040.100.

Vincent Annunziata ***moved to approve the naming of the private drive serving the properties at 4935 VT Route 11 as "Moose Hill"****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

O'Keefe inquired about the road name sign, and whether it was the Town or property owner who must put one up, and whether there were any State requirements. This was briefly discussed and O'Keefe will follow up with VTrans.

g. Discuss upcoming annual Town Meeting – Saturday, April 30th at 9:30 AM at Town Hall

Cavanagh noted that according to the Town Moderator and the Town Attorney, Article 22, which reads "*Shall the Town vote to raise and appropriate the sum of $40,000 for engineering costs for the removal of the Williams Dam*", cannot be amended to replace the word "removal" with either the words "replacement" or "repair" as was hoped as it would change the meaning of the article. O'Keefe noted that the Moderator's ruling on an amendment could be overruled by the Town Meeting Voters, but that could place the amendment into legal question. Cavanagh stated that it was the Board's intent to allow for the article to be amended if desired.

There was discussion about the informational meeting related to this article, which is scheduled for 4/20/2022. As it is a Selectboard meeting the Selectboard rules of procedure will be the guide. O'Keefe suggested that the Town's engineer first do a presentation and then open the meeting up to questions from the audience, with other experts available to help with answers. The idea of anyone having three minutes and then come back around for subsequent rounds was felt to be a good idea, with some time for follow-ups with the engineer.

It was agreed to invite the Sheriff to discuss the Windham County Sheriff Office contract matter under Article 13.

O'Keefe will explain articles 19 and 20, regarding the Community Economic Improvement Reserve fund.

Provision of lunch at the Town Meeting was briefly discussed, as was the possible sale of old street name signs during the meeting, possibly by silent auction.

8. Transfer Station/Solid Waste Management

h. Updates

Esther Fishman mentioned that a new utility pole has been placed near the Transfer Station to provide 3-phase power. Right now the facility does not have 3-phase but could use it in the future. She stated she would talk to electrician Gary Barton about the cost of tying in to the 3-phase power and to Green Mountain Power about this as well.

i. Consider changes to hours of operation

Cavanagh stated that he had spoken with Transfer Station staff and they're willing to open and close late one day per week, and Tuesday hours of 11:00 AM to 6:00 PM can work.

Fishman suggested supplemental lighting for later in the season, and there was discussion about how long the extended hours would run. It was agreed to start this as a pilot program on 5/10/2022 and to revisit it on 10/17/2022. Tracking facility usage during the extended hours will be important to determine whether to keep the extended hours. Brown suggested running the new hours for a full year to get the best usage information.

Taylor Prouty ***moved to change the hours of operation of the Transfer Station as follows: Opening at 11:00 AM and closing 6:00 PM on Tuesdays, starting 5/10/2022, and revisiting these hours on 10/17/2022, as appropriate****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

Fishman agreed to send out a press release on the Board's decision.

9. Roads and Bridges

a. Updates

Taylor Prouty noted that the Highway Department is trying to transition into summer projects from winter projects but is still dealing with some mud season work. And mentioned that the new employee, Troy Maynard, starts this next week.

Ken Alberti thanked the Road Crew for shimming the manholes on Magic Mountain Access, but inquired why the manholes weren't raised during the paving last year. There was discussion about this, and Cavanagh stated that he and Prouty would ask the Road Foreman about this.

Esther Fishman left the meeting at 7:52 PM.

b. Request for signs on Mountain Lake Road

Mountain Lake Road homeowner Sharon Wagner noted that there are a number of vehicles, including tour busses, that are traveling on Mountain Lake Road because GIS maps show it as a direct route from VT Route 11 to VT Route 100, even though some of the road is Class 4 and therefore not maintained by the Town.

She mentioned that tourists don't know that their GPS is not accurate and while there is a sign stating that it's a class 4 road, most travelers don't know what that means. Drivers are getting stuck on the road she mentioned

She suggested signage at each end stating that the people's GPS is incorrect, and it is not a through way. Other options for signage were discussed. She suggested also that the Town consider placing a sign on Lowell Lake Road just off VT Route 11 to catch people as early as possible.

O'Keefe suggested someday considering whether the Class 4 part of the road should someday become a Class 3 Road.

It was mentioned that private citizens are plowing the Class 4 section, and there was discussion about this practice and need to formalize this practice here and elsewhere in town.

Next steps include determining the proper sign to put up to be consistent with others in similar situations. Prouty will look into this and report back to the Board.

c. Access Permit 2022-04 – Winhall Station Road, Parcel 046001.001

Prouty spoke briefly to this application for an access permit.

Jim Fleming ***moved to approve access permit application No. 2022-04, submitted by Alex Westwood on behalf of Winhall Station Farm, LLC, for parcel #046001.001, located on the southside of Winhall Station Road, and having been assigned the E911 address of #64 Winhall Station Road****, seconded by Vincent Annunziata. The* ***motion passed*** *4-0-1, with Brown abstaining due to her working for the applicant.*

d. WRC request for bridge project prioritization

O'Keefe mentioned that a letter had been received from the Windham Regional Commission requesting that the Town prioritize one bridge in the community for listing on the State's capital plan. He recommended Bridge #31, the Cobble Ridge Road bridge over the West River, which was originally erected as a temporary bridge.

The issues with access for property owners when the bridge washed away during tropical storm Irene were discussed, as were right-of-way deficiencies, and insufficient abutment width.

Taylor Prouty ***moved to recommend that Bridge #31, the Cobble Ridge Road Bridge over the West River, be recommended to the Windham Regional Commission to be added to the State Capital Plan****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

e. Consider Road Crew/Equipment Operation job description

Prouty noted that he and O'Keefe had refined the job description, which now includes some changes and additional features that brings it up to date, and includes several levels of responsibilities. It does not provide any more responsibilities to the Road Crew but instead makes them clearer.

Brown suggested that this job description should ne reviewed for updates every few years. She inquired about next position for job descriptions review, and O'Keefe said he'd work on the Road Foreman description after Town Meeting.

Taylor Prouty ***moved to approve the new Highway Department job description for the position of Road Crew / Equipment Operator****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

f. 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.

Jim Fleming ***moved to approve the excess weight permits for:***

- ***Cota & Cota, Inc.,***
- ***G.W. Tatro Construction, and***
- ***Crandall Logging, LLC***

and authorize the Town Administrator to execute the permits on behalf of the Town*, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

O'Keefe mentioned that he had brought forward a motion that reflects the Board discussion and preliminary decision made at the previous meeting.

Vincent Annunziata ***moved to approve the following Fiscal Year 2022 allocations of funds from the American Rescue Plan, and authorize the Town Treasurer to make payments from funds received by the Town:***

1. ***Neighborhood Connections $50,000***
   - ***General organizational operating funds***
2. ***My Community Nurse Project $25,000***
   - ***Expanded service hours for two advanced practice nurses, upgrade equipment***
3. ***Tammy Clough $18,000***
   - ***Business impacts of pandemic on Mike & Tammy's Main Street Market and Deli***
4. ***West River Montessori School $55,000***
   - ***Roof replacement ($39,000)***
   - ***Exterior protections ($16,000)***
5. ***Community Housing Study (to be conducted by the Town) $23,000***

6. ***South Londonderry Free Library*** ***$15,500***
    - ***Lost revenue from 2020 & 2021***
7. ***Thomas & Judy Platt/ Derry Downtown*** ***$8,600***
    - ***Business impacts of pandemic on the Garden Café, Garden Gallery, and Blossoms Gift Shop***
8. ***Huzon Alexander*** ***$12,500***
    - ***Dojo roof*** ***($8,500)***
    - ***Exterior repairs*** ***($4,000)***
9. ***Magic Wastewater Association, Inc.*** ***$14,911***
    - ***Rebuild spray field electrical panel*** ***($7,552)***
    - ***Renovate pump control electrical panel*** ***($7,359)***
10. ***The Collaborative*** ***$12,000***
    - ***Support expansion of Refuse to Use (RTU) program***
11. ***Friends of the West River Trail*** ***$13,000***
    - ***Improved access off West River Street, and construct new kiosk***

The motion was seconded by Jim Fleming. The ***motion passed*** *unanimously.*

It was agreed that O'Keefe would draft individual letters for Cavanagh's signature to each of those requesting funds of the Board's decisions.

Sharon Crossman, Tom & Judy Platt left the meeting at 8:19 PM.

11. New Business

a. Green Up Day Coordination – May 1st

Cavanagh stated that Rich Phelan will be running this for the Champion Fire Company.

Jim Fleming ***moved to appoint the Champion Fire Company as the Town's 2021 Green Up Day Coordinators****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

b. Annual appointments – Representatives of the Deerfield Valley & Southern Vermont Communications Union Districts

Cavanagh mentioned that Ellen Seidman would like to remain as the Deerfield Valley CUD representative, and John Hankin would like to step up from alternate to be the representative for the Southern Vermont CUD due to Jeff Such's resignation. Each would serve as the others' alternate.

Jim Fleming ***moved to appoint Ellen Seidman as the Town's Representative to the Deerfield Valley Communications Union District Governing Board, and John Hankin as Alternate Representative, for one-year terms****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Jim Fleming ***moved to appoint John Hankin as the Town's Representative to the Southern Vermont Communications Union District Governing Board, and Ellen Seidman as Alternate Representative, for one-year terms****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

c. Annual appointments – Parks Board

O'Keefe mentioned that Steve Bergleitner wished to be reappointed to the Parks Board.

Vincent Annunziata ***moved to reappoint Stephen Bergleitner to the Parks Board for a three-year term ending April 30, 2025****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

O'Keefe noted that a vacancy will remain and he'll advertise for it.

d. Schedule for May Selectboard meetings

O'Keefe noted, similar to last year, that the first regular Selectboard meeting in May would normally be Monday, May 2nd but as this is only two days after the rescheduled Town Meeting and there are five Mondays in May again this year, he suggested pushing the meetings out a week.

Jim Fleming ***moved to reschedule regular Selectboard meetings this May to be held on May 9 & 23****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

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

The Board reviewed and discussed these applications for liquor licenses.

Vincent Annunziata ***moved to approve 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Ski Magic, LLC, doing business as Magic Mountain Ski Area, related to property located at 495 Magic Mountain Access Road, and acknowledge receipt of a request for a Caterer's License****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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

Vincent Annunziata ***moved to approve 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, Suite C-50****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

g. 2nd Class Liquor License for Mountain Energy of VT, Inc., DBA Mountain Energy

Vincent Annunziata ***moved to approve a 2nd Class Liquor License for Mountain Energy of VT, Inc., doing business as Mountain Energy, related to property located at 3590 VT Route 100 North****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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

Jim Fleming ***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 to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 8:27 PM and came out of executive session at 9:03 PM.

12. Adjourn

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

The meeting adjourned at 9:03 PM. The next regular meeting of the Selectboard is scheduled for May 9, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved May 9, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Wednesday, April 20, 2022
Town Hall – 139 Middletown Road, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Moderator Doug Friant and Town Administrator Shane O'Keefe. Others – Charles Johnston and Jeff Tucker of DuBois & King, Inc., Marie Levesque Caduto of the Vermont Department of Environmental Conservation, Ron Rhodes of the Connecticut River Conservancy, and Erin Rodgers of Trout Unlimited, Bruce Frauman and Andrew McKeever of GNAT, Cynthia Prairie of the Chester Telegraph, and those citizens noted below and on the meeting sign-in sheet, which is attached to these minutes.

1. Call meeting to order

Thomas Cavanagh called the meeting to order at 6:05 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

None.

3. Amend the Selectboard Rules of Procedure to expand public participation for informational meeting

Taylor Prouty ***moved to amend the Selectboard Rules of Procedure to provide as follows for this informational meeting:***

1. ***Interested Parties will be permitted to ask one question of the Town's engineer, Selectboard or Town staff, and then have up to three minutes of dedicated follow-up discussion after having been provided with an answer,***
2. ***A second such round of questions, answers, and follow-up will take place after all interested parties have participated in the first round, and***
3. ***The Chair may at any time increase the question follow-up time****, seconded by Jim Fleming. The* **motion passed** *unanimously.*

4. Informational Meeting on the Williams Dam

Town Moderator Doug Friant welcomed those attending and noted that the purpose of this portion of the meeting was for citizens to be better informed for the vote on Town Meeting Article #22, which is "*Shall the Town vote to raise and appropriate the sum of $40,000 for engineering costs for the removal of the Williams Dam*". He stated that the vote is about engineering costs, and he mentioned that there are several experts presents, who he introduced as follows: Charles Johnston and Jeff Tucker of DuBois & King, Inc., the Town's engineering consultants; Marie Levesque Caduto of the Vermont DEC Watershed Planning Program; Ron Rhodes of the Connecticut River Conservancy; and Erin Rodgers of Trout Unlimited

Friant stated that the audience should be aware that the pandemic is not over and to continue to take appropriate precautions.

Cavanagh read the following opening statement on behalf of the Board:

> "Good evening. We are here tonight to hear from the Town's consulting engineer about the study conducted on Williams Dam and to allow you to ask any questions you may have to become better informed. The board in no way are experts on the dam. That is why, in keeping with the 2021 Town Meeting vote, Dubois and King was hired to conduct the engineering study to evaluate the condition of the dam and determine the comparative costs of its removal, repair, or replacement. After carefully looking at the results from the study the board has unanimously recommended that the dam be removed. The future of Williams dam is in you the voter's hands, no decision has been made yet. I ask that everyone please be kind and act in a civil manner. Most if not all of us here tonight call Londonderry home and deeply care about our great town and its future.
>
> I also need to inform the voters that while the board's intent was to have an article that could be amended to include any of the three options for the future of the dam, I regret to inform you that the wording of the article as it is written cannot be amended to say repair or replacement. After consulting with Town Moderator Doug Friant and the towns legal counsel the way the article is written does not allow for it to be amended, since amending it would change the meaning of the article entirely. On behalf of the board, I apologize for our mistake in crafting the wording of the article in such a way that it cannot be amended. That leaves two options for the voters to consider on Town Meeting Day. You can vote on the article has it is written or, if you choose, you can table or pass over the article until we can hold a special meeting where all options can be voted on at a future date. Again, I apologize and would like to reiterate that the boards intention was to have an article that could have been amended to include any of the three options for the dam".

Engineer Charles Johnston gave an overview of the Williams Dam study to the meeting attendees.

Friant went over the rules of procedure again for those attending.

Individual questions and comments were posed by the following attendees: Patty Eisenhaur, Fire Chief Jim Ameden, Larry Gubb, Cynthia Gubb, Rachel Febbie, Bob Wells, Bob Forbes, Pete Cobb, Steve Swinburne, Tom Platt, Conservation Commissioner Irwin Kuperberg, Hubert Schriebl, Fire Chief Jeff Duda, Gary Barton, Margot Wright, Vincent Annunziata, Kathy Mosenthal, Stephen Twitchell, and Conservation Commissioner Gary Hedman.

Questions and comments were posed and responded to by the engineer and others, including the following:

- What repair work might be required by the State of Vermont.
- The status of State new dam safety design rules.
- The extent to which the dam study considered impacts to surrounding area and firefighting water supplies.
- Criticality of the mill pond dry hydrant.
- Potential for use of the dam for hydroelectric generation.
- Interest in maintaining wildlife usage of the existing mill pond and wetlands.
- Concern about loss of another historic structure in the village.
- Whether dam removal would be beneficial to flooding impacts.
- Possibilities for fixing the slide gate to make the low-level intake structure operational.

- Local availability of older dam plans and reports.
- What would happen with the silt in the mill pond.
- Environmental impacts of dam removal vs. keeping the dam.
- Whether channel and bank erosion is increased by dam removal, and could it negatively impact the downtown district, particularly with septic systems.
- Ownership of lands exposed at the edge of the mill pond if the dam is removed.
- Impacts on flooding of Utley Brook.
- Amount of extra pressure that existing silt is applying to the dam.
- Cost of maintaining the mill pond.
- How the riverbank is replanted if dam is removed.
- Reliability and maintenance of dry hydrants within rivers.
- The extent to which dams slow water speeds.
- Example of dam removal on West River in South Londonderry.
- Wish to take more time for the community to decide on the alternative.
- Availability of funding for the various alternatives, other than through property taxes.
- The cost of engineering for the dam removal alternative.
- The propriety of voting for engineering funds for dam removal before a vote a on which alternative is chosen.
- Whether to vote on the article or to pass over it.
- Whether the article can be amended at all.
- Whether there be greater availability of repair funding if the dam were considered a high-hazard dam.
- Possible impacts of dam removal on tourism and business.
- Dam access/safety restrictions for dam repair or replacement alternatives.
- Lack of municipal liability insurance for all but the dam removal option.
- Whether State rules will come into effect anytime soon.
- Financial burden to Town for failure to act by choosing the no-action option.
- Whether the State is considering removal of high-hazard State dams in Londonderry.
- Aesthetic change to the community if mill pond is removed.

5. Adjourn

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

The Moderator and Board members thanked the attendees, and the meeting adjourned at 8:20 PM. The next regular meeting of the Selectboard is scheduled for May 9, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved May 9, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 9, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty, and Melissa Brown.

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, and Planning Commission Chair Sharon Crossman. Others – Town Attorney Bob Fisher (via phone at 7:45 PM), Fire Chief Jeff Duda, and residents Trevor Dryden, and Bruce Frauman (GNAT).

1. Call meeting to order

Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

Vincent Annunziata ***moved to adjust the agenda by moving from Old Business to the last item under New Business, as 13.c., the executive session on the negotiating or securing of real estate purchase or lease options****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

3. Organization

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

Cavanagh and Annunziata volunteered to continue in their respective positions.

Taylor Prouty ***moved to elect Thomas Cavanagh as Selectboard Chair****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to elect Vincent Annunziata as Selectboard Vice Chair****, seconded by Melissa Brown. 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 as permitted by applicable State law, meetings may be held without a physical presence using publicly available remote meeting software****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

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

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

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

Cavanagh volunteered to continue with this responsibility.

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 Procedure

Vincent Annunziata ***moved to adopt and execute the Selectboard Rules of Procedure****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously*

4. Minutes Approval – Meeting(s) of 4/12/2022, 4/18/2022 & 4/20/2022

Vincent Annunziata ***moved to approve the minutes of the Selectboard meeting of April 12, 2022, April 18, 2022 and April 20, 2022****, seconded by Taylor Prouty.*

Brown pointed out that the incorrect day of the week was shown at the top of the 4/20/2022 draft minutes, which should be corrected in the final minutes. *The* ***motion passed*** *unanimously*

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O'Keefe noted the following:

- An alternate for the Southern Vermont Communications Union District governing board is needed as Ellen Seidman has mentioned that she is too busy to handle this at this time.
- There is a Vermont League of Cities and Towns training on May 11 for Selectboard members on conducting legal and effective meetings.
- The work plan for the PFAS sampling at the former septage fields has been submitted in draft form, and the State of Vermont is requesting additional twice/year testing at another test well location to cost $600 per year. He mentioned that he'd like to sign the work order for Waite-Heindel Environmental Management for that additional amount unless the Board had any objections. There were none. He also mentioned that the Board had approved the original work back on 12/20/2021.
- The Board received a petition from T-Mobile requesting a certificate of public good from the Vermont Public Utilities Commission for what is described as a de minimis modification of telecommunications antennas and equipment at an existing tower facility at 495 Magic Mountain Access, located at the top of Glebe Mountain. The Board is automatically a party to the petition, he mentioned, and if Board members would like to review the document to let him know.

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

- A copy of a 4/14/2022 letter from Vermont Emergency Management to FEMA's Boston Office formally withdrawing the floodproofing project for 2116-2136 North Main Street. It was noted that the project may be eligible for a new funding round with applications due on 6/20/2022.
- A 5/5/2022 notice from VTrans that the Town's application for Class 2 paving funds for road reconstruction work on Landgrove Road was denied. Brown inquired about the grant approval process for this type of grant, and O'Keefe responded that these grants are made to towns on a rotational basis and Londonderry was not necessarily going to receive a grant this year, but it always makes sense to submit in case other communities do not. A grant will be approved in the coming years he added.
- An invitation to attend a 5/24/2022 webinar from VLCT on Regulating Cannabis. Interested Board members should register online.
- An invitation, dated 4/19/2022, to recommend members to the Board of Directors of VLCT-PACIF Board of Directors.
- An invitation, dated 4/11/2022, from the Chester Snowmobile Club to the annual landowner thank you BBQ.
- Windham County Sheriff's report for March 2022.
- Financials for March 2022.

Trevor Dryden noted that there is another entity seeking to establish a Communications Union District based in Winhall and a public meeting on that is scheduled for 5/12/2022. This was briefly discussed.

7. Visitors and Concerned Citizens

None.

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)]

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

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

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

f. Animal Control Officer [20 VSA 3549]

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

9. Town Officials Business

None.

10. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that the hours at the Transfer Station would change on Tuesday to 1:00 AM to 6:00 PM effective the following day as a pilot program, and chage back when later determined by the Board.

11. Roads and Bridges

a. Updates

Taylor Prouty noted the following usage for the month of April 2022:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 730.6, Town Office Generator – 0, Transfer Station – 202

He mentioned that he had earlier in the day distributed a draft work plan for the Highway Department that updates previous versions and highlights work particular to this summer. It can be used as a guide for future years. Culvert work, ditching and grading is underway he mentioned.

He added that the Road Crew is fully staffed and the new members are doing great work.

b. Discuss equipment sharing agreement with Windham for roadside mower

Prouty mentioned again that he was approached by a Selectboard member from Windham expressing interest in an equipment sharing agreement with Londonderry for the use of the new roadside mower. Windham's contract mower is not available and they have limited options at this time. He had asked for example agreements and better definition of what their usage of the equipment would look like, and he was provided with better information. Prouty said his initial response was that this summer would not be appropriate for a starting time as there is too much catch-up work to do for Londonderry, and he recommended passing on an agreement at this time until the Road Crew can determine when the equipment would be idle.

The matter was passed over and no decision was made.

c. Consider roadway pull off for proposed dry hydrant along Parsons Lane

Champion Fire Company #5 Fire Chief Jeff Duda mentioned that one of three areas in town slightly underserved by firefighting water is Parsons Lane, and he is proposing that the Town extend the side portion of the road by 10’ for a 40’ distance to accommodate a pull-off for a proposed dry hydrant at a large pond on private property. He said he wished for the Town to decide on this before he approaches the landowner, and stated that the project would likely be for next year. Prouty mentioned he thought it would be entirely within the right-of-way, and Cavanagh mentioned that Road Foreman Josh Dryden has no issues with it.

Duda discussed the possible costs and available funds for the dry hydrant project, and mentioned that local volunteer efforts could go toward local match. The Board members each expressed support for the project.

He mentioned that there will be a large firefighting training event on the weekend of 5/21/2022 to include a number of area fire departments, and on 5/22/2022 the training will include up to 20 trucks behind and around the plaza.

Duda thanked the Board members and left the meeting at 6:31 PM.

d. Consider annual purchase of calcium chloride/magnesium

O’Keefe explained that this is the 2nd year of a 3-year contract for material, which requires 12,500 gallons/year. He added that the proposed purchase was for magnesium chloride only and that the price increased by 3 cent per gallon. Prouty stated that he would like to stock up before the budget year ends.

Trevor Dryden suggested that the Town consider establishing a reserve fund for materials such as this for ease of purchasing timing.

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 $1.03 per gallon for magnesium chloride, and authorize the Town Administrator to execute any documents necessary for this purchase on behalf of the Town****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

12. Old Business

a. Platt Elevation Project – 5th Extension of Memorandum of Understanding

b. Platt Elevation Project – 5th Extension of Construction Contract

O’Keefe mentioned that on 2/21/2022 the Board approved an extension for this MOU to 5/1/2022, and the project is still not completed. He reported that only a handful of items need to be done to complete the project, but that there has been little movement on the part of the property owners, who are also acting as general contractors. He recalled that on 3/21/2022 the Board authorized seeking a budget amendment to address several unanticipated project items, and noted that he is still waiting on a revised budget spreadsheet from the property owners in order to submit the budget change request.

O'Keefe mentioned the exorbitant amount of administrative effort that he has expended on this. Work necessary for project completion was discussed, and O'Keefe noted that he hoped to meet with the Platts soon to discuss project status.

Prouty noted several factors that are concerning, such as contractor inexperience, supply chain issues and subcontractor scarcity. The Board discussed the appropriate length of the extension.

O'Keefe noted that to date Town has spent $99,677 and has been reimbursed for almost all of that, with a drawdown scheduled for the next week or so to bring the Town to even.

Tom Cavanagh ***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 May 1, 2022 to June 30, 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 February 21, 2022****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

Tom Cavanagh ***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 June 30, 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 February 21, 2022****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

c. Review bids and award contract for summer parks maintenance

The Board reviewed two bids received in response to the 4/14/2022 Invitation to Bid for summer maintenance of Town parks for a three-year period: from Dryden;s Outdoor, Inc. of Londonderry, and Guilmette Landworks of Burlington, VT. O'Keefe noted that the ITB specifies that *"(f)ailure to use the enclosed form shall be deemed as non-responsive and shall invalidate any submittal"*, and stated that Guilmette Landworks did not use the Town's bid form so should be considered invalid.

O'Keefe mentioned that the Parks Board has voted to recommended that the contract be awarded to Dryden's Outdoor, Inc., whose bid prices are as follows:

	Year 1	Year 2	Year 3
Mowing & Trimming	$8,075	$8,415	$8,755
Bond & Beech cleanup	N/A	$1,500	$1,500

Melissa Brown ***moved to 1) accept the bid from Dryden's Outdoor, Inc. for summer parks maintenance, and 2) authorize the Town Administrator to enter into a 3-year contract agreement for these services on behalf of the Town****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Trevor Dryden left the meeting at 6:57 PM.

d. Water/Wastewater Study – Authorize grant application and approval documents, and engineering contract amendments

O'Keefe explained that in response to the Town's applications for additional water-wastewater project funding under the Clean Water State Revolving Fund program for the two villages, which the Board authorized on 12/20/2021, the Town has been awarded $84,000 for each village, as follows:

Engineering	$40,000
Legal (deed research/survey/easements)	$29,000
Community Assistance/Administrative	$15,000
Subtotal	$84,000

Funding would be through 100% forgivable loans. He added that an additional $41,000 for each village for land acquisition will be funded under ARPA later in the project, as appropriate, bringing total funding to each village project to the $125,000 originally requested.

O'Keefe spoke to the importance of this project for the future viability of the community. Sharon Crossman added that she has shared documents from other communities that have completed similar projects in order to share their experiences. She mentioned that there has been some difficulty moving forward with the project due to lack of available wastewater system sites and lack of project understanding in the community. She also stated that towns that don't address wastewater issues can become stagnant, with no capacity to grow or address existing problems. Crossman looks to increase public awareness and understanding of the need for solutions and of the different types of possible systems through better public outreach, including information sessions.

Annunziata suggested for the community outreach and education effort that a YouTube video be produced that would allow community information meetings to be available for citizens to watch and learn about the projects on their own time.

Vincent Annunziata ***moved, with regard to the North Village and South Village Water-Wastewater Projects: 1) to accept additional forgivable loan funds from the Vermont Clean Water State Revolving Fund in the amount of $84,000 for each project; 2) to authorize the Town Administrator to execute related loan agreements on behalf of the Town, subject to Town Attorney review; 3) to accept the proposed amendments to the existing engineering contract with the Dufresne Group, dated December 16, 2019, subject to State of Vermont concurrence, and furthermore to authorize the Town Administrator to execute these amendments and any necessary related State of Vermont authorizations; 4) to authorize the Town Administrator to hire the Town Attorney and a licensed surveyor with the loan funds to conduct necessary property exploration work, to include deed research and surveys; and 5) to hire the Windham Regional Commission with the loan funds to assist with public outreach and education to support the projects****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

e. Zoning Bylaw amendment – Consider consultant services contract

O'Keefe noted that Brandy Saxton of PlaceSense, the consultant that worked with the Planning Commission to draft the proposed new Zoning Bylaw, has been contacted to propose services to take the next steps in the process, including hearing draft finalization, statutory review reports and general assistance with the adoption process. Crossman mentioned that the Planning Commission is close to a final draft and that questions have arisen about short-term rentals. The proposal calls for 34 hours of work to cost $3,400, and O'Keefe mentioned that the effort would be handled in both this and next fiscal year.

Taylor Prouty ***moved to accept the proposal from PlaceSense/Brandy Saxton to provide consultant services for the Zoning Bylaw rewrite project, to be paid for from the Planning Commission budget, and to authorize the Town Administrator to enter into a contract agreement for these services on behalf of the Town****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

f. Discuss Town Hall and Town Office repairs

O'Keefe pointed out to the Board correspondence from Construction Manager Chris Cole suggesting that instead of the Town putting the upcoming Town Hall and Town Office repair projects out to bid that the Town instead consider negotiating costs with VMS Construction, the firm that successfully provided construction services for the Town Hall this past year. He mentioned the difficulty of securing bids so far for the Town Office and that by combining the projects the Town may have a large enough project to be attractive to the contractor.

It was noted that preliminary structural design information has been received for the balcony repairs.

There was general agreement with sole source negotiation for these projects, subject to Board approval of any contracts. The order of individual repair projects was briefly mentioned, and it was agreed the roof repairs was a priority.

g. Annual appointments – Parks Board

Vincent Annunziata ***moved to reappoint Andrew Kubica to the Parks Board for a three-year term ending April 30, 2025****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

13. New Business

a. Consider requests for use of Town Hall

The Board briefly reviewed an application for use of the Town Hall for a children's birthday party. Melissa Brown recalled a previous discussion on updating the Facility Use Policy and agreement, and O'Keefe agreed to work on a draft.

Vincent Annunziata ***moved to authorize use of the Town Hall on May 21, 2022 by Natalie Boston for a children's birthday party, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Follow-up discussion on 2022 Town Meeting

<u>Article 22 – Williams Dam</u>

Cavanagh mentioned he'd spoken with a representative of the USDA Natural Resources Conservation Service (NRCS) about grant funding for rehabilitation of the Williams Dam through the Watershed and Flood Prevention, and it appears that the dam would not likely be eligible for the program. The representative can do a site visit if the Town requests.

Annunziata suggested forming a study steering committee of citizens interested in exploring the three dam alternatives to provide an opportunity for people to convene and pool information. He mentioned several people in the community who may be interested, and Cavanagh suggested that it would be best to have citizens that are not set in their opinions on the matter. Such a committee could report periodically to the Board.

Annunziata also mentioned regulatory timeframes for the Town to act one way or another, and O'Keefe recalled that the Connecticut River Conservancy representative had opined that 100% funding for dam removal option would be available for the next year or so. Cavanagh stated that there was interested voiced in doing a risk analysis for the dam removal option. There was discussion about how to fund this sort of work.

Brown suggested further discussion with Gary Hedman about next steps for the Town, and agreed that citizen participants in a steering committee need to be open-minded. The Board members discussed recruitment and the amount of effort and oversight necessary for such a steering committee. Establishing a directive to the committee was suggested.

Article 14 – Mechanical speed controls

The Board discussed how best to decide which traffic calming methods to employ. It was agreed that a traffic engineer should be brought on to assist with design and location of items such speed humps, and to work with the Windham County Sheriff's Office and VTrans on where best to install radar feedback signs. It was noted that a State permit is required for radar speed signs along State highways.

Brown suggested holding a public meeting where citizens can provide input into what improvements to make and where. Prouty mentioned the Town should try not to overlap with Sheriff Office services, such as employing mobile radar speed carts, and that fixed radar signs would probably work best. He also suggested avoiding anything that would require ongoing maintenance from the Road Crew.

The need for more speed limit signs was noted, and O'Keefe suggested that some of the voted funds be used to supplement budgeted funds to erect speed limit signs, and that a contractor can do this instead of the Road Crew.

O'Keefe suggested hiring an engineer first, which could cost $5,000 - $10,000, and he will look into this and report back to the Board.

c. Executive Session – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)

Taylor Prouty ***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 and Town Attorney to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:45 PM, and the Board came out of executive session at 8:04 PM.

14. Adjourn

Vincent Annunziata ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 8:05 PM. The next regular meeting of the Selectboard is scheduled for May 23, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved May 23, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 23, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty and James Fleming.

Board Members Absent: Vincent Annunziata and Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Parks Board members Kelly Pajala and Marge Fish; Conservation Commissioner Irwin Kuperberg; Planning Commissioners Sharon Crossman, Larry Gubb and Mimi Lines; and Emergency Management Director Kevin Beattie (via phone at 6:05 PM). Others – Windham Regional Commission Senior Planner Alyssa Sabetto (via phone at 6:05 PM); One Londonderry representatives Elsie Smith and Patty Eisenhaur; West River Farmers Market President Cynthia Prairie; Londonderry Historical Society representative Mimi Wright (6:42 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)]

Irwin Kuperberg asked to add an agenda item to discuss the Conservation Commission's interest in the pollinator project, and Tom Cavanagh asked to add an agenda item to discuss the Historical Society's interest in borrowing a painting from the Town for a show.

Taylor Prouty ***moved to add to the Town Officials part of the agenda, as item 7.f., information on the pollinator project from the Conservation Commission****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Tom Cavanagh ***moved to add to the Town Officials part of the agenda, as item 7.g., a discussion of the Londonderry Historical Society borrowing a painting****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 5/9/2022

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of May 9, 2022****, 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 Jim Fleming. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

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

- A letter from the West River Montessori School thanking the Board for its recent contribution of ARPA funds, and updating the Board on its summer plans for the donated funds.

- A letter from the Brattleboro Development Credit Corporation (BDCC) and Southeastern Vermont Economic Strategies (SeVEDS) forwarding their summer Town Bulletin.
- A notice from the Vermont League of Cities and Towns of regarding the availability of dental insurance for municipal employees. O'Keefe noted that he and Labeau would be meeting with VLCT's head of risk management in the coming weeks.
- A letter of introduction from The Community pf Vermont Elders (COVE) regarding its history and program services.
- Windham County Sheriff's monthly report for April 2022.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

None.

7. Town Officials Business

a. Emergency Management Director – Adopt Local Hazard Mitigation Plan

Kevin Beattie and Alyssa Sabetto joined the meeting via telephone.

The Board members had received the draft Local Hazard Mitigation Plan as prepared by Sabetto under contract with the Town. Beattie gave an overview of the need for the plan and mentioned that such a plan is required every five years, and the previous plan has expired. Sabetto noted that the plan helps the Town to understand the vulnerabilities of the community and provides action plans to address them, and added that adoption of the plan is one of three base criteria necessary to increase the local match from 7.5% to 12.5%. Final approval expected from FEMA shortly, she said, and recommend that the Town start the update process four years from now.

Beattie mentioned that the grant to produce the plan was for $7,612 and has a 25% local match, which can take the form of in-kind services.

Taylor Prouty ***moved the following:***

WHEREAS, the Town of Londonderry, VT has worked with the Windham Regional Commission to identify natural hazards, analyze past and potential future damages due to natural disasters, and identify strategies for mitigating future damages; and

WHEREAS, The Town of Londonderry, VT Local Hazard Mitigation Plan analyzes natural hazards and assesses risks within the community; and

WHEREAS, the Town of Londonderry, VT Local Hazard Mitigation Plan recommends the implementation of action(s) specific to the community to mitigate against damage from natural hazard events; and

WHEREAS, the Town of Londonderry, VT authorizes responsible agencies to execute their responsibilities to implement this plan for the purposes of long term risk reduction and increased community resiliency and;

WHEREAS, the Town of Londonderry, VT will follow the Plan Maintenance Process outlined in this plan to assure that the plan stays up to date and compliant; and

NOW, THEREFORE BE IT RESOLVED that the Town of Londonderry, VT adopts the Town of Londonderry Local Hazard Mitigation Plan as well as future revisions and maintenance

required by 44 CFR 201.6 and FEMA for a period of five (5) years from the date of this resolution, *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Beattie and Sabetto left the meeting at 6:15 PM.

b. Planning Commission – Monthly update

Sharon Crossman spoke to the Board about Planning Commission matters. Regarding the Water/Wastewater study, she mentioned that water testing is continuing, and that last week the project engineer and several of the working group members walked and viewed several potential new wastewater system locations on public properties in the villages. The next step is to determine soil suitability with borings, and this matter way come up at the next Board meeting.

Irwin Kuperberg requested that any discussion on use of the Custer-Sharp property for the project should be coordinated with the Conservation Commission. There was discussion about the need for permission from the Library Board to do borings on the Library-owned land adjacent to the Town Office. O'Keefe discussed the need for further deed research and determination of spring rights there. Fleming mentioned that he knew of an old well on property across from his home.

On the North Village Master Plan, the plan is in final editing and the grant closes out in June, she mentioned. The plan provides several action items, some of which may need follow up planning grants.

Regarding the Zoning Bylaw amendment, Crossman mentioned that the short-term consultant contract with PlaceSense to help finalize the Bylaw and assist with the public review process is now in place.

On the proposed Housing Needs Assessment that was approved for ARPA funding by the Board, she mentioned that the Commission intended to work with the One Londonderry housing group on it, and that the goal is to finish the plan over the summer.

Patty Eisenhaur stated that she is proposing that a housing working group be established, including Commission members and One Londonderry members, to move the project along, and to include O'Keefe in the RFP process, with the goal of completing the study over the summer. She requested clarification on the Board's oversight over the project.

Cavanagh stated that if the working group is with the Planning Commission, then the project is subject to the Vermont Open Meeting Law, requiring agendas and minutes.

c. Board of Listers – Authorize contract for GIS mapping services

O'Keefe noted that the Listers had discussed upgrading GIS mapping integration services to provide mapping for assessment as well as planning/zoning purposes during the budgeting process in the past year. A proposal had been received in August 2021 from Cartographic Technologies, Inc. that included a one-time setup fee of $3,475 and an annual fee of $3,000, and the Listers signed a three-year contract in order to lock in the annual fee, but did so without Selectboard authorization. He noted that the company has taken over the GIS mapping for the Town from the previous vendor and provides excellent services.

Taylor Prouty ***moved to accept the August 30, 2021 proposal from Cartographic Associates, Inc. for GIS internet services for the Town, and to authorize the Chair of the Board of Listers to execute a three-year contract with the vendor on behalf of the Town that includes this service****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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

Tina Labeau asked the Board members if there were any questions on the budget to date, a copy of which was in the meeting packet. It was agreed that the budget looked to be in good shape. There were no questions from the Board.

e. Conservation Commission – Discuss Shamberg Forest trail proposal

Irwin Kuperberg spoke to the proposal from the One Londonderry recreation group to establish a trail system on the Shamberg Town Forest property off of Green Mountain Trail. He mentioned that a site walk was scheduled to take place in the coming weeks and expressed his hope that Selectboard members could attend. He noted that logging of the property is in the not too distant future and that the site contains a heron rookery. There was discussion about what type of trail usage would be allowed.

f. Conservation Commission – Discuss pollinator project

Kuperberg spoke to the “Bee the Change” program, which seeks to establish pollinator-friendly plots in each town in Vermont, and mentioned he had met with a program representative. One site at the Transfer Station previously considered is not usable as it is a capped landfill, but Cavanagh suggested the lower septage field as a possibility. They are considering the buyout property at the intersections of VT Routes 11 and 100, and the road frontage area of the Prouty property on Middletown Road due to its public visibility. Pajala recommended considering the Morris buyout property at 2550 VT Route 11.

Kuperberg confirmed that there was no ongoing obligation for the Town on any site that is chosen, and restrictions on future use. He stated that he will come back to the Board to report on further progress for the program.

g. Discussion loan of painting to the Londonderry Historical Society

Mimi Wright requested that the Londonderry Arts and Historical Society be permitted to borrow a Harry Shokler painting now in the Town Clerk and Treasurer’s office for an upcoming exhibit. It would be returned by 8/15/2022, she mentioned.

Jim Fleming ***moved to let the Londonderry Historical Society to borrow the painting of South Londonderry for the Londonderry Historical Society show****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Wase Management

a. Updates

Cavanagh noted for the public that the Transfer Station is now open on Tuesdays for a pilot program on extended hours from 11:00 AM to 6:00 PM, with the goal of helping with access to the facility after many people’s work hours.

9. Roads and Bridges

a. Updates

Taylor Prouty noted that the Road Crew is picking away at the list of projects in preparation for the summer.

b. 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.

Taylor Prouty ***moved to adopt and execute the annual financial plan for Town highways pursuant to 10 V.S.A. Section 306(j)****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Consider Road Foreman job description

Prouty stated that the proposed new version of the job description adds some details to the previous version, is more up-to-date and relevant, and is consistent with the Road Crew/Equipment Operator description recent approved but expands on it.

Taylor Prouty ***moved to approve the new Highway Department job description for the position of Road Foreman****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

O'Keefe noted that Melissa Brown had asked to include this matter on the agenda to begin discussions on use of the second tranche of ARPA funds. As she was not present it was decided to hold off on further discussion until the next regular meeting.

b. Discuss Williams Dam alternatives

Cavanagh stated that he had spoken with Bob Thompson of the USDA Natural Resources Conservation Service about possible funding for rehabilitation of the Williams Dam through the Watershed Program Planning Assistance, and now has the documents that can be filed to initiate a site visit for further consideration for funding eligibility. He stated that Thompson is confident that the project most likely would not qualify, but there is no way for sure without taking this next step.
Prouty noted that he is aware that this grant program can take a very long time and that other communities that have tried to use it and have backed out. Cavanagh confirmed that the State dam safety engineer is unaware of any town in Vermont that have successfully used the program, and that the program is geared for high-hazard dams.

Jim Fleming ***moved to seek funding and professional assistance from the USDA Natural Resources Conservation Service for the Williams Dam, and authorize the Town Administrator to submit an application for federal assistance on behalf of the Town****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Kuperberg left the meeting at 6:51 PM.

c. Consider BDCC Community Facilities Technical Assistance Program grant agreement for Town Hall structural design

O'Keefe recalled for the Board that when the structural engineering design for the Town Hall balcony was recently approved, a portion of the funding for this effort was expected to be coming from a technical assistance grant from the Brattleboro Development Credit Corporation. The required contract agreement paperwork for the $4,032 grant was received and reviewed, had stated, and he mentioned that it was a reimbursable grant whereby the Town must expend the funds and then seek reimbursement. O'Keefe stated that due to project timing at the end of the fiscal year, the grant funds may take some time to come in so the project may show a deficit for FY2022.

O'Keefe provided a brief update on the project status.

Jim Fleming ***moved to accept a grant of $4,032 from the Brattleboro Development Credit Corporation's Community Facilities Technical Assistance Program to support structural design services for the Town Hall restoration project, and authorize the Town Administrator to execute any documents necessary to secure the funding on behalf of the Town, including a grant agreement****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

Smith and Eisenhaur left the meeting at 6:55 PM.

11. New Business

a. Itinerant Vendor Permit Application – West River Farmers Market

Cynthia Prairie spoke on behalf of the West River Farmers Market application, and thanked the Board for its support over the years. Cavanagh raised a concern about traffic last year, noting that cars were illegally parked along North Main Street and the bridge, and that traffic control needs to be addressed.

Prairie mentioned that it is hard for them to control traffic, but they are looking into having a traffic control person for peak traffic periods and look to address various safety issues.

It was noted that off-street parking available nearby.

Crossman mentioned that she had spoken with a VTrans representative who mentioned that the State looks to paint lines on the roadway and bridge to prevent illegal parking, and noted that backing onto the State highway is a violation.

Prairie added that signage may be effective to dissuade illegal parking, and they are looking into connecting with the Sheriff's Department on traffic matters.

There was discussion about the use the Town Office for WRFM meetings. They will submit a request for Board consideration.

Jim Fleming ***moved to approve Itinerant Vendor Permit #2022-01 submitted by the West River Farmers Market of Londonderry, Inc. for 2022, and allow for use of Williams Park for this purpose, subject to the permittee 1) maintaining insurance coverage throughout the period of use of the Town property, to include Commercial General Liability Insurance with a limit of not less than $1,000,000 per each occurrence and General Aggregate coverage of at least $2,000,000, and 2) providing to the Town, prior to the first use of the Town property, an acceptable certificate of insurance that names the Town as an additional insured****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

b. Discuss Town parks security and maintenance

Kelly Pajala stated that she had been contacted by the Town's portable toilet provider and informed that after pumping the units at Pingree Park they found syringes, beverage and whipped cream cans and bags of dog refuse. The vendor found so much of this that it had to removed separately from the other waste, and informed her that if there is no improvement the company would cease from providing service, she reported. And on a subsequent visit she and Cavanagh viewed and cleaned up addition syringes, trash and dog refuse bags.

Pajala brought up the need to change behaviors about use of the units. She mentioned new signage at the dog park, where the refuse bags are found, and several alternatives were discussed:

- Put up security cameras at appropriate locations.
- Lock gates at night, which requires daily opening and closing by volunteers or paid staff.
- Remove portable toilets from the park.
- Place trash and recyclables containers in the park, which requires periodic checking and emptying and is subject to misuse by those depositing household trash.

There was discussion about security cameras, and how best to site them. Challenges to ways to accommodate them via cellular connection and fiber Wi-Fi were raised. Pajala suggested connecting with the Sheriff's Office to assist with siting and technology guidance for security cameras.

It was noted that the Windham County Sheriff's Office has been contacted about providing addition patrols, and O'Keefe will also contact the Vermont State Police on this for off hours.

Pajala suggested a short-term solution would be to place rugged trash and recyclables containers in the park, and provide the ability to empty them timely. The applicability of ARPA funding to cover security technology and trash receptacles was raised.

Crossman suggested that getting the word out on this matter could lead park users to be more observant and report any misuse of facilities. Pajala noted there is some presence at the park, with the Parks employee on site from time to time, Dryden's Outdoor doing periodic maintenance work, and the Flood Brook Athletic Association's use for athletics. Cavanagh suggested that Board members go by the park at later hours to help create a presence.

It was agreed to put this matter on the agenda for the next meeting, and discuss security cameras, appropriate waste receptacles and connecting with the Sheriff's Office.

c. Appoint Forest Fire Warden position **[10 VSA 2641(a)]**

The Board briefly discussed the Forest Fire Warden position. O'Keefe pointed out that this is a 5-year appointment made by the State of Vermont.

Taylor Prouty ***moved to appoint Melvin Twitchell as Forest Fire Warden, subject to concurrence by the Commissioner of the Vermont Department of Forest, Parks and Recreation pursuant to 10 V.S.A. Section 2641(a)****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

d. Annual appointments – Conservation Commission

The Board reviewed applications for reappointment to the Conservation Commission.

Jim Fleming ***moved to reappoint Sunny Wright and Irwin Kuperberg to the Conservation Commission for 4-year terms ending May 31, 2026****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

O'Keefe noted that 2021 appointments for Conservation Commission were mistakenly done for 3 years, instead of the 4 years required by 24 VSA 4502.

Taylor Prouty ***moved to amend the Board's decision of May 24, 2021 to reappoint Stephen Swinburne to the Conservation Commission, by extending his term to May 31, 2025****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to amend the Board's decision of August 30, 2021 to appoint Gary Hedman to the Conservation Commission, by extending his term to May 31, 2025****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

12. Adjourn

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

The meeting adjourned at 7:27 PM. The next regular meeting of the Selectboard is scheduled for June 6, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved June 6, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 6, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata (6:03 PM), Taylor Prouty and James Fleming.

Board Members Absent: Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Road Foreman Josh Dryden (6:15 PM); and Recycling Coordinator Esther Fishman. Others – West River Farmers Market President Cynthia Prairie; residents Annie Campbell, Annie Bessette, Jane MacKugler, Guerrino Savio, Jim Mann and Hubert Schriebl; 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)]

None.

3. Minutes Approval – Meeting(s) of 5/23/2022

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of May 23, 2022****, 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 Jim Fleming. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Shane O'Keefe noted the following:

- The Local Hazard Mitigation Plan was approved by FEMA on 6/1/2022. He thanked Emergency management Director Kevin Beattie for working with Windham Regional Commission's Alyssa Sabetto to get the project done on budget.
- The application for watershed planning assistance for the Williams Dam from USDA has been submitted, and we await word on when they will conduct an inspection to determine eligibility.
- Also on the Williams Dam, the Town's engineer, DuBois & King, has begun preparing the Emergency Action Plan, which is required by virtue of the recategorization of the dam as a significant hazard potential dam.
- An alternate for the Southern Vermont Communications Union District governing board is needed, as Ellen Seidman has mentioned that she is too busy to handle this at this time.
- A Request for Qualifications for engineering of Spring Hill Road culvert replacement went out last week and submittals are due on 6/20/2022.

- The Invitation to Bid for winter sand went out that day and bids will be received in time for consideration at the next Board meeting.
- He mentioned that unless there are objections from the Board, he had hoped to have Duane Hart mow the septage fields in exchange for the hay again this year. There were no objections.

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

- A copy of the Notice to Taxpayers on grievance, dated 5/26/2022.
- A copy of the letter seeking USDA assistance on the Williams Dam, dated 5/26/2022.
- An announcement from the Vermont Council on Rural Development on its annual Community Leadership Summit, scheduled for 8/10/2022.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Esther Fishman noted that someone from One Londonderry would meet with the Board at the next regular meeting.

Landgrove Road concerns -- Jim Mann and several other residents of Landgrove Road spoke to the Board about the deteriorating condition of the Landgrove Road pavement, noting potholes and crumbling pavement, and asked that the Board consider repaving the road from Old Stowell Hill to Barker Road, and mentioned several specific problem areas.

Taylor Prouty noted that the Town had employed an engineer at the end of 2021 to conduct a paved road inventory and capital plan, and that Landgrove Road is on the top of the list for full reconstruction in 2026. There was mention of the Town's establishment of a highway improvement reserve fund and that the Voters approved a $220,000 contribution for FY2023, which would increase in future years according to the capital plan. Prouty stated that the Board will be discussing summer paving plans later in the meeting and that it is likely that only limited interim repairs of various roads, including Landgrove Road, would be considered instead of full repaving due to the very high cost of paving at present.

There was an inquiry into what steps residents can take to report roadway concerns and Prouty suggested contacting any Selectboard members or Town staff to provide notice. There was mention of the extreme efforts with mud season this year and a Road Crew staff shortage as well that kept attention away from some of the paved road repairs.

Mann requested a copy of the paved road inventory and O'Keefe stated he would send it to him.

Williams Park maintenance -- Hubert Schriebl spoke about the lack of lawn maintenance of Williams Park near the West River and Williams Dam that prevents visitors from viewing the river, and noted that he had heard from vendors at the West River Farmers Market that the Town doesn't want to spend the money on maintenance. Cavanagh and Prouty assured Schriebl that this issued had not previously been brought to the attention of the Board and the Board has never decided not to provide maintenance to their knowledge.

O'Keefe suggested that this was a matter for the Parks Board to consider.

7. Town Officials Business

a. Town Clerk – Review list of unregistered dogs [20 VSA 3590]

Labeau spoke to the list of unregistered dogs, which includes 30 unregistered dogs that had previously been registered, and a list of 13 people with dogs that have never registered them.

Vincent Annunziata ***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.*

8. Transfer Station/Solid Wase Management

a. Updates

Fishman mentioned that the hazardous materials collection day took place on the previous Saturday, and 65 cars came through, which was relatively low and maybe had to do with the nice weather.

Cavanagh mentioned that one of the backhoe cylinders is down and needs to be sent out to be repacked and will be out of service for a week or two..

b. Authorize contract for hazardous materials collection

Fishman spoke briefly to the contract for hazardous materials collection, and this company was purchased by a larger company, so a new contract agreement was needed. O'Keefe confirmed that the Town Attorney has signed off on the agreement.

Taylor Prouty ***moved to approve the June 2, 2022 services agreement with US Ecology Burlington, Inc. for hazardous materials collections services, and to authorize the Town's Recycling Coordinator to execute the one-year contract with the vendor on behalf of the Town****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of May 2022:

Salt – 0 tons   Sand – 0 yards

Fuel (gallons): Vehicles – 871.9, Town Office Generator – 0, Transfer Station – 0

He mentioned that all equipment is doing well except that the steering on the excavator needs some work. And he said that the new department staff is doing well together, and work is getting done.

Prouty mentioned he was approached by Green Mountain Power about Town policy on burying utilities in the roadway, noting that the utility needs to do some upgrades to underground lines along Under the Mountain Road and is considering whether to bury its lines the entire length of the road. The Town has no specific policy on this at present but there is State statutes that allow the Town to require permits, and further research into this is needed. Some towns require utilities to be buried to a specific depth or be encased, he noted.

He suggested that consideration of these projects could become part of the road access permitting process, and just revising the policy and application form after researching best practices from other towns.

Taylor mentioned that other communities have addressed this and have taken steps to establish requirements to reduce liability to the Town and mandate ongoing maintenance requirements for permittees. O'Keefe noted that a new application for a culvert under Old School Street was just received that can be a first run at this issue.

Taylor and O'Keefe will work on changes to the Road Access Policy to address this issue.

b. Discuss summer paving

Prouty and Dryden explained their recommendations for paving. Prouty noted the limitations of available funds and the number of projects that can be done. Referring to the paved road evaluation, which has certain pavement recommendations, some road conditions need immediate work, but given the high cost of paving and trucking this year, it is recommended that labor-intensive work as opposed to material-intensive work be prioritized, and not all of the $220,000 paving funds be spent this year. By underspending by ~$70,000 the Town can do a more comprehensive job in the following year through use of the reserve fund, Prouty explained. He suggested only shimming areas that are really bad.

Prouty suggested that an alternative might be to grind some roads in one year and then pave the following year to spread out the costs; the roads would remain gravel during the intervening winter, which could help with winter maintenance efforts.

Use of ARPA funds for paving was discussed.

Dryden suggested a 1" shim for portion of the following roads, which he estimated to cost $155,000:

- Landgrove Road – 1.2 miles
- Thompsonburg Road - .8 miles
- Middletown Road - .4 miles

This would not include overlay and chip sealing, and he noted that this would possibly give the Town 2-5 years of service.

Paving preparations such as culvert replacement, was discussed and the lack of availability of culverts was discussed. Dryden stated that there are some in stock that should suffice for Town needs.

It was agreed to go with Dryden's recommendations, and to include paving culverts on Spring Hill Road as a bid add-on, and O'Keefe will prepare and distribute an invitation to bid.

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

The Board reviewed an overweight permit application, and O'Keefe mentioned that it did not have a sufficient certificate of insurance.

Jim Fleming ***moved to approve the excess weight permit(s) for Consolidated Communications, Inc., subject to receipt of an acceptable certificate of insurance naming the Town as an additional insured, and authorize the Town Administrator to execute the permit(s) on behalf of the Town****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

It was agreed to pass over this matter until Melissa Brown can be available to participate.

b. Discuss Town parks security and maintenance

O'Keefe noted that he had conferred with the Windham County Sheriff's Office, and it was recommended that the Town use game cameras to try to identify those involved in illegal dumping. He also mentioned he had found some rugged waste and recycling containers that could be appropriate for the Town's parks, though there are likely very costly.

Cavanagh mentioned he had given some cell phone connected game cameras to Kelly Pajala. He mentioned some technological specifications and costs. Prouty suggested that securing Wi-Fi connectivity at Pingree Park was very important, and mentioned that he was aware that Pingree Park is known as a meeting location for nefarious activities due to it being secluded.

Fleming suggested locking the gate to Pingree Park at night, but it was noted that opening and closing it each day may be difficult to orchestrate.

There was discussion on whether warning signs are necessary to give notice to the public that there are video cameras.

c. Consider request for use of Town Office meeting room

Following up on the discussion at the previous Board meeting, Cynthia Prairie was present from the West River Farmers Market regarding the WRFM's application for use of the Town Office for its monthly Board of Director's meetings.

Cavanagh congratulated Prairie on the lack of illegal parking at the farmers market over the prior weekend.

Jim Fleming ***moved to authorize use of the Town Office Meeting Room by the West River Farmers Market Board of Directors on June 8, July 6, August 10, September 7 and October 12, 2022 from 5:30 PM to 7:00 PM for its periodic board meetings, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

11. New Business

a. Consider changes to land use review fees

O'Keefe presented to the Board proposed new fees for land use permitting, noting that they had not been adjusted since 2008. He brought to the Board's attention an email from legal staff at the Vermont League of Cities and Towns advising that fees must be reasonable. He mentioned that there had been some research into what other communities have adopted and he stated that he felt the proposed fees were reasonable, were geared toward covering the Town's administrative costs, and did not represent a significant increase.

Included in the fees is a provision that doubles fees, other than recording fees, for applications submitted after-the-fact.

Annunziata stated that he thought the increases were very reasonable and probably did not keep up with inflation.

Taylor Prouty ***moved to approve new land use review fees for the Town as presented, which shall take effect on July 1, 2022 and shall be included in the minutes of the meeting****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The new fees, effective 7/1/2022, are as follows:

APPLICATION TYPE	FEE
Zoning Permit	$75
Site Plan Review	$150
Conditional Use Review	$150
Variance	$150
Lot Line Adjustment	$125
Subdivision – Up to 3 lots	$250
Subdivision – 4 or more lots	$200/Lot + $250
Planned Unit Development	$200/Unit + $250
Change of Use	$150
Appeal of Zoning Administrator decision	$150
Certificate of Compliance	$100
Driveway/ROW Access – Modification	$50
Driveway/ROW Access – New	$75
Recording Fees – per page	$15
Recording Fees – per mylar	$25

- All fees (except for recording fees) are DOUBLED for applications submitted "after-the-fact", i.e., when any element of Land Development has already taken place.
- Applicant may be required to pay the reasonable and customary charges for assistance provided by experts, (engineers, planning consultants, etc.) requested by the Development Review Board, Selectboard or Planning Commission.
- Fees for combined review shall be adjusted from the above schedule. Applicants shall pay the highest applicable initial review fee per the above schedule plus a flat $75 fee for each additional review. By way of example: A two-lot subdivision requiring a variance would pay a total review fee of $325. Zoning permit and recording fees are added to all review fees.

b. Consider whether to establish a local Cannabis Control Commission [7 VSA 863(b)]

There was discussion about whether the Board wanted to establish a local Cannabis Control Commission now that the Voters have authorized retail sales of cannabis, such sales set to begin in the fall. There was discussion about what actual control such a commission would have.

Prouty stated that if the Board decides to establish such a commission that the Board itself should be appointed at first and if it becomes a burden then it could be handed off to non-Board volunteers.

It was agreed to put this matter on the agenda for the next regular meeting when it is hoped that there would be a full Board present, and that Board members would conduct further research on the matter.

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 Administrator to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:17 PM, and the Board came out of executive session at 7:23 PM.

d. Consider long-term lease for solar array project on former Town septage field

Jim Fleming ***moved to 1) Agree to an extension of the lease option agreement with Green Lantern Development, LLC, which was previously approved by the Board on June 7, 2021, and recorded in the Londonderry Land Records at Book 9, Page 432; and, 2) Accept and approve the long-term lease agreement with Londonderry GLC Solar, LLC related to the proposed access to, construction and operation of a 500 kilowatt solar array on the northerly of the two former septage fields located on parcel #103010.000, subject to final review and edits by the Town Attorney and to all notice and petition provisions as provided for under 24 V.S.A. Section 1061. 3) Prior to any final execution of the lease agreement, the Board shall certify the designation of an agent empowered to convey the lease on behalf of the Town****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

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

Vincent Annunziata ***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 to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:27 PM, and the Board came out of executive session at 7:48 PM.

12. Adjourn

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

The meeting adjourned at 7:49 PM. The next regular meeting of the Selectboard is scheduled for June 20, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved June 20, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 20, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty 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; Road Foreman Josh Dryden (6:15 PM); and Recycling Coordinator Esther Fishman; Planning Commissioners Sharon Crossman and Larry Gubb; Conservation Commissioner Jane MacKugler. Others – One Londonderry Representatives Elsie Smith, Mary Ellen Yankosky and Patty Eisenhaur; Neighborhood Connections Executive Director Nicole Wengerd; business owners Judy and Tom Platt; 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)]**

Jim Fleming ***moved to delete from the agenda Old Business item 10.b., the discission on the establishment of a local Cannabis Control Commission, due to the importance of having all Board members in attendance for this discussion****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Jim Fleming ***moved to delete from the agenda New Business item 11.a., the Update on Communications Union Districts, due to the Town's C.U.D. representatives being unable to attend the meeting****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 6/6/2022

Vincent Annunziata ***moved to approve the minutes of the Selectboard meeting of June 6, 2022****, 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 noted the following:

- That day was the deadline for responses to the Request for Qualifications for engineering of Spring Hill Road culvert replacement, and that two responses were received. He asked if there were any Board members who wished to work with him to review the qualifications statements, and Prouty stated he might be able to do so.
- That he had arranged for Cota & Cota to top off the Town's heating oil tanks before the end of the month to take advantage of the $2.47 per gallon rate.

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

- A copy of the signed lease option extension with Green Lantern Solar, dated 6/6/2022.
- A copy of the Notice of Conveyance of Municipal Real Estate for the proposed lease of a portion of the Transfer Station property for the proposed Green Lantern Solar solar array, dated 6/15/2022. He noted that after 30 days, if there is no petition seeking a Town Meeting vote on the lease, the Board can then authorize execution of the lease.
- A chart of potential funding sources for culverts and bridges, compiled by the Windham Regional Commission.
- Catering permits for events on 7/2/2022 and 7/9/2022 at Magic Mountain.
- An advance notice of a 50kW solar net metering project from property owner Adam Walsh, received 6/6/2022, for property at 532 Landgrove Road. He mentioned that the Board may choose to get involved once the application is filed with the Vermont Public Utilities Commission.
- The 2022 member guide from the Vermont League of Cities and Towns that explains its benefits and services.
- Notice of the upcoming online webinar titled "Human & Beaver Dams – When and How to Remove", scheduled for 6/29/2022 from 6:00 – 7:30 PM. A registration link is in the notice, he mentioned.
- A letter from the Magic Wastewater Association, Inc., dated 6/3/2022, thanking the Board for its contribution of ARPA funds for its utility infrastructure improvements.

Kelly Pajala mentioned that early and absentee voting for the primary election begins on 6/24/2022.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Mary Ellen Yankosky, Chair of One Londonderry's Community Center working group, spoke to the Board about the proposed Tri-Mountain Community Center, and first mentioned that the origin of the community center effort was from the recommendations of the Vermont Council on Rural Development community visit project in 2021.

She stated that the working group's most pressing challenge is to find property that would be the perfect place for a community center and future housing, and noted that the One Londonderry Community Center and Housing working groups, in collaboration with Norwich University School of Engineering and Construction, are seeking the Board's support and endorsement to explore the development of the Town-owned Prouty Property on VT Route 100 for these purposes. Yankosky stated that the project's design and engineering would be covered by in-kind support of approximately $150,000 - $200,000 from the University and additional in-kind consulting support from non-profit management and real estate professionals.

She provided updates on the Community Center working group and noted that it is organizing to establish itself as an independent. And mentioned that they were aware that the Town acquired the property for municipal purposes. She emphasized that use of the land for housing, recreation, support services, senior activities, daycare, community events and town gatherings by the residents of Londonderry and our surrounding neighborhood communities would be in keeping with that purpose.

Yankosky requested that the Board put a "hold" on any disposition of the Prouty property (Parcel # 104017.000) minimally until 6/1/2023 to allow the working group and its consultants to use that time to plan the buildings, landscape, and any additional uses. At the end of the 10-12 months, she went on, they will have all of the reports, surveys and plans needed to determine whether the property will be appropriate for the placement of the Tri-Mountain Community Center, potential housing, and additional activity areas to create a community hub.

She added that it would be run by a not-for-profit entity, and not be a private or municipal facility, and that the Voters will not be asked to fund its construction or operation. Cavanagh mentioned that any proposed sale of the property should go to the Voters for concurrence.

Taylor Prouty mentioned that there were some studies done in the past for the site, and Pajala mentioned plans for a municipal facility may still be available, and Sharon Crossman noted that the West River Farmers Market may have conducted some studies of the site and there were earlier studies of the sit that would prove helpful to the effort, such as with wastewater capacity.

O'Keefe inquired whether the Norwich University representatives would be conducting surveys and/or borings on the site, and Yankosky said the plan was to begin that work in August.

Patty Eisenhauer stated that the Prouty site would be ideal for housing. Nikki Wengerd mentioned that being able to use the community facility for its community services would be ideal.

Cavanagh expressed concerns about the intent of the Voters to approve the acquisition of the land and would need to do some research. He also pointed out that a large portion of the land in is the flood hazard area. Larry Gubb recalled that the original intent was for a centralized water and wastewater plant, but there were many constraints and other proposals as well over the years. Labeau mentioned a previous effort to relocate the Town Office at the location was voted down.

Cavanagh asked Yankosky to come back to the next meeting to discuss this further, and in the meantime the Town would conduct some research into the site.

7. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman spoke to the Board about Planning Commission matters. On the North Village Master Plan, the plan is done she reported, and the Commission has approved the final report subject some very minor tweaks, so copies will be coming soon. Next steps, she stated, are to close out the grant, set new priorities for the next phase of the project, seek additional grant funding and bring on a consultant to do the work.

On the wastewater study, she reported that there is exciting news in that funding through the American Rescue Plan Act (ARPA) has been received and more funding at significant levels is in the works and the Town is likely to receive funds enough to build out needed in-ground wastewater facilities. There are several promising sites recently located that have suitable soils, including the library property adjacent to the Town Office. She mentioned that she and the Town's engineer met with the Library Board the previous week to discuss the project and get permission for further site analysis, which was given. She mentioned that the Town Attorney would soon be doing deed research for the library and surrounding properties, the cost of which would be covered by the project grants. She also mentioned that a tour of the Manchester community system at the Dana L. Thompson Memorial Park is being planned to view what these facilities can look like without impacting other functions. She'll provide the date and time to the Board.

On the proposed housing study, the Commission has met with the One Londonderry housing group and has formalized a consultant scope of work and request for proposals, and the RFP has already gone public. She noted that the Commission is looking to establish a working group to include One Londonderry housing group members to oversee the project and invited the Selectboard to appoint one or more members to participate. It was clarified that it would be a subcommittee of the Commission, and therefore subject to the Vermont Open Meeting Law.

Regarding the Zoning Bylaw amendment, Crossman noted that there is a new contract with the consultant to finish the work, to begin in the fall. She mentioned that addressing shorty-term rentals is a priority, and the Commission hopes to have a number of public hearings, each addressing various specific sections of the proposed Bylaw, similar to what the Town of Chester is doing. She clarified that consultant work will be done over the summer in preparation for public hearings in the fall.

b. Conservation Commission – Discuss Shamberg Forest trail proposal

Jane MacKugler spoke to the One Londonderry recreation group's effort to establish a trail in the Shamberg Forest and mentioned that a walkthrough of the property to view the potential trail is being scheduled. She mentioned that the trail would be a bike route.

Cavanagh asked MacKugler to contact the Board when the date for the walkthrough is decided.

c. Conservation Commission – Consider site for pollinator project

Jane MacKugler discussed the proposed Bee the Change pollinator garden project and asked that the Prouty property be considered for this due to its visibility from the road.

She noted that Bee the Change does all of the site preparation and planting work, and would put signage out on the property.

Other alternative properties were discussed, as were the desired site conditions. The plantings would be perennials that need very little maintenance MacKugler noted.

Cavanagh suggested that MacKugler let Bee the Change know that if the planting does take place at this site that it would not be a permanent use of the land as other uses may be advanced in the future. O'Keefe asked if there was any kind of formal agreement that Bee the Change has with communities, and MacKugler was not certain of whether this was done. He also asked if there is any ongoing maintenance requirements.

Pajala noted that the neighboring tennis center uses the property without permission from the Town for camp use, and that someone should connect with them to ensure the plantings are not trampled.

The specific location on the site for the pollinator garden was discussed. It was agreed that the Commission would come back to the Board with a map of the portion of the Prouty property they look to use for the project for consideration.

d. Town Treasurer – Receive & review Treasurer's internal financial control document [24 V.S.A. 872(c)]

Tina Labeau noted that there is no change from the previous year's document.

Jim Fleming ***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 Taylor Prouty. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Wase Management

a. Updates

Fishman discussed information on proposals for scales at the facility, and mentioned that it did not seem possible for a number of reasons, which she reviewed. There is a long history of exploration of the site for this and nothing seems viable. There is trash buried belowground restricting any excavation for scales. And above-ground scales could prove problematic to internal traffic pattern.

Cavanagh noted the backhoe has been fixed and is back in service.

9. Roads and Bridges

a. Updates

Prouty mentioned that the Road Crew is continuing with brush removal prior to roadside mowing, which should start soon. Grading and ditching is still continuing.

b. Access Permit 2022-05 – 45 Old School Street, Parcel 101303.000 (road crossing)

Prouty mentioned that the parties have agreed to continue exploration of alternative solutions to the proposed road crossing and refine details of the proposal, and that the Town will need to provide to the property owner the Town's requirements as well. He suggested that instead of the Board approving the request with conditions that the Board instead pass over this for now. There was no objection to this, and no action was taken.

c. Review bids and award contract for FY2023 Winter sand

It was noted that again only one response was received in response to the Town's Invitation to Bid, from Hunter Excavating, and the cost is higher than previous years.

	FY 2021	FY 2022	FY 2023
4,000 yards (delivered)	$14.50/cy ($58,000)	$17.00/cy ($68,000)	$21.50/cy ($86,000)
4.000 yards (sand only)	$14.00/cy ($56,000)	$18.00/cy ($72,000)	$22.50/cy ($90,000)

Prouty mentioned that the increased costs are clearly due to the high cost of vehicle fuel, which is dramatically higher than this time last year. Labeau noted there is $65,000 in the FY2023 budget for sand (up from $45,000 the previous year). There was discussion as to why the cost is lower when delivered versus picked up. The FY2024 budget should be increased to reflect anticipated higher costs, it was mentioned.

Vincent Annunziata ***moved to accept the bid from Hunter Excavation for FY2023 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

d. Approve letter of intent to participate in the FY2023 Municipal Roads Grants-in-Aid Program

O'Keefe noted that a letter of intent was required to again participate in this program, which assists town with compliance with their Municipal Roads General Permits. The Town is eligible for an approximately $36,250 project and would receive $29,000 of grant funds and must contribute roughly $7,250 (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.

Jim Fleming ***moved to seek funding through the VTrans 2023 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

O'Keefe noted that in the Board's meeting packet is an email from the Windham Regional Commission providing resource information on decision-making for communities, and also a written request from Tom and Judy Platt seeking $251,000 of funding for their businesses in Londonderry. He noted that the second year of funds would come in the late summer in the amount of $247,522.19.

There was discussion about how the Board would be publicizing its next round of decision-making on use of the ARPA funds this year. Elsie Smith suggested that the Board provide more guidelines for those interested in funding, such as limits on the amount of funding requests and the types of uses of funds to preferred. Prouty noted that this matter is on every Board agenda to keep the discussion going. It was agreed to wait for the full Board to be in attendance to discuss the process further.

O'Keefe mentioned that because of the Board's decision on 4/12/2022 to declare the standard allowance of ARPA funds as a revenue loss, it can use the funds for almost anything with a connection to betterment of the community.

b. Water/Wastewater Study – Authorize grant application and approval documents, and engineering contract amendments

O'Keefe recalled for the Board its 12/20/2021 approval of an application for Clean Water Revolving Funding of $125,000 for each of the villages, which included $41K for property acquisition funds to be used in the future. These funds were in addition to the original $32K for the initial study in early 2020. He also noted that the State reached out to towns in the midst of its ARPA prioritization process, and we have been able to secure the $41,000 land acquisition funds from that FY2022 ARPA funding source. The State then backfilled that amount with an additional $41,000 of planning funds, so that the $84K of new planning funds for each village approved by the Board on 5/9/2022 has been increased by $41,000, bringing the amount to $125,000K of new planning funds for each village.

He distributed a portion of the Vermont Department of Environmental Conservation document titled the FFY2021 Intended Use Plan Amendment, which shows the two $41,000 ARPA expenditures for fiscal year 2022, but also shows two ARPA expenditures of $4.875 million in fiscal year 2023 proposed for Londonderry.

O'Keefe expressed the importance of the effort to address the wastewater needs of the community in order to secure the Town's economic future, and spoke to the efforts of everyone involved in ensuring that the Town is best positioned to receive available funds, and noted that the State is interested in allocating all of its ARPA funds for projects such as Londonderry's. He asked the Board to approve acceptance of the extra funds for project planning and engineering, and approval of the engineering contract amendments related to the expanded work.

Jim Fleming ***moved, with regard to the North Village and South Village Water-Wastewater Projects, and to supplement the related Board decisions on May 9, 2022, 1) to accept additional forgivable loan funds from the Vermont Clean Water State Revolving Fund in the amount of $41,000 for each project; 2) to authorize the Town Administrator to execute related loan agreements on behalf of the Town, subject to Town Attorney review; 3) to accept the proposed amendments #1A and #2A to the existing engineering contract with the Dufresne Group, subject to State of Vermont concurrence, and furthermore to authorize the Town Administrator to execute these amendments and any necessary related State of Vermont authorization****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

11. New Business

a. Appoint alternate representative to the Southern Vermont Communications Union District

The Board reviewed correspondence from Ellen Seidman resigning her position as alternate representative to the Southern Vermont Communications Union District (CUD) Governing Board due to workload issues, but remaining as the Town representative to the Deerfield Valley CUD Board of Governors. The Board also reviewed an application from James Wilbur to fill the position vacated by Seidman.

Taylor Prouty ***moved to acknowledge the resignation of Ellen Seidman as Alternate Representative to the Southern Vermont Communications Union District Governing Board, and to appoint James Wilbur as the new Alternate Representative, for a term extending through April 2023****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

b. Consider changes to Personnel Policy regarding eligibility for benefits

O'Keefe explained proposed changes to the Personnel Policy to address health insurance benefits that would 1) establish the current practice of providing insurance at no cost to existing employees for singles, and either an employee's spouse or children, but not both; 2) establish a policy of providing health insurance to new employees that would allow family coverage and also require that the employee must cover 10% of the premium cost of any level of coverage; 3) allow existing employees to opt into the new employee health insurance option; and 4) establish a buyout program whereby employees able to demonstrate that they have adequate health insurance through a spouse or a governmental health insurance program can receive 50% of the cost of their applicable premium in lieu of Town insurance.

He noted that at present the cost to add a child to an existing health plan for an employee and spouse is over $700 per month, which is unaffordable. For new employees, the monthly cost to go to a family plan would run $248, which is more affordable.

At present, the high cost to employees of coverage for an entire family could be a barrier to hiring employees with intact families.

Cavanagh asked to see comparisons of cost for the various plans for the next meeting to determine fiscal impact. No decisions were made.

c. Discuss adjustments to summer meeting schedule

With the Independence Day and Labor Day holidays falling on 7/4 and 9/5, respectively, each being a first Monday and thus a regular Selectboard meeting date, and with August and October each having five Mondays, the Board discussed and considered alternate schedules as prepared by O'Keefe. O'Keefe mentioned he'd be on vacation the week of 7/11 and possibly out for a week in August.

Taylor Prouty ***moved to adjust the schedule of regular Board meetings this summer by dropping the meetings scheduled for 7/4/2022, 8/1/2022, 9/5/2022, 9/19/2022, 10/3/2022 and 10/17/2022, and adding meetings on 7/6/2022, 8/29/2022, 9/12/2022, 9/26/2022, 10/10/2022 and 10/24/2022****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

As a result of the vote the schedule for upcoming meetings is as follows:

- July 6 (WED) & 18
- August 15 & 29
- September 12 & 26
- October 10 & 24

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

Vincent Annunziata ***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 to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Board entered executive session at 7:42 PM. O'Keefe left the executive session at 7:50 PM and was invited back at 8:00 PM. The Board came out of executive session at 8:04 PM.

e. Consider employee compensation matters

Jim Fleming ***moved to approve the amendment to the Town Administrator's employment agreement by adjusting the annual salary to $63,000, 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

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

The meeting adjourned at 8:05 PM. The next meeting of the Selectboard is scheduled for July 6, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved July 6, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Wednesday, July 6, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata (until 7:37 PM), 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; Planning Commissioners Sharon Crossman; Conservation Commissioner Irwin Kuperberg. Others – One Londonderry Representatives Elsie Smith, Mary Ellen Yankosky and Patty Eisenhaur; residents Dwight Johnson, Maud Maciak, Krysten Torrey, Marlene Boyaner, and a number of others who did not participate in the meeting; business owners Judy and Tom Platt; 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)]

None.

3. Minutes Approval – Meeting(s) of 6/20/2022

*Vincent Annunziata **moved to approve the minutes of the Selectboard meeting of June 6, 2022**, 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 it will be Roger Fox day is at the Peru town green on 7/9/2022 at 1:00 PM. She also mentioned that because the State has closed the COVID-19 testing locations the Town has received a box on COVID-19 test kits that are available to the public.

Taylor Prouty read aloud an invitation to the public to a memorial service for Jim Twitchell, to be held on 7/17/2022 at 2:00 PM at the Fancy Grade Farm on 730 Winhall Hollow Road.

Shane O'Keefe noted the following:

- The request for proposals for the Housing Needs study was issued on 6/17/2022 and the deadline for responses is 7/18/2022.
- He has held off on seeking bids on heating oil in the hope that prices will come down some, but is willing to solicit bids sooner if the Board would like. There was no objection to holding off further.

- He had had a visit from Efficiency Vermont that day looking at Town Office lighting and the representative made some recommendations that he may look to follow up on in the future.
- He offered a reminder that the Notice of Conveyance of Municipal Real Estate for the proposed lease of a portion of the Transfer Station property for the proposed Green Lantern Solar solar array was posted on 6/15/2022. If after 30 days, there is no petition seeking a Town Meeting vote on the lease the Board can then authorize execution of the lease.
- O'Keefe noted that he would be on vacation from the following day through the next week and would be back in time for the 7/18/2022 Selectboard meeting.

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

- A 6/6/2022 letter from FEMA approving the Town's recently completed Local hazard Mitigation Plan.
- A 7/1/2022 letter from Vermont Department of Environmental Conservation's Waste Management Division approving of the Town's Corrective Action Plan for the former septage fields. Due to the late notice the Town has been allowed to skip the spring sampling for PFAS but will be required to do so in the fall.
- A letter of thanks dated 6/25/2022 from the "My Community Nurse Project" for the Board's $25,000 FY2022 allocation of ARPA funds.
- A copy of the recent Neighborhood Connections mailer that includes a prominently displayed notice of thanks for the Board's $50,000 FY2022 ARPA allocation.
- A 7/1/2022 letter from BDCC regarding the Town's $5,307 contribution to the Southeastern Vermont Economic Development Strategies (SeVEDS) program for FY2023, that notes they will look to attend an upcoming meeting.
- A press release regarding the launch of a new website for Vermont 211, which is a confidential 24/7 helpline that connects Vermonters with community, health and human services, which is Vermont211.org.
- A mailer from the Vermont Local Roads technical assistance program noting a series of skills and safety workshops for highway departments and other Town officials

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Town Treasurer – Set tax rate for FY2023

Labeau noted that the proposed tax rate is up a little over 3 cents, but the education rates are down, so the overall rate will likely go down for property owners in FY2023.

Proposed tax rates were presented as follows:

	Homestead	Non-Homestead
Municipal Rate	.4574	.4574
Education Rate	1.5215	1.5523
Total Rate	1.9789	2.0097

Taylor Prouty ***moved to set the Town tax rate for FY2023 at .4574 per $100 of assessed value, and to acknowledge the Homestead and Non-Homestead education tax rates of 1.5215 and 1.5523, respectively****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Wase Management

a. Updates

Melissa Brown inquired about the extended hours on Tuesdays at the Transfer Station. There was discussion that usage of the extended hours was slow to start with, and that there were people waiting at the 11:00 AM openings. Cavanagh said he'd report back at the next meeting on this.

9. Roads and Bridges

a. Updates

Taylor Prouty noted the following usage for the month of June 2022:
Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 379.4, Town Office Generator – 0, Transfer Station – 0

He added that roadside mowing starts the following week and the Road Crew has been busy with grading and ditching of late, and last year's culverts will soon be delivered. The summer schedule calls for mowing during the first week of July and it takes a month and a half to complete. There was discussion about brush clearing before mowing, and mowing of poison parsnip.

b. Review bids and award contract for FY2023 road paving

The Board reviewed the following bids received in response to the invitation to bid issued by the Town on 6/9/2022:

- Fuller Sand & Gravel, Inc., Danby, VT $183,465
- Springfield Paving, Claremont, NH $221,670
- Wilk Paving, Inc., Rutland, VT $235,525
- FreshCoat Asphalt Services, Barre, VT $234,740
- Pike Industries, Wallingford, VT $271,564

O'Keefe mentioned that the low bid included a price adjustment factor for liquid asphalt, but the bidder stated that they could remove that if problematic. Prouty noted that the low bid is below the amount raised at Town Meeting for paving, so funds could be used in the following year as they money is kept in the new reserve fund. It was noted that shouldering would not be needed due to the limited nature of the shim paving.

Jim Fleming ***moved to accept the bid from Fuller Sand and Gravel, Inc. for FY2023 paving for all work specified, which shall fit within the paving appropriation, and to authorize the Town Administrator to execute all necessary documents to employ the contractor, including a service contract****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. Selection of consultant for Spring Hill Road culvert replacement

In response to a Request for Statements of Qualifications issued on 6/2/2022, O'Keefe noted that submissions were received by the following firms:

- DuBois & King, Inc., Randolph, VT
- Hoyle, Tanner & Associates, Inc., Burlington, VT

He mentioned that, based on their submissions, and reference checks, the two engineering firms appear to be equally qualified, as each has extensive experience with the scope of work needed for the project. O'Keefe added that he has successfully worked with each firm in the past, and recommend that each firm be asked to submit a scope of services and price proposal for the project for the Board to consider.

Taylor Prouty ***moved to consider both firms that responded to the Town's Request for Statements of Qualifications with regard to the proposed Spring Hill Road culvert replacement project to be equally qualified, and to authorize the Town Administrator to work with each consultant to establish a project scope of services and cost proposal for consideration by the Board, respectively****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board discussed at length what sort of process to establish to decide on use of the second year of ARPA funds. Labeau noted that the funds should come in in August, and it was recalled that for FY2022 funds applications began to be accepted in October last year and decisions were made in April of this year.

It was mentioned that all ARPA funds must be allocated by 12/31/2024 and expensed by 12/31/2026. On 4/12/2022 the Board voted to elect to declare the "standard allowance" at the full amount of the Town's ARPA funding ($495,044.38) to be allocated to fund government services.

The Board discussed priorities for use of the money, including whether to use the funds for local businesses and not-for profits or for Town projects. Annunziata suggested streamlining the use of funds if for non-municipal uses, so that it is not as wide-open as the last round and there are better guidelines. Prouty suggested that ARPA funds could be used for Town needs such matching funds for other grants. Brown stated that the Board should remember what the original ARPA funds were designed to do, which was address needs of local businesses and organizations. O'Keefe noted that some communities have chosen to use all of their funds for infrastructure projects.

Annunziata proposed establishing a deadline for applications that could still leave time the Board to determine what other projects might be in the budget to receive funding. Prouty suggested that those seeking funds could let it be known up front to signal what sort of interest there would be before decisions are made. Cavanagh suggested not opening up applications for funds until the money is in hand.

It was agreed that applications for funding would be accepted anytime between 10/1/2022 and the 1st meeting in April 2023. It was agreed to put up an announcement on this on the website.

b. Consider request from One Londonderry to conduct site analyses for a community center at the Prouty property

Mary Ellen Yankosky addressed the Board about One Londonderry's proposal to establish a community center with other uses such as housing on the Town-owned Prouty property on VT Route 100, and spoke to their wish to conduct site analyses and design studies with the assistance of staff and students from Norwich University. She noted that a new website for the project has gone live and a survey has been conducted, and so far the project is very much supported by the community. Maud Maciak spoke to the potential for a meeting place and childcare facilities as being particularly helpful for area families. Krysten Torrey stated that this facility would be a great opportunity for the town's people to come together to create a useful community space. Marlene Boyaner spoke in support of the proposal.

There was a question on other properties considered, and Yankosky mentioned that she explored other properties and there's very little buildable space that would be central to the involved communities.

Cavanagh stated that there is not much buildable land at the Prouty property and the Town is likely to need the site in the future for municipal purposes. He added that it would be up to the Voters to determine whether to sell the property.

Patty Eisenhaur stated that because these are just feasibility studies being suggested that the Town could benefit from by knowing more about the site without use of taxpayer funds. Brown expressed her support for the feasibility studies. Annunziata suggested looking at other properties that might be more viable.

Cavanagh raised whether to limit where on the site the studies should cover, noting the property is within the flood hazard zoning and the Highway Department salt and sand shed is already located there.

There was discussion about the need to brush hog the site before it becomes too wooded.

Annunziata asked Yankosky whether she had any personal relationship with the University or the class, and she replied that she only has professional relationships there and no personal connections or conflicts of interest.

Jim Fleming ***moved to authorize One Londonderry to conduct site feasibility analyses of the Town-owned Prouty property, located on VT Route 100 (Parcel #104017.000) for a period of 12 months, to help it determine feasibility for a community center and associated facilities, such analyses to be limited to boundary and topographic surveying, soil testing and similar non-destructive activities****, seconded by Melissa Brown. The* **motion passed 4-0-1***, with Annunziata abstaining.*

c. Consider request from the Conservation Commission to establish a pollinator garden on the Prouty property

Irwin Kuperberg spoke to the proposal to work with the Bee the Change organization to establish a pollinator garden at a specific portion of the Prouty property. He distributed a map of the location, which would be the cleared area along VT Route 100 immediately south of the northerly driveway to the site, and stated that it would include benches and paths in it.

O'Keefe suggested that Kuperberg connect with Zoning Administrator Will Goodwin for any signs, which he noted were mentioned at the previous Board discussion on this. Brown asked about other sites considered for this use, and Kuperberg mentioned several that had been reviewed, but that the Commission feels strongly that the Prouty property is the best location.

It was mentioned that the neighboring tennis camp that occasionally uses the property should be notified of the new use, is approved.

Vincent Annunziata ***moved to authorize the Conservation Commission to establish a pollinator garden on a portion of the Town-owned Prouty property, located on VT Route 100 (Parcel #104017.000)****, seconded by Melissa Brown. The* **motion passed** *unanimously.*

d. Platt Elevation Project – 6th Extension of Memorandum of Understanding

e. Platt Elevation Project – 6th Extension of Construction Contract

O'Keefe noted that on 5/9/2022 the Board extended the Memorandum of Understanding (MOU) and construction contract for this project for the 5th time, to 6/30/2022. He handed out a letter received that day from the Town's review engineer indicating that a final inspection was conducted on 7/1/2022 and in the engineer's opinion the project scope of work has been completed. He stated that he agreed that the project is complete, and recommended that the Board extend the MOU with the property owners due to ongoing mutual obligations and not to extend the construction contract with Derry Downtown Limited.

He stated that there are other project expenses of over $12,000 that can be considered by the State of Vermont, which were discussed and supported back on 3/21/2022, but he reiterated that the project as approved was now complete.

On behalf of Judy and Tom Platt, Dwight Johnson noted that several parts of the project are yet to be completed and acknowledged that there is a dispute between the Platts and the Town as to whether some of these items should be covered by the original project scope.

Johnson asked to speak about the Platt's request for ARPA funding that was recently submitted. Cavanagh stated that this should have been included on the ARPA discussion earlier in the meeting and that it could be discussed at a future meeting.

Johnson stated that it's in the Town's interest to support the request for additional FEMA funding in order to help the property continue to generate revenue for the town.

Cavanagh and O'Keefe clarified that additional costs related to the original scope of work to elevate the building would be considered by the State and FEMA, but it has been made clear that improvements to the building beyond that necessary to meet the approved scope of work would not. Cavanagh stated that the budget amendment is to be requested once the project is complete.

Johnson suggested that the Board not terminate the construction contract. O'Keefe clarified that the contract has already expired and the only question for the Board is whether to extend it.

Annunziata suggested that there are other funding sources at the State level that could pay for the extra work done on the building. Prouty suggested that the construction contract should be allowed to expire, and that if there is other construction work beyond the original scope approved by the State there could be a new contract if necessary.

O'Keefe reminded the Platts about two obligations they have as property owners: to hold flood insurance and to file a deed notice that notes this ongoing requirement. Tom Platt stated that they do not have flood insurance on the property.

Jim Fleming ***moved to extend the effective end date of the 3/2/2020 Amended Memorandum of Understanding between the Town and Thomas and Judith Platt related to the Platt's property at 2152 Main Street, from 6/30/2022 to 8/31/2022, and to authorize the Town Administrator or Selectboard Chair to execute an agreement extension document on behalf of the Town. The Board previously approved an extension on 5/9/2022****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Tom Cavanagh ***moved to not extend the term of the 5/10/2021 Contract for Services between the Town and Derry Downtown Limited for the elevation of the building located at 2152 North Main Street****, seconded by Taylor Prouty. The* ***motion passed 3-1-1****, with Brown voting Nay, and Annunziata abstaining.*

f. Consider changes to Personnel Policy regarding eligibility for benefits

Following up on the discussion at the previous meeting, O'Keefe explained that at present the Town's insurance covers fully only the employee and either a spouse or children, and the cost to add a child to an existing employee/spouse health plan is over $700 per month, which is unaffordable. To address this, he has recommended proposed changes to the Personnel Policy to address health insurance benefits that would 1) establish the current practice of providing insurance at no cost to existing employees for themselves, and either their spouse or children, but not both; 2) establish a policy of providing health insurance to new employees that would allow family coverage and also, require that the employee must cover 10% of the premium cost of any level of coverage; 3) allow existing employees to opt into the new employee health insurance option; and 4) establish a buyout program whereby employees able to demonstrate that they have adequate health insurance through a spouse or a governmental health insurance program can receive 50% of the cost of their applicable premium in lieu of Town insurance.

At that previous, the Board asked for a breakout of potential costs for the proposed changes, which O'Keefe had prepared and included in the meeting packet. It showed that for an employee presently covered along with their children who converts to a family plan, the annual cost to the Town would increase by $6,340, and the employee would cover $2,974 of the premium, which equates to an affordable $248/month.

Annunziata left the meeting at 7:37 PM.

There was discussion about issues with hiring an employee with an intact family due to the high cost of health insurance for a family at present. The value of good affordable benefits for hiring and retaining quality employees was emphasized

Jim Fleming ***moved to amend the Town's Personnel Policy by: 1) defining the health coverage offered to existing full-time employees; 2) amending health coverage offered to new full-time employees that includes family coverage and a 10% premium contribution, which existing employees may participate in, and 3) offering a buy-out provision whereby employees able to demonstrate that they have adequate alternate health insurance can receive a payment of the equivalent of 50% of their eligible premium from the Town****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

O'Keefe will insert the new language into the policy and distribute it to Town employees.

g. Consider whether to establish a local Cannabis Control Commission [7 VSA 863(b)]

The Board discussed the pros and cons of whether to establish a local Cannabis Control Commission, and there was considerable question as to what level of control the Town would actually have. Brown questioned whether there was liability to the Town by virtue of granting a local cannabis permit. Labeau suggested that having such a commission would be a good way of knowing what is occurring in the community for the Board.

Prouty suggested that if the Board decides to establish such a commission that it should be comprised of the Board members at first, similar to what occurs with liquor licensing.

It was decided to pass over this matter until there is a full Board in attendance.

11. New Business

a. Approve Auditor engagement letter – Sullivan, Powers & Co., Inc.

Labeau spoke briefly to this matter and the Board also spoke about this annual effort.

Melissa Brown ***moved to approve the engagement letter with Sullivan, Powers & Co., Inc. to conduct a partial audit for Fiscal Year 2022, and authorize the Selectboard Chair to sign the document on behalf of the Board****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Consider contract with the Windham County Sheriff's Office for FY2023 policing services

The Board reviewed the proposed contract with the Sheriff's Office, which includes some minor changes recommended by O'Keefe that are identical to the previous year changes. He noted some new language in the contract, including that the hourly rate is dependent on a similar contract being entered into with the Town of Jamaica.

Taylor Prouty ***moved to accept and approve the police services contract with the Windham County Sheriff's Office for FY2023 with recommended minor changes, and authorize the Town Administrator to execute the document on behalf of the Board****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

12. Adjourn

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

The meeting adjourned at 7:55 PM. The next meeting of the Selectboard is scheduled for July 18, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved July18, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Wednesday, July 18, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty and Melissa Brown.

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Treasurer Tina Labeau; Planning Commissioner Sharon Crossman; Recycling Coordinator Esther Fishman; Recycling Center employee Steve Twitchell; and Board of Listers Chair Sandra Clark. Others – Deerfield Valley CUD representatives Steven John and Ellen Seidman; Southern Vermont CUD representatives Eric Hatch, John Hankin and Jim Wilbur; State Senator Brian Campion; Rowley Lane residents Kris Korpi and Kippi Horton, 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)]

None.

3. Minutes Approval – Meeting(s) of 7/6/2022

*Taylor Prouty **moved to approve the minutes of the Selectboard meeting of June 6, 2022**, 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. The **motion passed** unanimously.*

5. Announcements/Correspondence

Cavanagh noted the following:

- That day the Town received four responses to the RFP for the housing needs study, which have been forwarded to the Planning Commission for review.
- With heating oil prices headed downward Town Administrator Shane O'Keefe is planning to seek bids for review for consideration at the next Board meeting.
- The Town did not receive any petitions seeking a Town Meeting vote on the matter of the Notice of Conveyance of Municipal Real Estate for the proposed lease of a portion of the Transfer Station property for the proposed Green Lantern Solar solar array. Approval of the lease is on the agenda later in the meeting.

Included in the Board's meeting packet was as follows:

- A 7/8/2022 email from Helen Hamman resigning her position on the Beautification Committee.
- A 7/5/2022 letter from VTrans soliciting proposals from municipalities for small new park-and-ride facilities. Board members were asked to let O'Keefe know if they'd like to pursue this opportunity.
- Windham County Sheriff's monthly report for June 2022.

Tina Labeau mentioned that COVID-19 tests are available to the public at the Town Office, and that tax bills are soon to go out in the mail.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Esther Fishman stated that there was no report to give this month, but thanked the Board for authorizing the effort to explore the possibility of siting Community Center on the Prouty property.

Bennington District State Senator Brian Campion introduced himself to the Board and attendees, mention legislative redistricting and stated he looked forward to meeting with the Board in the future.

7. Town Officials Business

a. Listers – Homestead penalties **[32 V.S.A. 5410(g)]**

Sandra Clark mentioned that there are options for the Board with regard to late filing Homestead penalties, and while last year she recommended that the penalty be waived due to pandemic conditions, she did not have a recommendation for this year. She recommended establishing a penalty every few years. She described the work effort involved with penalties.

It was noted that the penalty was waived the past two years. Cavanagh suggested that the economy is still in recovery mode, and others agreed.

Vincent Annunziata ***moved to waive the homestead penalty as provided for under 32 V.S.A. 5410(g) & 5410(j)****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Planning Commission – Monthly update

Sharon Crossman spoke to the Board about Planning Commission matters. Regarding the housing need assessment, she reported that four proposals were received in response to the Request for Proposals, and Commission along with representatives of the One Londonderry Housing Group will review the proposals and select firms to interview. She invited interested Selectboard members to participate in this. After interviews the Commission hopes to provide a recommended consultant for selection by the Board. Cavanagh stated that whatever meeting is held to review the proposals needs to be warned as a public meeting.

On the Water/Wastewater study, she mentioned she had hoped that more people would have attended the recent visit to the in-ground wastewater community system in Manchester with the Town's engineer, where very good information was provided. That system, she mentioned, would be a good model for a possible system in Londonderry.

The Town Hall project, she noted, was schedule to see roof and balcony work begin in August.

Regarding the Zoning Bylaw rewrite, she stated that the Commission is hoping to get public hearings started soon, but that they are waiting for comments back from the Town Attorney. She stated that people's interest in the project is waning and asked if the Board could work to help expedite the Town Attorney review.

8. Transfer Station/Solid Wase Management

a. Updates

Esther Fishman mentioned that they are no longer collecting plastic bags at the Transfer Station as they discovered that Casella Waste Management was simply throwing them away. She noted that there was some contamination of the bags. She has posted notice of this.

She also noted that there is a legislative update on solid waste matters in the meeting packet. She spoke about one bill on extended producer responsibility for household hazardous waste.

Steve Twitchell updated the Board on the changed hours on Tuesdays, and he said it has been an eyeopener. The biggest issue he stated is that people are showing up well before 11:00 AM opening time and creating a traffic problem outside the gate, blocking service truck entry and he has seen people parking on private property across the road. He also noted that an 11:00 AM opening mixes those waiting to enter with those that normally come to the facility at lunchtime, thus increasing traffic and usage for about 2 hours above safe facility capacity.

As for usage, he noted that for every person coming in after 4:00 PM there are 3 to 4 that turn around early due to the late opening. He mentioned that many who use the facility late he knows can make it during regular hours anyway, and are not weekenders. Twitchell provided Tuesday usage statistics to the Board. The most he saw past 4:00 PM on a Tuesday was 14 cars, he stated.

He also noted that when the trash hauler comes in off hours sometimes drivers will follow them into the facility to gain entry.

Twitchell stated that the extended Tuesday hours don't appear to be helping anyone and recommended going back to the old hours of 9:00 AM to 4:00 PM.

Brown suggested trying to follow through with the extended hours pilot program, provide better public notice about it and give people enough time to figure it out. Previous efforts and new ways to get the word out better was discussed.

The Board discussed balancing public convenience with impact on facility employees.

It was agreed to add this matter to the agenda at the next Board meeting. Brown suggested the possibility of adding hours to the vacant position to help better operate the facility.

Twitchell noted that operations, laws and costs will be changing in the future and new solutions should be considered for the Transfer Station.

9. Roads and Bridges

a. Updates

Taylor Prouty noted that mowing started that day, and ditching is ongoing.

Last years' culverts are coming in next week, which will help with projects on Goodaleville and Spring Hill Roads, and soon we'll settle on a paving schedule., he added.

Esther Fishman stated that the K-barriers on the VTrans bridge on VT Route 11 by the plaza are sticking out and appear dangerous. It was mentioned that Town Administrator O'Keefe should follow up with VTrans' Marc Picking on the status of this and other bridges with similar barriers.

10. Old Business

a. Update on Communications Union Districts

Ellen Seidman and Steven John representing the Deerfield Valley Communication Union District, and John Hankin and Eric Hatch representing the Southern Vermont Communication District, met with the Board to discuss recent efforts to bring fiber to Londonderry.

Mr. John, who is the Chair of the DV Fiber Board mentioned that the good news is that the universal service plan was just approved by the State of Vermont Community Broadband Board. He mentioned that a $21.9 million grant has been approved to help distribute broadband, and he expects a 2-year rollout.

Mr. Hatch, the Chair of the So.VT CUD, noted that the CUD covers 14 towns and is in partnership with Consolidated Communications and has a 3-phase approach. In phase 2A, which includes Londonderry, buildout will take place in 2023. He mentioned that they recently put in a grant request for just short of $9 million.

Hatch stated that Winhall and Londonderry are towns that are in both of the CUDs, and a decision will have to be made as to which approach, which CUD, the Town of Londonderry would to go with

The Board thanked the representatives for coming to the meeting.

b. Discussion of use of funds from the American Rescue Plan Act (ARPA)

This was very briefly discussed. It was recalled from the previous meeting that the Board would begin accepting funding requests on October 1, 2022 and the deadline is the first meeting in April 2023.

c. Designation of agent and authorization to convey long-term lease of Town-owned property – portion of Parcel 1030010.000 for use as solar array

Cavanagh noted that there were no objections or petitions filed in response the public notice on this matter. Prouty recalled that the lease went through much negotiation and the final version has been reviewed by the Town Attorney

Vincent Annunziata ***moved 1) to convey a long-term lease of a portion of the Town-owned property located at 7060 VT Route 100 (Parcel #103012.000) to Londonderry GLC Solar, LLC for a period of 20 years (with renewals) at $6,000 per year with rent escalations, 2) to***

designate Town Administrator Shane O'Keefe as the Town's agent for this conveyance, 3) to authorize the Selectboard Chair to execute and file a certificate of said designation with the Town Clerk for recording, and 4) to acknowledge that all notice provisions specified under Title 24 V.S.A. Section 1061 have been followed*, seconded by Melissa Brown.*

It was noted that the parcel numbers in the agenda and the motion are different. The parcel map was corrected for the Transfer Station parcel, and the parcel number in the motion is the correct one.

And it was clarified that the lease payment to the Town escalates by 2% each year. The Town's benefit is the stream of rental payments, and there is no power purchase agreement for the Town.

Prouty suggested that the solar array equipment would last beyond 20 years and continue functioning. He added that the lease negotiations included establishment of a reclamation bond to ensure equipment removal and site cleanup at end of the life of the array.

There was further discussion about the proposed solar array and recycling of the equipment.

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

11. New Business

<u>Rowley Lane</u>
Rawley Lane residents Kris Korpi and Kippi Horton spoke to the Board about their efforts working with Prouty on reducing traffic speeds on their road, which has many pedestrians using it. They thanked Prouty for arranging for a dead-end sign and 35 MPH sign but mentioned that traffic speeds have only increased and that maybe the sign should come down. Cavanagh noted that roads without a speed limit sign default to 50 MPH speed limit by State statute.

Prouty mentioned that the minimum speed limit by law is 25 MPH and that in order to change a speed limit a traffic study for the specific road must be conducted before the Town's traffic ordinance is amended. Issues with drivers speeding here and on other local roads was discussed.

Brown suggested working with the Windham County Sheriff's Office on patrolling the road. Korpi and Horton will contact the Sheriff's Office.

<u>Hybrid Meetings</u>
Fishman inquired about the possibility of holding Selectboard meetings both in-person and remotely, so participants did not have to physically come to the meeting.

Cavanagh stated that another person to manage the online meeting would be needed and video and sound equipment to do so can be expensive.

Prouty suggested the possibility of people just being able to watch without participating. There was question about whether that would comply with the Vermont Open Meeting Law, and Fishman stated that she'd investigate it. Sen. Campion stated that he would also look into it.

Fishman will also Neighborhood Connections about their ability

Traffic Calming
Annunziata suggested discussing at the next meeting the community traffic calming as approved by the Voters.

Roadside Marker
Brown mentioned an effort to establish a roadside historic site marker memorializing the late Jake Burton, and it was agreed to add this matter to the agenda for the next meeting.

12. Adjourn

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

The meeting adjourned at 7:19 PM. The next meeting of the Selectboard is scheduled for August 15, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved August 15, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 15, 2022
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 Treasurer Tina Labeau; Town Clerk Kelly Pajala; Assistant Town Clerk Bonnie Cobb; Road Foreman Josh Dryden; Recycling Coordinator and One Londonderry representative Esther Fishman; Planning Commissioners Sharon Crossman and Larry Gubb; Beautification Committee members Pam Abraham, Barbara Wells and Martha Dale. Others – One Londonderry representatives Elsie Smith and Patty Eisenhaur, Historical Society representative Bob Wells; residents Cindy Gubb, Center Merrill, Lisa Ward and George Legace; Shawn Cunningham (Chester Telegraph) and Bruce Frauman (GNAT).

1. Call meeting to order

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

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Sharon Crossman suggested adding information on agenda item 10.a., regarding the Housing Needs Study and the interviews, and it was agreed that it was appropriate to include this under the agenda item and not to add another.

3. Minutes Approval – Meeting(s) of 7/18/2022

Vincent Annunziata ***moved to approve the minutes of the Selectboard meeting of July 18, 2022****, 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 Vincent Annunziata. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Shane O'Keefe noted the following:

- At the previous meeting it was mentioned that the Planning Commission is waiting on comments from the Town Attorney on the Zoning Bylaw amendment draft. He noted that he had not yet received from the Planning Commission a final draft to forward to the Town Attorney.
- Also at the previous meeting, concern was expressed about the Jersey barriers at the VT Route 11 bridge #27 over Utley Brook. He reported that the VTrans district 2 contact stated that they do not currently have a schedule on that repair, but that the fix is in the works, and they hope to have it completed, by a contractor, before winter.

- Regarding the water-wastewater project, one of the properties being considered for a community wastewater system is the Library property adjacent to the Town Office, and Sharon Crossman and he have been asked to attend a meeting of the Library Board on 8/17/2022 to discuss the Town's interest in the property. He noted that all that can be said at this time is that we are exploring the site as a possible location for a community in-ground system.
- On 6/20/2022 the Board approved a letter of intent to participate in the FY2023 VTrans Municipal Roads Grants-in Aid program, which assists the Town with meeting its obligations under the Municipal Roads General Permit. He announced that the Town was awarded its maximum amount of $29,000, which must be matched with $7,250 (20%) local match, which can be in-kind services.
- A local hazard mitigation plan from the Town of Weston was distributed on 8/1/2022. If there are comments or concerns please give them to either him or Emergency Management Director Kevin Beattie to forward on to Weston and the Windham Regional Commission.
- Registration in now open for any Board member interested in attending the annual VLCT Town Fair, which is scheduled for October 6 and 7 in Killington.

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

- A letter, of thanks, dated 7/25/2022, from One Londonderry's Housing Group for the Board's award of ARPA funds for the housing assessment.
- A similar letter of thanks, this from The Collaborative, and received on 7/18/2022, for the Town's ARPA funding allocation.
- A letter, dated 7/12/2022, from HCRS thanking the Town for the annual Town Meeting funding to the organization.
- A letter, dated 7/14/2022, from SEVCA asking for recommended citizens to serve on the SEVCA board of Directors.
- A notice of the impending end to the 3-year appointment of Dr. Roger Fox as the Town's Deputy Health Officer, dated 8/1/2022. He reported that Dr. Fox has stated that he does not want to continue in this position, so the Town will need to begin recruiting for his replacement, who would take over the position on 10/1/2022.
- A letter from the Secretary of State, dated 7/14/2022, regarding the details of the Vermont Sign Law in preparation for the upcoming general election.
- Decisions in the Town's favor in the Contos v. Town of Londonderry tax sale matter, dated 8/11/2022. The plaintiffs, Mr. Contos and Ms. Superchi have an opportunity to either seek a reconsideration of or appeal to the Vermont Supreme Court.
- A notice from Green Mountain Power, dated 7/19/2022, regarding its proposal for a certificate of public good from the Vermont Public Utility Commission to renovate the Thompsonburg Road substation.
- An application for a certificate of public good for a 20 kW net metering solar array on property of Jim and Sandra Wilbur at 2020 Under the Mountain Road.

- A notice of completeness, dated 7/25/2022, for an application for a certificate of public good for a 50 kW net metering solar array on property of Adam Walsh at 532 Landgrove Road.
- Windham County Sheriff's monthly report for July 2022.

6. Visitors and Concerned Citizens

Center Merrill inquired about what the Town was doing to address flood prevention in the community. He suggested that floodwaters be diverted to overflow ponds to slow down rivers.

Cavanagh noted that the Town has no jurisdiction over waterways, and that the a State of Vermont representative during recent discussions on the Williams Dam noted that stream courses would not be altered.

O'Keefe noted that the Town was the recipient of a stormwater master planning grant that would be discussed later in the meeting.

7. Town Officials Business

a. Town Clerk – Approve Town Meeting minutes of 4/30/2022 [24 VSA 1152]

The Board members briefly discussed the draft minutes.

Jim Fleming ***moved to approve the minutes of the Annual Town Meeting of April 30, 2022****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

b. Beautification Committee – Welcome to Londonderry sign project

Pam Abraham updated the Board on the Welcome to Londonderry signs, and gave construction, materials and installation details, and showed a mockup of one of the signs. She noted that all four signs would be identical, with one of them stating "Welcome to South Londonderry". The new signs are in the process of being manufactured, she stated, and installation is expected to take place between 8/17 and 8/24. Property owners have been contacted on this, she mentioned.

8. Transfer Station/Solid Wase Management

a. Updates

Esther Fishman stated that she was sorry that the Town missed the opportunity to apply for a VLCT-PACIF grant for employee safety equipment, as her counterparts at other facilities noted that they had received the equipment she was hoping to receive. O'Keefe confirmed that the grant application process was closed early due to high demand.

b. Consider changes to hours of operation

The Board briefly discussed the ongoing pilot program to change Tuesday hours at the Transfer Station. Cavanagh mentioned that he understood that people were parked in the road waiting for the facility to open this past Tuesday. Fleming mentioned that users should be able to adjust their usage of the facility based on whatever hours are set. Annunziata suggested considering extended hours again next year but to get the word out or conduct surveys much earlier in the year. Prouty suggested that based on Steve Twitchell's written input on the new hours, it makes sense to bring the pilot project to an end.

Brown noted that the facility may need to have another employee to address the need for extended service hours. Cavanagh announced to the audience that there is still an open part-time position at the Transfer Station.

Vincent Annunziata ***moved to rescind the Selectboard's April 18, 2022 decision to change the Tuesday hours of operation at the Transfer Station, and to revert back to the hours of 9:00 AM to 4:00 PM effective on August 23, 2022****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Fishman mentioned that she would write up an announcement, and Tina Labeau will work with Cavanagh on posters

c. Consider Recycling Coordinator job description

As part of the effort to review and upgrade job descriptions for Town employee positions, O'Keefe stated that he had worked with Esther Fishman on her job description, with the document format roughly based on those recently approved for the Highway Department. Fishman confirmed that she and O'Keefe worked together on this and that it covers all the bases.

Melissa Brown ***moved to approve the new job description for the Recycling Coordinator position****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of July 2022:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 738, Town Office Generator – 0, Transfer Station – 0

He added that the Road Crew has been mowing roadside for weeks, and has started the Goodaleville Road project, which is already about one-half completed. Ditching and culvert work is also ongoing, he mentioned, and that there is no schedule yet for the upcoming paving but that he'd contact the contractor.

Cavanagh stated that the Highway Department is doing a great job this year.

Prouty noted that he had an inquiry about a device at the intersection of VT Routes 100 and 11 and found that it was not State- or Town-owned, but the equipment is now gone.

b. Discuss community traffic calming effort

Melissa Brown mentioned that she had done some research into traffic calming methodologies. Regarding driver feedback signs, she reported that they do not require engineering and can be portable, and not need outside support systems. Cost is anywhere between $4,000 and $9,000 depending on features

She also mentioned speed tables and speed humps, both of which require engineering and can be expensive to install and also jarring to drivers. Lower cost but effective measures could be street markings, which can appear to narrow the appearance of roads. Lighting and crosswalks can also be effective, she added, as can stop signs at balanced intersections.

Prouty supported radar feedback signs at fixed locations as opposed to mobile carts. But if the Town puts up fixed signs they could be supplemented occasionally by a mobile sign owned by the Sheriff's Office or the Vermont State Police.

Speeding hotspots noted by those in attendance were Thompsonburg Road and VT Route 11 in the north village, and exploring efforts to slow traffic there was encouraged. Speed limits on Thompsonburg Road were discussed. There were suggestions of ways to slow traffic physically, visually and aurally at entrances to the villages that could create a welcoming effect.

There was discussion about allocating resources to a single location versus a number of locations.

O'Keefe mentioned that the Town of Brattleboro has experimented with portable speed humps to slow traffic, which are said to be effective and cost about $9,000 for two units .He also stated that warning signs are needed for any speed bump, hump or table.

Brown suggested painting fog lines along Thompsonburg Road to give the impression of the lanes being narrower. She noted her research indicates the estimated cost of striping is $8,000 for three miles of road.

Taylor noted that the highest need locations are State highways and that working with the State Agency of Transportation was important, and the 2020 road safety audit of the north village conducted by VTrans was mentioned. Review of the Planning Commission's recent north village master plan for traffic calming recommendations was also suggested. Increased truck traffic over the years on VT Route 11 was noted.

Bonnie Cobb noted that plantings in the median by the plaza block the view of travelers, creating a hazardous condition, so any future plantings should be better located.

Cavanagh suggested that the Board concentrate on radar feedback signs and invite VTrans' Marc Pickering to a meeting when available to discuss traffic calming ideas.

c. Consider speed limit on Rowley Lane

George Lagace inquired about how the 35 MPH speed limit was established on this road, and Cavanagh noted that all gravel roads in Londonderry have that speed limit per the Town's Traffic and Parking Ordinance. He added that the default speed limit in Vermont is 50 MPH unless a speed limit is set by ordinance. O'Keefe confirmed that a speed study would be required for a speed limit below 35 MPH

Lagace mentioned a number of speeders and ATVs on Rowley Lane, and Prouty recommended contacting the Windham County Sheriff's Office for speeding issues. O'Keefe noted that the July report from Sheriff's Office indicates that patrolling has taken place on Rowley Lane of late. He offered the phone number – (802) 365-4942

Whether to conduct a speed study to set a reduced speed limit for this particular road as opposed to others in the community was discussed. O'Keefe reiterated that because there is no blanket speed limit for paved roads that can be adopted, such as with gravel roads, they are automatically 50 MPH zones. He recommended addressing roads presently without reduced limits by deploying the Sheriff's Office and the Windham Regional Commission to conduct traffic counts in order to set speed limits. He mentioned doing studies on paved roads in a sequential pattern. Prouty noted that speed limits must be set in the Ordinance and signs put up in order for them to be enforceable.

Lagace stated that a reduced speed limit on Rowley Lane wouldn't really matter, as drivers are going to do what they do. He stated that there is limited activity on the road, and that the Town has more important issues and roads elsewhere in town.

d. Consider proposal for roadside tree cutting on Hells Peak Road

Taylor Prouty noted that he had requests for trees in the right-of-way to be taken down and there is additional intersection clearing needed. Carr Tree & Timber has offered a verbal proposal to handle three takedowns and brush clearing/trimming and chipping, with traffic control, for $2,800.

Budgeting and other locations for tree removal were discussed. Prouty suggested possibly increasing the budget for tree work in the next year, and suggested tapping the Highway Department contracted services budget for some of this type of work.

Dryden noted that very large price increases on Highway Department materials and supplies is already negatively impacting the Highway Department budget, so use of all departmental budget lines needs to be handled carefully.

Prouty noted that there are projects important to the Town plus those recommended by citizens, and the basis for choosing projects should primarily be safety. Dryden noted that he had received calls about needs on Middletown, Thompsonburg, Under the Mountain and Hells Peak Roads.

Prouty described details about the Hells Peak Road tree work, and noted that he was waiting to hear back from the Tree Warden on this effort It was agreed that this matter would be considered at the next regular meeting, assuming a written proposal and comments from the Tree Warden are received.

e. Selection of engineering consultant for Spring Hill Road culvert replacement

O'Keefe recalled from the meeting of 7/6/2022 that the Board voted to determine that the two respondents to the Town's Request for Statements of Qualifications, DuBois & King, Inc. and Hoyle Tanner Associates, Inc. were equally qualified to conduct the engineering services for the Spring Hill Road culvert replacement project, and that each firm was requested to provide a proposed scope of work. The Board received copies of the scopes of services and O'Keefe opined that again the proposals from each were of equivalent quality and that he was hard pressed to recommend one over the other, and that the Town would be well served by either firm for this project.

The Board discussed the relative merits of the submissions. It was mentioned that it might make sense to hire DuBois & King due to its providing services for the Williams Dam project, but it was also noted that bringing on Hoyle Tanner might give the Town a deeper bench to draw from for engineering services in general.

Melissa Brown ***moved to consider the firm of Hoyle, Tanner and Associates, Inc. as the most qualified to provide engineering services for the Spring Hill Road culvert replacement project, and authorize the Town Administrator to work with the consultant***

firm on a cost proposal for its proposed scope of services for consideration by the Board*, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

10. Old Business

a. Selection of consultant to conduct the Housing Needs Assessment

Sharon Crossman noted that the Town received proposals from four firms for the housing needs assessment and decided to interview two of them: SE Group of Burlington, VT and Camoin Associates of Saratoga Springs, NY. Based on the proposals and interviews conducted by the Planning Commission, with input from the One Londonderry Housing Group, the Commission voted to recommend that the Selectboard go with Camoin Associates.

She mentioned that the Commission also recommended that a project group be established consisting of representatives of the Planning Commission, One Londonderry Housing Group and possibly a Selectboard member to manage the project.

She proposed a procedure whereby the working group would provide a written update for the monthly Commission meeting and that any and all recommendations of the group would be brought to the Commission which in turn would go to the Selectboard for consideration.

The Board discussed the relative merits of the submissions. It was mentioned that there were many similarities, and both were of high quality.

On the matter of the working group, Cavanagh stated that he had no issues with that but that to promote transparency it should be subject to the Vermont Open Meeting Law with posted agendas and meeting minutes.

Brown questioned whether project working group without a quorum of any board needed its meetings warned. She added that it's best to err on the side of caution and do the right thing.

Larry Gunn suggested that a working group could work directly with the consultant to get project work done and report to the Planning Commission.

O'Keefe read aloud the following question he had posed to the Vermont League of Cities and Town's attorney: *"Is a "working group" that gathers to work on a Town effort and that has not been created by a public body, constitute a public body subject to the Open Meeting Law?"* And he also read the response: *Be careful here. A "working group" of less than a quorum of any single committee or body can meet to discuss matters without implicating the Open Meeting Law. This raises transparency issues though, so be sure that the "working group" has a clearly defined discrete task (researching a specific topic) and their efforts are directed at an open meeting and their results are brought to light at an open meeting.*

Patty Eisenhaur mentioned the issue of setting precedent as there are other ongoing projects with working groups. She also mentioned the awkwardness of interviewing competing consultants in an open meeting setting. Cavanagh reiterated that having meetings in the open was best practice.

Brown mentioned that as long as it's legal she had no issues with the working group working as nimbly as possible so long as they report out publicly.

O'Keefe suggested that the Board decide on the consultant selection at this time, and consider the working group matter at a subsequent meeting. Cavanagh stated that he was amenable to this.

Taylor Prouty ***moved to accept the proposal from Camoin Associates to provide consultant services for a Housing Needs Assessment, which is funded by Coronavirus State and Local Fiscal Recovery Funds allocated by the Selectboard on April 18, 2022, 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.*

b. Consider whether to establish a local Cannabis Control Commission [7 VSA 863(b)]

It was noted that this matter was discussed at prior meetings but that a full Board was not present when it came time to vote. It was noted that having a local commission would afford the Board with better information about cannabis-related businesses. O'Keefe mentioned that there are already two licenses issued by the State for non-retail cannabis entities in Londonderry.

Melissa Brown ***moved to establish a local Cannabis Control Commission as provided for under 7 V.S.A. Section 863(b), the membership of which shall be composed of the Londonderry Selectboard, and to direct the Town Administrator to provide notice of this decision to the Vermont Cannabis Control Board****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Discussion on proposed One Londonderry community center project

Cavanagh reported that an email had been received by the Town Administrator from the One Londonderry's project liaison asking for some conversations on the project to remain private, and he stated that for the sake of transparency this was unacceptable and has asked One Londonderry that this individual not be involved with this project.

Fishman noted that the matter had been resolved and added that any information that Norwich University can provide to the Town on Prouty property can be valuable. She said that they are hoping to find a new liaison.

Cavanagh mentioned that he knew that One Londonderry co-chairs Fishman and Smith had no prior knowledge of the correspondence to the Town Administrator.

It was agreed that transparency and professionalism was important for the Board. It was also suggested that at the next meeting, during the monthly One Londonderry update, they report back on the community center project.

11. New Business

Prouty recommended adding to an upcoming meeting agenda a follow-up 6/6/2022 discussion on the recommendation from Hubert Schriebl to open up the riverfront at Williams Park. It was agreed to add this to the agenda of the next regular meeting,

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 9/17/2022, with a rain date of 9/18/2022, 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. Legace spoke about some of the new regulations that the fundraiser must face. He also mentioned a spate of suicides of veterans.

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 9/17/2022, with a rain date of 9/18/2022, 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 Vincent Annunziata. The* **motion passed** *unanimously.*

b. Consider placement of roadside historic marker on Town property

Bob Wells spoke to the Board about his effort to have a historic marker placed in the community commemorating the role Londonderry has played in origins of snowboarding and gave a brief history of snowboarding.

He noted that the original workshop site did not work out as a site for the proposed sign, so he and others looked at alternative locations and felt that the Town property at the northeast corner of VT Routes 11 and 100 would work, subject to Board approval. He distributed a photo of the original Burton workshop on North Main Street, a map of the preferred sign location, and copy for the proposed historic marker, which he mentioned both the Burton family and the business has supported.

Wells spoke to practicalities of the proposed site, including sign visibility and property maintenance requirements, and gave details of the marker sign requirements and approval process. He mentioned that there is likely to be a public celebration, to include local ski areas, if the project comes to fruition. He noted that he did not anticipate any costs for the Town, and stated that if there was a local contribution that he would arrange with interested parties in the community to cover them.

O'Keefe suggested that Wells should connect with the VTrans District 2 office to have the location preapproved, and he can make arrangements. The possibilities of a deed restriction on the property due to it being a flood buyout property was mentioned.

A past effort to site a snowboarding inspired sculpture at the property was briefly mentioned.

Vincent Annunziata ***moved to support the application to the State of Vermont for a roadside historic marker to memorialize Londonderry's place in the history of snowboarding, and to allow placement of the marker at parcel 102026.000, at a specific location on the property to be determined by the Selectboard****, seconded by Jim Fleming. The* **motion passed** *unanimously.*

c. Discuss applicability of Personnel Policy to elected officials

O'Keefe mentioned that since at least 2013 the Personnel Policy, under Section 2: Persons Covered, provides as follows: "*This personnel policy applies to full-time and part-time employees of the Town of Londonderry. Except as stated herein, elected officers and their statutory assistants, members of Town boards and commissions, volunteers, seasonal employees and persons who provide the Town with services on a contract basis are not covered by this policy*".

He mentioned that a new boilerplate personnel policy developed by the Vermont League of Cities and Towns addresses this exemption for elected officials by allowing them to opt in subject to a separate recommended agreement that lays out benefits for which they can be covered for while making it clear which policy provisions do not apply to them, such as with employee discipline.

O'Keefe mentioned that he and Labeau had met with a representative from VLCT and that person is reviewing the Town's policy, which itself is based on a previous VLCT boilerplate policy, for recommended changes to conform with the VLCT recommendations. He noted that there are other amendments needed in the Personnel Policy, such as clarifying holidays for Transfer Station employees, inclusion of social media guidelines, addressing employee sick time and the no-smoking provisions. Inserting language to clarify that Town employees can run for and hold elected office was also mentioned.

O'Keefe stated that he did not feel that immediate changes were necessary as no benefits would be removed from anyone, and to wait to incorporate all of the changes at once instead of piecemeal. It was suggested that this matter be discussed at the next regular meeting if VLCT changes were forthcoming.

d. Review bids and award contract for heating oil delivery for Town facilities

Cavanagh noted that two of the oil vendors had bid prices that had already expired, which appeared to be due to volatility in the oil market. It was suggested that new bids could be requested that are due on the day of the next meeting. O'Keefe recommended that the providers be asked to provide new bids and that the Board authorize a few individuals to review bids and decide on behalf of the Board.

Taylor Prouty ***moved to authorize Shane O'Keefe, Tina Labeau and Tom Cavanagh to negotiate heating oil prices in a timely manner, and for the Town Administrator to sign any agreement authorizing purchase of said fuel****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

e. Discuss Stormwater Planning

O'Keefe noted that back in January the Windham Regional Commission reached out to and mentioned that the State of Vermont has additional funding to complete stormwater master plans and invited Londonderry to participate. A letter of interest was submitted and in late July he received notice that the Town was successful in receiving approval, and a consultant has been hired by the State and is seeking to initiate a kickoff meeting.

There was discussion about which staff or board would take the lead on the project. Cavanagh suggested that because a project like this would involve so many members of staff and other officials that maybe a Selectboard meeting might be the best venue for the meeting.

Whether to hold the meeting early before the rest of the Selectboard meeting was considered, and O'Keefe will make contact with the consultant to determine how long the kickoff meeting is proposed to be and will get back to Cavanagh on this.

Brown mentioned she would not be in attendance at the next regular meeting,

Annunziata suggested that if the meeting is virtual then the meeting could be held at almost any time when people are available, preferably midweek, to get as many people as possible involved.

O'Keefe was asked about which other towns in the region have been selected to participate in the program. He stated the Brattleboro and Rockingham were in process, but that he would find out about others and report back.

f. Consider participation in VLCT-PACIF cyber security awareness training

O'Keefe described an either 1-year or 3-year cyber awareness training program being offered through VLCT-PACIF. The training costs a bit over $500 but is fully reimbursable for the first year by VLCT-PACIF. In the meeting packet was an email received by Labeau that appeared to be from O'Keefe requesting that money be transferred for Town Hall repairs and maintenance. It was an example of a phishing email that employees could easily fall prey to that the training can help to avoid. O'Keefe strongly recommended that the Town participate in this program.

Melissa Brown ***moved to authorize the Town Administrator to enroll Town in the VLCT-PACIF cyber security awareness training program, the cost of which can be fully reimbursed to the Town****, 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 8:43 PM. The next meeting of the Selectboard is scheduled for August 29, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved August 29, 2022.

LONDONDERRY SELECTBOARD

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Vincent Annunziata, Vice Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 29, 2022
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; Recycling Coordinator and One Londonderry representative Esther Fishman; Planning Commissioner Sharon Crossman; Beautification Committee members Pam Abraham, Barbara Wells and Martha Dale. Others – One Londonderry representative Elsie Smith; Southern Vermont Communications Union District representative Eric Hatch; business owners Judy and Tom Platt (6:28 PM); 2nd Congregational Church representative Skip Raymond; residents Deb and Don Hazelton, Dwight Johnson (6:20 PM) 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)]**

O'Keefe recommended moving the Communications Union District update toward the beginning of the meeting.

*Taylor Prouty **moved to adjust the agenda by moving item 10.a to item 6.b**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 8/15/2022

*Jim Fleming **moved to approve the minutes of the Selectboard meeting of August 15, 2022**, 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 Jim Fleming. The **motion passed** unanimously.*

5. Announcements/Correspondence

Shane O'Keefe noted the following:

- On heating oil for Town facilities, we received new bids and accepted the low bid from Irving Oil of $3.853/gallon for 3,000 gallons.
- We received word that the USDA Natural Resources Conservation Service has funded the Town's request for a preliminary investigation feasibility report for the repair of the Williams Dam. We should expect receipt of a Memorandum of Understanding for the Board to consider.

- Last week we received the first payment of the 2nd year of ARPA funding in the amount of $86,681 of the total of $247,522 for this year.
- That day we received the signed lease for the solar array proposed for the former septage fields, and he looks to sign it once given the go-ahead from the Town Attorney.
- VTrans informed him that they will begin paving VT Route 11 from the Plaza to the Landgrove next month.
- Registration in still open for any Board member interested in attending the annual VLCT Town Fair, which is scheduled for October 6 and 7 in Killington.

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

- A letter, dated 7/19/2022, from the Rowland family expressing thanks for the stone wall repairs done by the Highway Department at the end of Parsons Lane.
- The annual financial report for calendar year 2021 for the Deerfield Valley Communications Union District.
- The monthly Town financial report for July 2022.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Elsie Smith noted that OL Recreation Group is working on erecting a shed at the skating rink at the Plaza for the coming winter, largely underwritten by the Jamaica Cottage Shop, and permits are now being sought. And a trails brochure/map is being prepared as well.

The Housing Group is working with the Planning Commission on the housing needs assessment, she stated, and is fundraising for a housing project off of Hells Peak Road.

Smith noted that a resource guide is being worked on and draft materials for it are in the Board's meeting packet. It will be a guide to community services, restaurants, hotels and other businesses. Funding is being sought for the project and it is likely that a request for ARPA funding will made to the Board.

The community facility project proposed for the Town-owned Prouty property in now officially on hold, Smith mentioned, the committee chair has resigned, and Norwich University has indicated that it is too busy with other capstone projects to work with Londonderry at this time. Hopefully the project will come back in the future, she added.

b. Update on Communications Union Districts

Eric Hatch updated the Board on the activities of the Southern Vermont Communications District. He mentioned that phase I of the project had been completed early, and fiberoptic connection is available in Bennington, Woodford and parts of both Shaftsbury and Pownal. And he noted that they are going before the Vermont Community Broadband Board in early September for approval of phase II, a $9.1 million project which would provide for fiber to Londonderry as well as the rest of Bennington County.

On the 20-year contract with Consolidated Communications to provide the Fidium Fiber internet service, Hatch stressed the need for ongoing accountability and transparency with the company with emphasis on speed, reliability and customer service. The next steps, if approved, would be detailed engineering followed by construction beginning in 2023.

Regarding the two CUDs covering Londonderry, the first CUD that builds out the fiber gets the CUD funding, he mentioned.

He mentioned that service pricing is available to view on the Fidium Fiber website, and pre-ordering will be available. Phone service was discussed, as was other large utility projects in the region. Hatch thanked the Board and left the meeting at 6:25 PM.

7. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman provided the Board with an update on Planning Commission efforts.

On the housing needs assessment, she noted that the Commission met and suggest a 3-person group to work with the consultant, consisting of one Commission member, one Selectboard member and one member of the One Londonderry Housing Group. This group would then communicate with the Commission on the project.

Regarding the Zoning Bylaw amendment, a draft is now ready for public hearings and the Commission is working on a schedule and location for hearings with the consultant.

The planning grant for the North Village Master Plan is being closed out, she mentioned. She noted that a second grant could then be applied for for master plan implementation

As for the Wastewater Project, she mentioned that she and O'Keefe had recently met with the Library Board regarding their property behind the Town Offices and its suitability for a community septic system. The Library Board is exploring its options for the property, and additional site analysis is required.

She added that it is important for as a many people as possible to be made better informed about the new designs for these systems, which can be very appropriate for small lots and villages. Crossman mentioned that the Commission has not had a lot of luck getting people to view these systems to what this innovative technology has to offer. She is considering having the Town's engineer do another presentation at the Manchester facility at its community park or elsewhere to demonstrate what they look like and their lack of smell. She mentioned that the need for improved wastewater systems is highlighted by the elevated e. Coli counts in the West River of late.

The Town Hall project, O'Keefe spoke to the difficulty of attracting contractors to conduct the work and it is hoped that VMS Construction can fit the project in soon. He hopes to include as much work as possible, including some elements of the Town Office, in order to make the project more attractive.

b. E911 Coordinator – Approve name of new private road (Perry Lane)

The Board reviewed an application from Don and Deb Hazelton seeking to name a new private road off of Hells Peak Road as "Perry Lane". O'Keefe noted that this proposed road was issued an access permit (#2020-02) by the Board on 3/2/2020, and was part of a subdivision approved under Zoning Permit #2020-06 on 6/17/2020.

O'Keefe noted that the Town's E911 Coordinator had concerns with the proposed name sounding too similar to the existing "Derry Lane", as the State of Vermont E911 addressing standards mention that for roads "(t)here shall be no identical or similar-sounding names". He noted that with identical or similar-sounding names there could be mix-ups during emergency response situations.

Deb Hazelton mentioned that the last thing they want to do is create a name that would cause confusion with emergency services, but noted that the two roads were in different parts of town, with different zip codes and covered by different fire departments.

She mentioned that Perry Lane would be named for a friend named Bob Perry from Weston, who before he passed away had stated that he'd love to have a road named after him. She also offered a second choice, which would be "Bob Perry Lane", and there was agreement that this might be more acceptable.

Prouty reiterated the State's road naming restrictions, and O'Keefe suggested connecting with the State E911 Coordinator to comment on the matter. Prouty suggested additional research, and ask O'Keefe to confer with Town E911 Coordinator Kelly Pajala to work on acceptable ways to name the road. Annunziata stated that if the Town's E911 Coordinator was amenable to a new name then the Board is likely to approve it.

The Deb Hazelton mentioned that they had already put up a road name sign. The Hazeltons left the meeting 6:45 PM.

8. Transfer Station/Solid Wase Management

a. Updates

Esther Fishman stated that notice went out to conditionally exempt generators in anticipation of the 10/1/2022 hazardous waste collection. She added that she will put together a flyer to announce this and get that to O'Keefe for the Board's next meeting.

She mentioned that there had been some confusion at the Transfer Station the past week as the Supervisor was not aware that the Board had changed the Tuesday operation hours back.

9. Roads and Bridges

a. Updates

Taylor Prouty noted that the Road Crew is finishing up the Grants-in-Aid project on Goodaleville Road, with only seeding and mulching left. Roadside mowing is ongoing, he reported, with most of south Derry done and north Derry likely to begin next week, and that there had been some scheduling delays that prevented a June start to this work.

He spoke about a proposal coming up from Green Mountain Power where the company looks to bury its lines beneath Under the Mountain Road for approximately 3 miles, which will require Board approval. He mentioned that this would be a major undertaking and that the Town needs to find other examples of where this was done to ensure that the Town is adequately protected. Prouty noted that the Town could rely on the State statutes or establish its own regulations, and O'Keefe mentioned that Town authority to control this type of project fall under the same as that for access permits. Prouty noted he has no issues with GMP, but has concerns with working with Consolidated Communications due to lack of responsiveness. The project is still developing and GMP's planning contractor would like to visit with the Board at an upcoming meeting, Prouty stated.

O'Keefe gave the follow updates:

- Following up on the traffic calming discussion at the last meeting, Tom, Taylor and he met with VTrans District #2 representative Marc Pickering last week and with regard to location of radar feedback signs, and Pickering stated that on State highways they must be erected at the location of existing speed limit signs, so it would make sense that they be located at the 30 MPH signs at the entrances to the villages. Other Town efforts on erecting these signs were mentioned. He'll continue to gather information on this matter and report back at the next meeting.
- The Town received a cost proposal from Hoyle Tanner for the Spring Hill Road culvert replacement and the proposed service costs were remarkably higher than expected. He has spoken with the firm and is working on ways to pare down the scope and cost. Our VTrans structures grant will pay for this effort, he mentioned, but we would like to use as much of that grant as possible on the construction end of the project. Other revenue options for the project were mentioned.

Prouty noted that the Town has received an amended road access permit for 45 Old School Street that eliminates the need for a road crossing and makes other changes, and this is likely to be considered at the next meeting.

He also recalled a previous meeting he and O'Keefe had had with a property along Gale Meadows Road regarding need for an access to the property for a new home. The property owner has reported that after conducting some research, the portion of Gale Meadows Road to which he needed access from the Vermont Department of Fish and Wildlife is actually under his ownership and the State has access over his land. He therefore needs no permission from the State to create an access. Prouty noted that the Town needs to consider reclassifying the Town portion of the road from Class 3 to Class 4. O'Keefe mentioned he is working with VTrans on some highway road map changes and maybe this can be included into the series of changes.

b. Consider proposal for roadside tree cutting on Hells Peak Road

Prouty distributed a written proposal for tree removal from Carr Tree & Timber and mentioned that he had spoken with Tree Warden Kevin Beattie about the proposed tree removal project on Hells Peak Road, and Beattie concluded that they were hazard trees but pointed out that there are a minimum of 4 trees on Thompsonburg Road needing removal.

Prouty noted that he and Beattie agreed that moving forward with the Hells Peak Road proposal with existing funds was appropriate at this time, but Beattie suggests getting a proposal to do the Thompsonburg Road trees. Prouty suggested to the Board approving the existing proposal and exploring how and when this year to do the other trees.

O'Keefe mentioned that the proposed cost is $2,800 and the tree removal budget is only $2,500. He added that material costs in particular elsewhere in the Highway budget were going to create a situation where some projects or expenses will need to be cut. It was agreed that the price was reasonable and the project is important.

Prouty mentioned that Highway Department staff can do some additional training in order to handle some tree work proactively before trees become large and/or hazardous.

Jim Fleming ***moved to accept the bid from Carr's Tree & Timber LLC for tree removal services along Hells Peak Road in the amount of $2,800, such funds to come from 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.*

c. Consider request to VTrans for speed limits on VT Route 100 south of VT Route 11

O'Keefe noted that during the recent discussion with VTrans on radar speed signs it was realized that VT Route 100 south of VT Route 11 is entirely a 50 MPH speed zone, without 40 MPH and 30 MPH transitional speed limit zones as found at every other State highway entrance to the north and south villages. He noted his research shows no speed limit signs back to 2008, but that VTrans would do some research to see if there are supposed to be signs up now that for some reason are missing.

O'Keefe suggested that the Board request that the State consider lowering the speed limit.

Jim Fleming ***moved to request that the Vermont Agency of Transportation and the Vermont State Traffic Committee consider reducing the speed limit on VT Route 100 south of the VT Route 11. At present the speed limit is 50 MPH in both directions of travel and there are no graduated speed limits on this stretch of roadway****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. Consider changes to Town Highway numbers for Hells Peak Road

O'Keefe reviewed with the Board the VTrans highway map which shows Hells Peak Road as being portions of Town Highways #9, #11 and #13, and suggested renumbering it to TH #13 for its entire length for ease of reference such as with the Traffic and Parking Ordinance. He noted that he has checked on this with the VTrans mapping section and they are amenable to this. It was confirmed that no address changes would be made by virtue of this change.

Taylor Prouty ***moved to request that the Vermont Agency of Transportation renumber Town Highway #11 as Town Highway #13, and renumber the portion of Town Highway #9 between VT Route 11 and Barker Road as Town Highway #13, thus establishing that the entirety of Hells Peak Road in Londonderry is designated as Town Highway 13****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

e. Consider contract for supply of Road Crew uniforms

O'Keefe noted that the Town presently is serviced by Foley Services of Rutland for Highway Department uniforms and rags, and floor mats for the Town Office, and the contract expires in September. A proposal from Unifirst was received and a proposed contract was distributed at the meeting. He noted that both of the contracts include an evergreen clause that requires the Town to actively terminate the contract to avoid the contract term automatically rolling over for up to 3 years.

Costs for the two vendors is very close, but there would be a setup cost for switching over to Unifirst for uniforms. Prouty mentioned the Road Crew was interested in trying a new uniform vendor, and Annunziata stated that he has had good experience with Unifirst.

Taylor Prouty ***moved to accept the proposal from Unifirst for supply of Highway Department uniforms and towels, and Town Office floormats, and authorize the Town Administrator to execute any documents necessary to secure this service, including a service contract or agreement****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

10. Old Business

a. Consider establishment of committees for Housing Needs Assessment, Water-Wastewater project and Town Hall Renovation project

O'Keefe noted that there had been Board discussion about having meetings for the upcoming housing needs study be subject to the VT Open Meeting Law (OML), and during that there was discussion about whether other ongoing project efforts, namely the wastewater project and the Town Hall renovations, should be treated likewise.

Annunziata noted that working groups could be less flexible if subject to the OML, and suggested that they could work on their own and report in as necessary and any decisions would been to made at an open meeting.

Sharon Crossman stated that some project working groups could be more laborious if required to follow by the OML, and that she felt that there was no risk if we trust that those working on the project act in good faith. She mentioned the Planning Commission is prepared to do whatever the Board is comfortable with doing, and suggested that the Commission could report in more often as necessary.

Annunziata suggested that in lieu of ONL requirement it would be sufficient if written updates or minutes of working groups were made available to the Board for inclusion in meeting packets to provide the public with information.

O'Keefe suggested that the Board could make formal appointments to project working groups. He also stated that there was no significant working group activity going on in the recent past.

Prouty stated that guaranteeing a level of transparency is important.

It was noted that for the Town Hall project the working group has been O'Keefe, Crossman, Larry Gubb and Mimi Lines, and for the wastewater project, the working group has been O'Keefe, Crossman, Larry Gubb and Gail Mann, with former Selectboard member Bob Forbes having stepped away from the group some time ago.

It was agreed to continue this matter to the next regular meeting.

Smith left the meeting at 7:30 PM

b. Establish Cannabis Control Commission point of contact

O'Keefe noted that the Cannabis Control Commission requires that the Town establish a point of contact for local Cannabis Control Board business, and he mentioned that Town Clerk Kelly Pajala has agreed that it makes most sense for her office to handle this as it does now with liquor licenses.

Jim Fleming ***moved to appoint the Town Clerk as the Selectboard's primary point of contact with the Vermont Cannabis Control Board with regard to local licensing of cannabis establishments****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Platt Elevation Project – 7th Extension of Memorandum of Understanding

O'Keefe noted that on 7/6/2022 the Board extended the Memorandum of Understanding (MOU) for this project with Judy and Tom Platt for the 6th time, to 8/31/2022 and, due to ongoing mutual obligations with the property owners under the MOU, he recommended extending it for another 3 months.

Dwight Johnson stated that he was prepared to give the Board an update on the project.

Board members questions whether the project was complete, and O'Keefe responded by saying it was complete but there are two invoices from the contractor that are outstanding, each requiring more information or verification before the Town will pay them.

The property owner's wish to seek additional project funding was raised, and O'Keefe stated that he has been invited to meet with the Platts and Johnson, along with Board Chair Town Cavanagh and a State representative, to discuss next steps. Johnson noted that they believe that there are construction items not included in the scope of work that should be paid for by the state and look to seek amendments to the budget and/or scope of work subject to State approval.

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 8/31/2022 to 11/30/2022, and to authorize the Town Administrator or Selectboard Chair to execute an agreement extension document on behalf of the Town. The Board previously approved an extension on 7/6/2022****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

11. New Business

None.

12. Adjourn

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

The meeting adjourned at 7:37 PM. The next meeting of the Selectboard is scheduled for September 12, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved September 12, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 12, 2022
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 (via phone); Planning Commissioner Sharon Crossman; Conservation Commissioner Irwin Kuperberg, Transfer Station staff members Keith Barton and Steve Twitchell. Others – 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)]

Taylor Prouty ***moved to add to the Old Business section of the agenda discussion on a USDA project feasibility and eligibility analysis of the Williams Dam****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to add to the New Business section of the agenda consideration of employee compensation matters****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to adjust the agenda by moving the discussion on the establishment of committees for the Housing Needs Assessment, Water-Wastewater project and Town Hall renovation project from Old Business section of the agenda to Town Officials Business, consideration of employee compensation matters****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

3. Executive Session(s) – 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 Steve Twitchell, Keith Barton and Shane O'Keefe to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Board entered executive session at 6:03 PM. Twitchell left the executive session at 6:25 PM and Barton left at 6:31 PM. The Board came out of executive session at 6:47 PM.

4. Minutes Approval – Meeting(s) of 8/29/2022

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of August 29, 2022****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O'Keefe noted the following:

- Registration in still open for any Board member interested in attending the annual VLCT Town Fair, which is scheduled for October 6 and 7 in Killington.
- VTrans has announced the FY23 Municipal Highway and Stormwater Mitigation grant program. This program provides funding for projects that improve storm water management and/or reduce pollution from highway run off. He will be applying for funds from this program for the Spring Hill Road culvert replacement. The deadline is 10/7/2022 and the grant requires a 20% local match for any money awarded.
- The Clerk and Treasurer's office will be closed on September 20th & 21st for training away from the office.
- The Conservation Commission and the One Londonderry Ways and Trails group will be conducting a walk at the Shamberg Forest for an onsite review of One Londonderry's trail proposal. The walk will take place on 10/5/2022 at 9am and we are inviting all stakeholders to join us.
- Camoin Associates is now under contract for the Housing Needs Assessment.
- The Beautification committee received an updated time frame for installation of the signs of September 14-16th.
- For the new contract with Unifirst for Road Crew uniforms, after the fitting it was determined that a more rugged type of pant was preferable, which will result in an additional $100 or so per year total cost.

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

- A copy of the flier for the upcoming hazardous waste collection day, which is scheduled for Saturday, 10/1/2022 from 9 AM to 1 PM at the Flood Brook School.
- A notice of appeal to the Vermont Supreme Court submitted by attorneys for Emanuel Contos on 9/6/2022, related to the tax deed suit that the Town recently won.
- A 7/28/2022 notice of initial filing of an Act 250 permit application by Hunter Excavating, Inc., which seeks to extend gravel extraction activities at 197 Rowes Road.
- A public notice from the Vermont Agency of Natural Resources, Department of Environmental Conservation of the draft general stormwater permit for the State-wide Municipal Roads General permit program.
- Windham County Sheriff's monthly report for August 2022.

On the Zoning Bylaw rewrite, Sharon Crossman mentioned that the Planning Commission is planning to hold three separate information sessions on specific topics (to be determined) on the evenings of October 13, 17 and 27. The hybrid meetings will be held at Neighborhood

Connections and online, and are a precursor for the required public hearings to take place at a later date. Public outreach for the meetings is in the works, she mentioned.

7. Visitors and Concerned Citizens

Sharon Crossman suggested that the Board explore hybrid options for board and committee meetings to help promote participation and transparency. O'Keefe was asked to do some research on this, and it was mentioned that ARPA funds could pay for this. The need for someone to operate the equipment was discussed.

8. Town Officials Business

a. E911 Coordinator – Approve name of new private road (Perry Lane)

Continuing from the previous meeting, the Board considered the request from Deb and Don Hazelton to name a new private drive off of Hells Peak Road as "Perry Lane". At the previous meeting the Board noted E911 Coordinator Kelly Pajala's concern with the proposed name sounding too similar to the existing "Derry Lane", and the Hazeltons had suggested "Bob Perry Lane" and an alternative. An email from the Hazeltons suggesting "Perrys Lane" as a preferred alternative and that "Bob Perry Lane" would do if necessary. In the email Pajala stated that this new alternative is still too close to Derry Lane, but that "Bob Perry Lane" was acceptable.

O'Keefe suggested establishing a policy that provides that erecting street signs in situations such as this be delayed until such time as there are 3 homes on the road. Otherwise, there could be any number of driveways being named. The fact that there is no local E911 or street naming or numbering policy or ordinance was noted, and O'Keefe noted that it is very common for towns to adopt one of these.

O'Keefe mentioned that he would be happy to work with Pajala on an ordinance or policy for the Board to consider. He described how some towns differentiate municipal and private roads name suffixes, such as with "street", "avenue" or "road" for Town roads, and "lane", "drive" or "way" for private roads. Prouty mentioned that the existing "Perry Lane" sign that the Hazeltons put up should be removed.

Melissa Brown ***moved to approve the naming of the private drive off of Hells Peak Road serving parcels 013013.000, 013013.001 and 013013.002 as "Bob Perry Lane". This access was approved by the Selectboard on March 2, 2020 under Access Permit #2020-02, and is subject to conditions determined by the Development Review Board on May 26, 2020 under Zoning Permit #2020-06, with the condition that this name shall come into official use, and the Town shall erect a road name sign, upon putting together the language with the E911 group for consistency of naming roads****, seconded by Taylor Prouty.*

Brown suggested that she did not know what the language of a new policy or ordinance would state so this condition would provide flexibility for the Town.

The **motion passed** *unanimously.*

b. Consider establishment of committees for the Housing Needs Assessment, Water-Wastewater project and Town Hall renovation project

Continuing from the previous meeting, O'Keefe recalled that there had been Board discussion about having meetings for the upcoming housing needs study, and possibly other projects, be subject to the VT Open Meeting Law (OML). He recalled that for the Town Hall working group he had mentioned to the Board a few years back his desire to work with Sharon Crossman, Larry Gubb and Mimi Lines on the project and there was no objection, and a formal committee was never established. Working on the Town's wastewater project are O'Keefe, Crossman, Gubb, Gail Mann and Gary Hedman, and Bob Forbes was part of the group when he was a Selectboard member.

O'Keefe noted that the Vermont League of Cities and Town has opined that only the Selectboard can establish Town committees, and that working groups are permitted to operate outside the OML but transparency with this form of gathering is important.

Cavanagh stated that the Town Office project does not warrant establishing a formal committee, as any major decisions have to come the Board, but that the other two do as the projects affect the entire town.

Brown stated that the wheels of government turn very slowly and that working groups can operate effectively by reporting out to the Selectboard, but working as committees can be cumbersome and can slow down project opportunities.

Fleming asked whether those on these working groups were aware of the Board's discussion and Crossman mentioned that they were. She mentioned that a kickoff meeting on the housing study is scheduled for Thursday of that week and they just need to know how to proceed.

Brown stated that the OML ties the hands of those trying to make the community better, is unnecessary and not legally required. Cavanagh mentioned that VLCT's advice to him was that anything that will be voted on in the future has to be subject to the OML.

O'Keefe noted that the Planning Commission voted on 8/23/2022 to recommend that a housing oversight committee be established for the housing study to include Maryann Morris, Paul Abraham, Melissa Brown and Patty Eisenhaur.

Brown emphasized that the Board does not need to have such tight control over working groups as long as they are reporting to the Selectboard. O'Keefe suggested that because each of the projects is spending Town funds they should be subject to an enhanced level of oversight.

Cavanagh recalled that the Policing Committee a few years back followed the OML as it was a matter of town-wide significance.

In preparation for Board votes Crossman mentioned the names of those who have been working on the various projects.

Taylor Prouty ***moved to determine that the effort to conduct a Housing Needs Assessment is best handled through the establishment of a committee, and the Board hereby establishes the "Housing Needs Assessment Committee", as authorized under 24 V.S.A. Section 4433, which shall be subject to the Vermont Open Meeting Law, report to the Planning Commission and be made up of the following individuals: Patty Eisenhaur;***

Melissa Brown, Maryann Morris; Paul Abraham, and alternate Sharon Crossman*, seconded by Jim Fleming.*

Brown inquired whether the Selectboard could determine how many seats any committee can have. O'Keefe responded in the affirmative, and read off the number of members of the various public bodies in the Town. There was discussion about how many members should be in public bodies, and having a consistent number was mentioned. Statute requires no less than 3.

The ***motion passed*** *3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.*

Taylor Prouty ***moved to determine that the effort to explore and possibly design and construct public wastewater systems in the village areas is best handled through the establishment of a committee, and the Board hereby establishes the "Village Wastewater Committee", as authorized under 24 V.S.A. Section 4433, which shall be subject to the Vermont Open Meeting Law ,report to the Planning Commission, and be made up of the following individuals: Shane O'Keefe; Larry Gubb; Gail Mann; Sharon Crossman and Gary Hedman****, seconded by Jim Fleming. The* ***motion passed*** *3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.*

Taylor Prouty ***moved to determine that the effort to renovate the historic Londonderry Town Hall is best handled through the establishment of a committee, and the Board hereby establishes the "Town Hall Renovation Committee", as authorized under 24 V.S.A. Section 4433, which shall be subject to the Vermont Open Meeting Law ,report to the Planning Commission, and be made up of the following individuals: Shane O'Keefe; Larry Gubb; Mimi Lines and Sharon Crossman****, seconded by Jim Fleming. The* ***motion passed*** *3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.*

9. Transfer Station/Solid Wase Management

a. Updates

Cavanagh again mentioned the upcoming hazardous waste collection day, which is scheduled for Saturday, 10/1/2022 at the Flood Brook School from 9 AM to 1 PM.

The need for recycling of gasoline, which is not accepted at this event, was discussed.

Crossman left the meeting at 7:42 PM.

10. Roads and Bridges

a. Updates

Taylor Prouty noted that paving was supposed to start that day but there was an asphalt plant issue, and it is delayed for a few days. Mowing continues in south Londonderry, but the Road Crew will be moving to north Londonderry soon. Sand is currently being he delivered, and ditching is still ongoing, while the Goodaleville stormwater improvements are almost complete.

Taylor Prouty noted the following usage for the month of August 2022:
Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 648.5, Town Office Generator – 0, Transfer Station – 140

b. Discuss community traffic calming effort

O'Keefe mentioned that he had been following traffic calming activities in Newfane, and suggested that the Board look into those efforts as well. He mentioned his recent meeting with VTrans on the subject of radar feedback signs and it was noted that the Town of Newfane had purchased and erected on State highways an acceptable sign type. He contacted Newfane's Road Foreman and received very positive feedback on the model being used, as well as a recent invoice on the model, which costs about $3,000. The Board received a copy of the cut sheet for the unit, which O'Keefe described as "no frills" and meets all State and federal guidelines. He mentioned that they come with one year of cloud-based access to the units, which costs $400 per unit per year thereafter.

Prouty noted that the added features that some towns have employed with their signs, such as special messaging, are not allowed by VTrans, ands this "no frills" version is acceptable and a good value. Cavanagh noted that the signs can only be located at existing speed limit signs if on a State highway.

The ability of the Sheriff's Office to gain access to the data generated by the signs was discussed, and considered to be an advantage to law enforcement activities.

Prouty suggested that the Town purchase 6 or 7 of them, with possible sign location at the 4 State highway entrances to the north village and the 2 State highway entrances in the south village, and also somewhere on Thompsonburg Road. Brown suggested doing traffic studies before and after to determine if the radar feedback signs are effective

Brown suggested that the Board warn on an agenda a discussion on where the radar feedback signs are proposed to be located, so there is an opportunity for community input. Irwin Kuperberg suggested that having so many signs might have a negative cosmetic effect on the community.

O'Keefe suggested that 1) he and Road Foreman Josh Dryden and one or more Selectboard members visit with Town of Newfane representatives to review their signs, 2) that he looks further into State permits, and 3) that he speaks to the sign vendor about order and pricing details, and then report back to the Board.

It was agreed to discuss this further at the next meeting.

Cavanagh noted that in discussion with the VTrans staff member it was recommended that the Town not pursue speed tables as they can be very noisy for neighbors when larger trucks pass over them.

c. Access Permit 2022-05A – 45 Old School Street, Parcel 101303.000

Prouty mentioned that this application amends the original application, which had called for a road crossing for drainage. The revised application provides an acceptable solution to the drainage problem, with a catch basin directing water to a surface swale to a drop inlet by the South Londonderry Free Library. The proposal also calls for removal of one of the two curb cuts and the addition of a curb cut across Old School Street for 2 new accessory parking spaces on another portion of the property.

He explained that he and Road Foreman Josh Dryden had reviewed the proposal and find that it is a better solution all around. Prouty mentioned that the property owner wanted to do the right thing all along and has spent quite a bit to find a practical solution.

Jim Fleming ***moved to approve access permit application No. 2022-05A, submitted by Mark Tarmy, for parcel #101303.000, located at 45 Old School Street****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

d. Consider engineering cost proposal for Spring Hill Road culvert replacement

O'Keefe explained that because of the possibility of federal funding for this project he went through a Qualification-based selection (QBS) process, whereby a consultant is first determined to be the most qualified firm and then a service cost is negotiated. He recalled that on 8/15/2022, the Board voted that "the firm of Hoyle, Tanner and Associates, Inc. (HTA) was the most qualified to provide engineering services for the Spring Hill Road culvert replacement project, and authorize the Town Administrator to work with the consultant firm on a cost proposal for its proposed scope of services for consideration by the Board". The initial cost proposal was just under $120,000 but he worked with the consultant to pare down the scope of work to cut the cost to under $90,000. O'Keefe acknowledged that this cost was well above what was expected, but may be a sign of the times and suggested that as an alternative the Board could go out to bid anew in the hope of seeing lower costs. He noted that HTA expects that the best solution for the project is a very large box culverts as opposed to a bridge.

O'Keefe noted that the firm will deliver a very good product and if we go out to bid we may not do any better that what we have. He reminded the Board that the Town has a grant of $175,000 already that we cover this expense.

Prouty agreed that the cost was high, and maybe it's a function of the market, and inquired whether the Town can seek a response from the other consultant. O'Keefe noted that the QBS process does allow for that if the Town and the selected consultant are unable to reach an agreement on cost. Prouty suggested that the cost is not likely to be cheaper if we delay by going through a new bid process. O'Keefe noted that the contract with HTA would be based on time and materials billing and not a lump sum, so there are likely to be places where we can save costs on the project with Town efforts.

Prouty noted that there is a good amount of infrastructure funding now, so getting the engineering for this project behind us sooner may help the Town secure some of these funds.

Taylor Prouty ***moved to accept the revised scope of work and cost proposal from Hoyle, Tanner & Associates, Inc. to provide engineering services for the Spring Hill Road culvert replacement project, the cost of which will be reimbursed by State grant funds, and 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 Melissa Brown. The* ***motion passed*** *unanimously.*

11. Old Business

a. Consider establishment of committees for Housing Needs Assessment, Water-Wastewater project and Town Hall Renovation project

Addressed earlier in the meeting.

b. Distribution of National Opioid Settlement funds

O’Keefe recalled that on 12/6/2021 the Board voted to participate in the national opioid settlements, and funds of a little over $129 have been received, which must be expended on qualifying services such was opioid remediation and prevention services. He recommended that the Board allocate the funds received to The Collaborative now and in the future as this is the service it provides to the community.

Jim Fleming ***moved to distribute the funds received by the Town from the National Opioids Settlement to The Collaborative to be used for its drug prevention activities in Londonderry****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

c. Discussion on a USDA project feasibility and eligibility analysis of the Williams Dam

Following up on the announcement at the previous meeting that the USDA Natural Resources Conservation Service will provide a preliminary investigation feasibility report for the repair of the Williams Dam, Cavanagh mentioned that a meeting with the USDA and its consultant was scheduled for later in the week and he asked if others would like to join him and O’Keefe in the meeting. It was noted that the meeting was for information gathering by the consultant. It was suggested that Emergency Management Director should be asked to participate.

Melissa Brown offered to participate and there was discussion of what time worked best on 9/15/2022.

12. New Business

a. Discuss FY2024 budget goals

O’Keefe noted that a draft FY2024 budget schedule prepared by Town Treasurer Tina Labeau had been provided to them in their meeting packet, and inquired as to whether the Board members had recommended direction for departments on limits to expenditures, such as level funding, specific increase limits or emphasis on certain types of expenditures.

Cavanagh stated that he wished to keep the budget as low as possible, but noted that highway paving and materials costs are increasing and will be difficult to trim costs. Prouty agreed that road and bridge costs are going up, and while the community is still in recovery mode, budget cuts there would be crippling to making any progress.

O’Keefe noted that departments are conscientious and frugal and can be counted on to budget responsibly, but its up to the Board to set direction.

Prouty mentioned that the Town needs to be realistic in its budgeting, and Cavanagh suggested gradually raising these highway budget costs as appropriate. Brown noted that increasing the tree removal budget has been suggested. Prouty mentioned that tree costs are rising as well, and that one strategy to deal with this is to train the Road Crew on tree trimming so that it can be done preventatively.

Cavanagh suggested that costs of operating the Transfer Station are also likely to increase.

On the budget timeline O'Keefe noted that his name was not included, and assumed that meant that he was to part of the Selectboard discussion on appropriations and at all budget meetings. Cavanagh agreed. O'Keefe stated he'd team up with Labeau on the budget process.

Cavanagh noted that the timeline and schedule could be flexible based on availability, and O'Keefe suggested that the Board could accelerate the budget process to make more time for Board budget reviews.

Board members volunteered to participate in budget discussion as follows:

- Cavanagh – Solid waste, Highways
- Prouty – Highways

b. Discuss brush removal at Town-owned Prouty property

O'Keefe mentioned that before the property reverts to woodlands it needs to be brush hogged. Prouty stated that the Road Crew would not be able to handle this and it should be put out to bid.

Prouty mentioned that the Conservation Commission used to burn the brush some years ago and suggested that Tree Warden Kevin Beattie should be contacted due to his role in that.

It was agreed that O'Keefe should put this out to bid for consideration at the 10/10/2022 meeting.

The recently planted pollinator garden was discussed briefly

c. Consideration of employee compensation matters

Taylor Prouty ***moved to move to adjust the hourly rate of pay for Keith Barton to $20.00, effective this pay period****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to move to adjust the hourly rate of pay for Steve Twitchell to $19.00, effective this pay period****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

13. Adjourn

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

The meeting adjourned at 8:49 PM. The next meeting of the Selectboard is scheduled for September 26, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved September 26, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 26, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Town Clerk and Parks Board member Kelly Pajala; Road Foreman Josh Dryden; Recycling Coordinator and One Londonderry representative Esther Fishman; Planning Commissioner Sharon Crossman; Parks Board member Taylor Barton. Others – One Londonderry representatives Elsie Smith and Mimi Lines; Flood Brook Athletic Association members Sarah Keifer and Jason Marino; business owner Judy Platt; 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)]

Regarding the request under the New Business section of the meeting for 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Londonderry Café and Tavern, LLC, doing business as Jake's Marketplace Café, Kelly Pajala noted that she had only received license documents for the Outside Consumption permit the issuance of which is dependent on issuance of liquor permits.

Taylor Prouty ***moved to delete from the New Business section of the agenda the consideration of liquor licenses****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to add to the Old Business section of the agenda, consideration of a proposal for Town Hall roof repairs and replacement****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to add to the New Business section of the agenda, the consideration of a request to the use of Town Hall****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

3. Executive Session(s) – 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, Shane O'Keefe and Tina Labeau to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 6:05 PM. Dryden left the executive session at 6:54 PM and the Board came out of executive session at 7:05 PM.

4. Minutes Approval – Meeting(s) of 9/12/2022

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of September 12, 2022****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

5. Selectboard Pay Orders

O'Keefe noted that the pay order included the invoice for road paving.

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

6. Announcements/Correspondence

Shane O'Keefe noted the following:

- An Invitation to bid for Prouty property brush clearing will be issued by Wednesday.
- Invitation to bid for winter salt will be issued by Wednesday.
- The Welcome to Londonderry signs have been installed. Photos of the signs were handed out to the Board members.
- The Conservation Commission and the One Londonderry Ways and Trails group will be conducting a walk at the Shamberg Forest for an onsite review of One Londonderry's trail proposal. The walk will take place on 10/5/2022h at 9am and we are inviting all stakeholders to join us.
- He will be attending the VT Town & City Managers Association meeting in Middlebury on October 13 & 14.

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

- A thank you card from Annie Bissette for paving Landgrove Road.
- A notice of public hearing from the Windham Regional Commission for a hearing scheduled for 10/13/2022 at 5:30 PM to consider amendments to the WRC Bylaws to allow support of intermunicipal service agreements.
- A copy of the specific WRC bylaw amendments.
- Year-to-date Town financials through August.

Esther Fishman reminded everyone of the upcoming hazardous waste collection day, which is scheduled for Saturday, 10/1/2022 from 9 AM to 1 PM at the Flood Brook School, and that a list of what can and cannot be brought can be found on the Town website

Kelly Pajala reported that ballots for the November general election would be mailed by the State sometime during the week, and she will post notice when they are out. Those that do not receive one should contact her office. Polls will be open from 7:00 AM to 7:00 PM, she added, and ballots can be returned that day or any day prior.

Sharon Crossman mentioned that the draft of the proposed Zoning Bylaw amendment will be discussed at a series of public information meetings on October 13, 17 and 27 to be held between

6:00 PM – 7:30 PM at Neighborhood Connections. The Town's consultant will be on hand to discuss and answer questions on details of the proposed Bylaw.

7. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Elsie Smith mentioned that One Londonderry's most recent meeting minutes have been presented to the Board, and then introduced Mimi Lines. Lines described a resource guide that she has been working on to that will help business development in the community. Its purpose is to provide essential information t residents and visitors, highlight key features and attractions in the area, promote local businesses, and develop the town's brand in the eyes of the public, as the hub of the mountain towns. She mentioned that the guide is expected to include maps, various highlighted features and emergency contact numbers, will contain about 60 pages in a printed version and eventually be on the web.

She requested that the Town contribute funds, such as ARPA funds, toward the $10,000 cost of the effort, and mentioned that a $1,000 commitment is already in hand and other fundraising efforts are planned. Lines stated that other mountain towns will also be asked for funds.

It was noted by the Board that ARPA funding applications will be accepted beginning in October.

8. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman spoke to the Board about Planning Commission matters. She noted that the new Housing Needs Assessment Committee held its first meeting at which basic organization took place as did a kickoff discussion with the housing assessment project consultant on next steps. A press release about the housing effort will soon be released, she added.

She mentioned that the new Village Wastewater Committee will meet soon to discuss progress, to catch up with the engineer on new soils information, and she mentioned that the legal opinion on a large South Londonderry property has been received.

The new Town Hall Renovation Committee will be addressing roofing as the next stage of the project and will formalize plans for following stages, she noted.

Crossman informed the Board that the Village designation will need to be renewed in the coming month, and she spoke to the advantages of having the designation.

Lastly, she mentioned that a planning grant application was in the works for October.

Pajala raised the issue of a foundation leak at the Town Hall and inquired whether the Selectboard or the Committee would be working on this. Crossman mentioned that Committee members were aware of it but that the work was of a more urgent need than the long-term work of the Committee. Pajala suggested addressing the foundation as soon as possible. O'Keefe suggested that the new Committee take it up as its other work will not come up for a while, and to have the project engineer inspect the foundation. Prouty suggested that the recent perimeter drainage work around the building could have created the leakage, which was not an issue in the past.

It was noted that that the Town Hall front door has trouble locking and may need either new locks or leveling, or both.

Cavanagh noted that One Londonderry appears to be working on a landscaping plan for the former Genser property at the northerly intersection of VT Routes 11 and 100, and inquired whether the Planning Commission had been consulted. She replied that the Commission had not been officially notified. O’Keefe mentioned that the Beautification Committee had been consulted and its recent minutes include an early-stage sketch plan. He mentioned that he informed the person working on the plan of the numerous restrictions on the land that would need to be researched, and Cavanagh added that the State has several rights-of-way over property, both along the State highways and the flood wall along the West River mill pond. Lines mentioned that the Beautification Committee has enough on its plate to take over this property. Crossman mentioned that there is an old draft design plan for the site drawn up after the Tropical Storm Irene flooding.

b. Parks Board/Flood Brook Athletic Association – Discuss proposal for a regional Recreation Director

Sarah Keifer on behalf of the Flood Brook Athletic Association mentioned that her organization and the Parks Board met to discuss the potential for development of a regional recreation director position that would be responsible for managing facilities and opening up recreation opportunities for people of all ages. This would streamline the process and administration of programming in the area, and as a regional position the towns of Londonderry, Weston, Landgrove, Peru and Winhall, each of which are served by FBAA, would be approached for contributions for the position.

She added that they are just beginning the discussion on the idea and are looking for initial feedback and questions needing answers, and that a formal proposal would eventually be developed.

Cavanagh mentioned that he and Melissa Brown had attending the Parks Board meeting with FBAA and the more Towns that get involved the more likely it is to become a reality. Brown said that the idea could be well-received if there is more regional buy-in, and that her experience is that a robust parks department and recreation program serving all ages really helps the fabric of a community remain strong.

Pajala suggested that the Windham Regional Commission’s effort to work with towns on intermunicipal services was very timely and topical.

Keifer stated that they have reached out to other mountain towns and have 4-5 meetings scheduled already.

Prouty suggested that as they prepare a proposal they be prepared to speak to the issued of overall cost of the position. Pajala clarified that they are seeking a year-round full-time position. Prouty stated that providing a list of tasks that the position would handle would help the Board to determine whether it warrants a full-time position. O’Keefe suggested that a list of facilities for each town that needed oversight would be helpful.

Keifer mentioned that surrounding municipalities such as Manchester, Ludlow and Chester have recreation staff to support their programs while the mountain towns rely on volunteers, and that it’s a good opportunity for both expansion and maintenance of what is already in place.

c. Town Treasurer – Review 2022 Town Audit

Labeau reported that there were no significate findings in the audit, and in fact the Town had a pretty good year, with an unassigned fund balance now at about $480,000. O'Keefe mentioned that the fund balance was quite low only two years ago and that Labeau, the Board and departments have done a great job with their budgets, and if an unassigned balance of 15% of expenditures is assumed, the Town has over $60,000 available to lower taxes or assign to specific expenses.

Labeau stated that if Board members had any questions that she was available to answer them. She added that there were no recommendations from the auditors.

Taylor Prouty ***moved to accept the FY2022 review audit****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

d. Town Treasurer – Annual VLCT-PACIF renewal

Labeau noted that it was time to renew the Town's insurance and inquired if the Board whether the Town should seek bids or stay with VLCT-PACIF. It was generally agreed that the present carrier works well for the Town.

Taylor Prouty ***moved to accept the terms of the 2023 renewal of property and casualty insurance with the Vermont League of Cities and Towns Property and Casualty Intermunicipal Fund, and authorize the Town Treasurer to submit all required documents to initiate the renewal on behalf of the Board****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

9. Transfer Station/Solid Wase Management

a. Updates

Cavanagh mentioned the upcoming hazardous waste collection day, which is scheduled for Saturday, 10/1/2022 at the Flood Brook School from 9 AM to 1 PM.

On the matter raised at the previous meeting of accepting gasoline, Esther Fishman clarified that contaminated gasoline is accepted at the hazardous waste collection day, but that there are several local businesses that accept used clean gasoline and this alternative should be citizen's first choice if possible.

10. Roads and Bridges

a. Updates

Taylor Prouty noted that paving is completed on Thompsonburg, Middletown and Landgrove Roads, and culvert locations on Spring Hill Road. Shouldering where needed is being handled by the Road Crew. Mowing is continuing in the north village area, he added, and that winter preparations are in the works.

b. Discuss community traffic calming effort – Location of proposed radar feedback signs

O'Keefe reiterated that radar feedback signs within the State right-of-way must be collocated on existing speed limit signs, so he recommended that signs be placed on the 30 MPH signs heading into the two villages on VT Route 11 and 100, though he noted that northbound VT Route 100 as it enters VT Route 11 does not yet include a 30 MPH sign; the Town is awaiting a VTrans decision on its request to the reduce in the speed limit there. A map of the proposed locations was included in the meeting packet. He also recommended locating a sign on Thompsonburg Road at the 30 MPH sign heading northbound into the south village area.

Prouty mentioned that the State will often install new speed limit signs and even set a sign on the other side of the street to create a gateway effect to the reduced speed zone.

O'Keefe suggested that the sign lighting brightness and flash frequency can be adjusted to reduce impacts on homes in close proximity to the signs. There was discussion on the wide-ranging capabilities of the software program controlling the signs, and potential ongoing costs of the Wi-Fi control feature.

Taylor Prouty ***moved to authorize the Town administrator to submit applications to the Vermont Agency of Transportation for Radar feedback signs at the following 6 locations;***

- ***At the 30 MPH sign at the westbound approach of VT Route 11 to the north village area;***
- ***At the 30 MPH sign at the eastbound approach of VT Route 11 to the north village area;***
- ***At the 30 MPH sign at the southbound approach of VT Route 100 to the north village area;***
- ***At the 30 MPH sign at the northbound approach of VT Route 100 to the north village area, when such sign is installed in the future***
- ***At the 30 MPH sign at the southbound approach of VT Route 100 to the south village area; and,***
- ***At the 30 MPH sign at the northbound approach of VT Route 100 to the south village area****, seconded by Vincent Annunziata.*

Brown inquired whether there had been any community feedback on the matter. No one indicated that had heard from anyone on it, and several people in the audience gave a thumbs up. *The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to authorize the installation of a radar feedback sign at the 30 MPH sign at the northbound approach of Thompsonburg Road to the south village area****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

c. Consider purchase of radar feedback signs, with waiver of Purchasing Policy provisions

O'Keefe presented the Board with specifications and a quote for a specific 12" radar feedback sign manufactured by a company named TrafficLogix, which is the same used by the Town of Newfane. He explained that with discounts afforded by virtue of the Town subscribing to a cooperative purchasing program, what was expected to cost about $22,000 came in at just under $20,000, though he needs to confirm some quote specifications. The units purchased by Newfane work well, are economical, have very good support and control software, and are acceptable to VTrans.

O'Keefe suggested the Board waive the bidding process due to the knowledge that these units are of good quality and value. He said that depending on the Board's vote, he would not execute the purchase of the signs until such time as VTrans permits are in hand.

It was recalled that the 2022 Town Meeting voted to spend $40,000 on traffic calming efforts.

Taylor Prouty ***moved to waive the bid process provisions of the Town's Purchasing Policy for the purchase of radar feedback signs from Trafficlogix due to the demonstrated quality of the desired product and the fact that the prices offered are pre-negotiated under the Sourcewell cooperative purchasing agreement, and to authorize the Town Administrator to purchase 7 radar feedback signs from the company at a per unit cost of up to $3,000, such cost to be paid from the funds allocated by the 2022 Town Meeting under article 14****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

d. Access Permit 2022-06 – Landgrove Road, Parcel 001038.005

Prouty stated that this application for an access permit is straight forward, with a driveway to a new home site that slopes away from the road into a meadow, and the only recommendation to the property owner would be to install a culvert across the road outside of the Town right-of-way.

Taylor Prouty ***moved to approve access permit application No. 2022-06, submitted by Kathy Stern and Jack Beinashowitz, for parcel #101038.005, located on the east side of Landgrove Road****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

e. Authorize letter of support for FY23 VTrans Municipal Highway and Stormwater Mitigation Program Grant – Spring Hill Road culvert replacement

O'Keefe explained that the intended to apply for funds through this VTrans grant program for the Spring Hill Road culvert replacement project, and that the Town was unsuccessful for the grant last year. The application requires a letter of support from the Board, and he mentioned that he will obtain letters from the Windham Regional Commission and the Vermont Department of Environmental Conservation's Watershed Planning Program.

Taylor Prouty ***moved to authorize the Selectboard Chair to sign a letter of support for the Town's application for maximum funding under the VTrans FY2023 Municipal Highway and Stormwater Mitigation 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 culvert or bridge****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

11. Old Business

a. Platt Elevation Project – Discuss project status and consider budget change request

The Board's meeting packet included documents submitted by resident Dwight Johnson on behalf of project contractors and owners Tom and Judy Platt that lays out expenses for which they seek to have covered under the project. O'Keefe stated that he, Johnson and Tom Cavanagh had met with a representative of Vermont Emergency Management on the documents. He noted that payment for the new boiler would be paid the following day and that there is an outstanding electrical work invoice that must be amended before payment, and added that after closeout of these items the Town can seek to have the budget adjusted to include other items, some of which had been approved by the Board on 3/21/2022. O'Keefe mentioned that at the recent meeting the VEM representative stated that some of the expenses for which the Platts sought funding were not eligible expenses.

O'Keefe inquired of Judy Platt whether they had secured the required flood insurance as of yet, and she said that they had not and were still working on it with their insurance agent. O'Keefe recommended that no further steps to seek additional funding be taken by the Board until such time as the insurance is in place and a notice of same is recorded in the land records.

It was agreed that all parties are interested in wrapping up the project.

b. Discuss potential amendments to Personnel Policy

O'Keefe reviewed with the Board a review draft of a number of changes to the Personnel Policy, with changes that help to allow coverage of elected officials by the Policy, and also to include a number of updates recommended by the Vermont League of Cities and Towns and to insert sections from VLCT's boilerplate policy, such as social media and conflict of interest provisions. He mentioned that a section on Parental and Family Leave would be removed as it does apply to Londonderry due to the number of employees, and that new sections on Crime Victim Leave, Employment Harassment, and Employee Termination are proposed to be added. Matters requiring additional research include Alcohol and drug use, the smoking policy, and sick leave provisions. O'Keefe suggested discussing with the Town Attorney changes to the disciplinary provisions to acknowledge case law that calls into question the Town's "At-Will" employment policy.

Brown inquired about how often Town should make changes to their policies, and also suggested that the Board could review the changes section-by-section. Cavanagh noted that because employees must sign any new policy it might make most sense for the Board to adopt a series of changes all at once.

Prouty noted that he was comfortable with policies drafted by VLCT.

O'Keefe will do further research and come back to the Board at a future meeting for further consideration.

c. Discuss Stormwater Planning

O'Keefe reiterated that the Town has received an award of a no-cost stormwater master planning effort and that the State has hired a consultant that is waiting on the Town to hold a kickoff meeting. He stated that he felt that he and Road Foreman Josh Dryden should participate in this along with one or two Board members, and that the Planning Commission has tapped Elsie Smith and Dick Dale to participate. O'Keefe mentioned the light time commitment at first.

It was recommended that Emergency Management Director Kevin Beattie should be contacted as well, but not formally appointed until he expresses his interest in it.

Whether this matter requires appointment of a special committee was discussed. O'Keefe suggested that the majority of the work for this effort is almost a year away and it may be that the Planning Commission can take this on at that time.

Vincent Annunziata ***moved to assign Tom Cavanagh, Josh Dryden, Shane O'Keefe, Dick Dale and Elsie Smith to participate in the State-sponsored stormwater master planning effort****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. Ratification of 9/12/2022 vote on employee compensation matters

Because the Board voted on 9/12/2022 on employee compensation matters after adding them to the agenda, the Board must ratify its votes.

Vincent Annunziata ***moved to ratify the Board's September 12, 2022 decisions to adjust hourly pay rates for Keith Barton and Steve Twitchell****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

e. Town Hall – Consider proposal for Town Hall roof repairs & replacement

O'Keefe handed out a quote for roof placement and restoration services from Vermont Roofing Company for the Town Hall, which came in quite a bit less that had been estimated. He noted that the work would not be done until spring unless another project is cancelled for the contractor. Prouty mentioned that he was appreciating of the strong recommendation of the contractor by the Town's project engineer, Chris Cole.

Vincent Annunziata ***moved to 1) accept the quote from Vermont Roofing Company for roofing repairs and replacement at the Town Hall, estimated to cost $18,883, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, and 3) authorize expenditure of up to $20,000 for this effort to be paid from the Town Building Reserve Fund****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

12. New Business

a. Discuss Town Constable position

Due to the late hour, it was agreed to pass over this matter.

b. Consider employee compensation matters

Taylor Prouty ***moved to move to adjust the hourly rate of pay for Josh Dryden to $26.25, effective this pay period****, seconded by ~~Jim Fleming~~Vincent Annunziata.*

Brown requested that this subject matter come back on another agenda for discussion under executive session. *The* ***motion passed*** *unanimously.*

c. Consider request to use Town Hall

The Board considered a request from the South Londonderry Free Library to use the Town Hall for a public film contest screening.

Labeau stated that the public is not being charged admission, and O'Keefe added that donations would be accepted.

Vincent Annunziata ***moved to authorize use of the Town Hall on October 9, 2022 by the South Londonderry Free Library for a public film contest screening, and to authorize the***

Town Administrator to sign the facility use agreement on behalf of the Town*, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

13. Adjourn

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

The meeting adjourned at 8:40 PM. The next meeting of the Selectboard is scheduled for October 10, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved October 10, 2022.

LONDONDERRY SELECTBOARD

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Vincent Annunziata, Vice Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 10, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Vincent Annunziata, Taylor Prouty, Jim Fleming and Melissa Brown.

Board Members Absent: Tom Cavanagh.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Road Foreman Josh Dryden; Conservation Commissioner Gary Hedman (6:15 PM). Others – Business owners Duane and Melissa Hart; and residents Uli Annunziata 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 6:01 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Regarding the request under the New Business section of the meeting for 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Londonderry Café and Tavern, LLC, doing business as Jake's Marketplace Café, O'Keefe noted that licensure information has still not been filed with the Town.

Taylor Prouty ***moved to delete from the New Business section of the agenda the consideration of liquor licenses****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 9/26/2022

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of September 26, 2022****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

O'Keefe noted that the pay order included the invoice for the annual school tax payment.

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

5. Announcements/Correspondence

Shane O'Keefe noted the following:

- The application for the radar feedback signs has been submitted to VTrans.
- Meetings of the Village Wastewater Committee and the Town Hall Renovation Committee took place for the first time last week, and their draft minutes are on the Town website.
- He reiterated that he would be attending the VT Town & City Managers Association meeting in Middlebury on October 13 & 14.

And he mentioned the correspondence included in the Board's meeting packet was as follows:

- The Town's docketing statement to the Vermont Supreme Court in the Contos tax deed appeal, dated 9/19/2022.
- The comparison chart for Blue Cross / Blue Shield of Vermont small group plans for 2023.
- The Windham County Sheriff's monthly report for September 2022. It was noted that officers were doing patrols at the Flood Brook School at release times

6. Visitors and Concerned Citizens

a. Champion Fire Co. #5 – Discuss Halloween Trunk or Treat

The Board reviewed a request from Fire Chief jeff Duda to allow for South Londonderry roads be closed off temporarily for the annual trunk or treat event on Halloween. There was a request for road closure signs from the Town and they'll asked to have police coverage from the Sheriff's Department.

Jim Fleming ***moved to authorize the closure of a portion of Main Street and one lane of Middletown Road from Crescent Street to VT Route 100 in South Londonderry from 4:30 to 7:00 PM on 10/31/2022 for the Champion Fire Company Halloween Trunk or Treat event****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

7. Town Officials Business

a. Conservation Commission – Consider forestry plan proposal and use of Timber Fund

A proposal provided by the Conservation Commission from Redstart Resource Management to conduct the periodic forestry plan was reviewed and discussed. The cost would be covered by the Timber Fund, O'Keefe noted, which has a balance of approximately $22,000. There was discussion about past logging efforts on Town properties.

Melissa Brown ***moved to 1) accept the proposal from Redstart Natural Resource Management to provide forestry inventory and planning services for the Conservation Commission, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, and 3) authorize expenditure of up to $7,025 for this effort to be paid from the Town's Timber Fund****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Development Review Board – Annual appointments

O'Keefe mentioned that the DRB terms of Denis Pinkernell, Christopher Laselle and Richard Phelan are coming to an end, and each has expressed interest in reappointment.

Jim Fleming ***moved to appoint Denis Pinkernell, Christopher Laselle and Richard Phelan as regular members of the Development Review Board, each for a 3-year term extending to 9/30/2025****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Wase Management

a. Updates

Prouty mentioned that Keith Barton should be back from leave of absence soon.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of September 2022:
Salt – 0 tons   Sand – 0 yards

Fuel (gallons): Vehicles – 564.0, Town Office Generator – 0, Transfer Station – 0

Driveway aprons along the recent paving work would be handled the following day. Plans for upcoming roadside mowing operations was described, as was the need for some drainage repairs on Edge Hill Road.

Gary Hedman entered the meeting.

Dryden spoke about the need to complete grant paperwork for the Grants-in-Aid program. The difficulties with handling this was discussed, and it was agreed that he would connect with O'Keefe and Tina Labeau on this effort and to work with the Windham Regional Commission staff to complete it all. He also mentioned involving Road Crew member Troy Maynard with some of the Highway Department's computer-related efforts.

Annunziata mentioned that he had heard from several people that Under the Mountain Road has never been in as good in the summer as it is now.

b. Consider bids for winter road salt

In response to an Invitation bid for salt supply and delivery issued on 9/28/2022, the Town received the following responses:

Apalachee, LLC	$92.25/ton
American Rock Salt Co., LLC	$102.00/ton
Cargill, Inc.	Did not bid

O'Keefe noted that the per ton cost the previous year was $80.00 and it was $70.15 the year before, each with Apalachee LLC. Prouty mentioned that fuel costs are driving many price increases for supplies. The good quality of the salt and service from Apalachee was discussed. O'Keefe noted that the projected cost of the Apalachee bid would be $110,700 for 1,200 tons, which is under the FY23 budgeted amount of $115,000.

Jim Fleming ***moved to accept the bid from Apalachee LLC for FY2023 supply and delivery of winter road salt in the amount of $92.25 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

10. Old Business

a. Consider bids for brush clearing of Prouty property

In response to Invitation bid for brush cutting of the Prouty Property on VT Route 100 issued on 9/28/2022, the Town received the following responses:

Hart's All Season Maintenance, Weston, VT	$2,000
Dryden's Outdoor, Inc., Londonderry, VT	$1,800
Greater Heights Tree and Land Management, Pownal, VT	$1,500
Rugg Valley Landscaping , Londonderry, VT	$0

Jim Fleming expressed his appreciation all those that submitted bids. There was discussion about when the site was last mowed, and Dryden mentioned he himself had done the work.

Jim Fleming ***moved to accept the bid from Rugg Valley Landscaping for brush clearing of the Town-owned Prouty Property in the amount of nothing, 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Ratify 9/26/2022 decision on Town Hall roof repairs and replacement

Because the Board voted on 9/26/2022 on a matter involving Town Hall roofing after adding it to the agenda, the Board must by its rules bring the matter up again and ratify its vote.

Taylor Prouty ***moved to ratify the Board's 9/26/2022 decision to accept a quote on roofing repair and replacement at the Town Hall, to authorize the Town Administrator to execute contract documents, and to authorize expenditure of up to $20,000 for this effort to be paid from the Town Building Reserve Fund****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

c. Ratify 9/26/2022 decision on use of Town Hall

Because the Board voted on 9/26/2022 on a matter involving use of Town Hall after adding it to the agenda, the Board must by its rules bring the matter up again and ratify its vote.

Jim Fleming ***moved to ratify the Board's 9/26/2022 decision to authorize the use of the Town Hall on 10/9/2022 by the South Londonderry Free Library for a public film contest screening****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

11. New Business

a. Discuss Emergency Management Director position

O'Keefe mentioned that Kevin Beattie resigned his position as Emergency Management Director after years of service to the Town, and the Board had received a letter from Beattie on this. He also noted that he had received an application to fill the position from Richard Phelan, and that the Board could advertise seeking other applicants or act on this request to serve. Whoever is appointed would serve in the position until the next annual Town Meeting, he added.

It was mentioned that Phelan has stepped up to serve in other Town positions and is well qualified. And it was mentioned that Beattie had offered to work with the new appointee on transition.

Taylor Prouty ***moved to accept with deep regret the resignation of Kevin Beattie as the Town's Emergency Management Director, and to express the Board's profound gratitude for his dedication to the community and his emergency preparedness and response efforts over the years, which culminated in his selection as Vermont's Emergency Management Director of the year in 2020****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved, in keeping with the provisions of 20 V.S.A. Section 6, to appoint Richard Phelan as the Town's Emergency Management Director to fill the vacancy created by the resignation of Kevin Beattie, effective immediately, and to direct the Town Administrator to provide notice to the Department of Public Safety of this appointment****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Consider request for use of Town Office Meeting Room

The Board reviewed a request for use of the Town Office meeting room for a small wedding.

Jim Fleming ***moved to authorize use of the Town Office Meeting Room on Saturday, October 29, 2022 by Christine Derby for a small private wedding, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. Consider request for use of Alcoholic Beverages in Public Place – Taylor Farm

The Board reviewed a request from Jonathan Wright of the Taylor Farm for a permit to allow for public consumption of alcohol at a concert event on the evening of 10/15/2022 at the Taylor Farm on VT Route 11. O'Keefe shared with the Board a memorandum from Zoning Administrator Will Goodwin on the compliance status of the Taylor Farm with Development Review Board conditions on its recent conditional use and site plan approval of the property for occasional outside recreational uses such as that being planned.

Reading from the memo, O'Keefe noted that a letter had been received from an architect on the structural stability of the barn, but that there is no word on whether the property has received signoff from the State Fire Marshall, or a VTrans access permit, or if the Sheriff's Department had been hired to provide traffic control. The memo does not conclude that the property is in compliance with its zoning permit. O'Keefe suggested to the Board that its decision, if it intends to grant the requested permit, be conditioned on conformance with the zoning permit (#2022-48) and the conditions of the underlying DRB decision of 8/29/2022.

Whether to apply such conditions on the alcohol permit was discussed by the Board, as was whether zoning enforcement would take place if required zoning permit conditions were not met. Board members were in agreement that the farm has taken steps in the right direction with regulatory compliance matters.

Melissa Brown ***moved to grant a permit to Jonathan Wright allowing the use of alcoholic beverages at a concert with bands and vendors on property located at 825 VT Route 11, known as the Taylor Farm, on Saturday, 10/15/2022 from 4:00 PM to 10:00 PM****, seconded by Jim Fleming. 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 6:55 PM. The next meeting of the Selectboard is scheduled for October 24, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved October 26, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Wednesday, October 26, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Vincent Annunziata, Jim Fleming and Melissa Brown.

Board Members Absent: Taylor Prouty

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Planning Commission Chair Sharon Crossman; and Village Wastewater Committee Chair Gail Mann (6:08 PM). Others – Business owner Christopher Benes; The Nature Conservancy representatives Heather Furman and Joe Shallow; U.S. Fish and Wildlife representative Andrew French (via phone at 6:14 PM); Weston resident Andrew Harper; and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM. This special meeting of the Board was held in lieu of a Board meeting scheduled for 10/24/2022, which was cancelled due to lack of quorum.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

None.

3. Minutes Approval – Meeting(s) of 9/26/2022

a. Meeting of 10/10/2022

Vincent Annunziata ***moved to approve the minutes of the Selectboard meeting of October 10, 2022****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Correction to minutes of 9/26/2022

Vincent Annunziata ***moved to correct the minutes of September 26, 2022 to indicate that Vincent Annunziata seconded the motion to adjust the hourly pay rate under agenda item 12.b. on page 9****, seconded by Melissa Brown. 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 noted the following:

- That a press release that day from Governor Scott was distributed noting that the Town has been selected to receive a combined $7.9 million of State ARPA funds for final design and implementation of the two village wastewater projects; $3.97 million for each village. This news was a follow-up from a congratulatory letter on Friday from the

Vermont Department of Environmental Conservation. These funds are on top of the $250,000 already allocated for engineering, public outreach and surveys. He mentioned that the Town has limited time to encumber the funding, so it is critical that we move quickly on public outreach, and finalizing site selection and preliminary design. He anticipates that the Village Wastewater Committee will attend the next Selectboard meeting to discuss next steps. This is very exciting news, he stated.

- We received word that we have received a grant of $3,200 for a plate compactor for the Highway Department, which we'll be looking to get soon.
- Several Town representatives met on 10/17/2022 with Evan Fitzgerald of Fitzgerald Environmental Associates and several State staff members as a kick-off meeting for the State-sponsored stormwater master planning process. Josh Dryden was not able to attend but the consultant was asked to contact him on his stormwater concerns.
- He has ordered a webinar to share with boards and committees on the VT Open Meeting Law, which he will distribute to all board and committee members to view at their leisure. He mentioned that we can also have a focused discussion with VLCT legal staff where we can have a question-and-answer session.
- The Vermont League of Cities and Towns has released its annual compensation and benefits report.
- He is stepping down from his recently appointed positions as members of the Village Wastewater Committee and the Town Hall Renovation Committee, as he feels torn between obligations to the Selectboard and these committees, and the enabling statute for such committees states that members should be town residents. He will continue to participate as the Board's liaison.

And he mentioned the correspondence included in the Board's meeting packet was as follows:

- The previously mentioned congratulatory letter from the Vermont Department of Environmental Conservation on the combined $7.9 million of State ARPA funds for implementation of the two village wastewater projects.
- A letter 10/14/2022 letter from the Windham County Sheriff indicating the department's FY2024 service contract rates will be increasing from $48.40/hour to $52.00/hour.
- Notice of a public hearing on the Deerfield Valley Communications Union District's annual report, scheduled to be held remotely on 11/9/2022 at 5:00 PM, as well as a copy of the annual report.
- Letters of thanks from SEVCA and Grace Cottage hospital for the Town Meeting annual contributions.

6. Visitors and Concerned Citizens

a. Update on Glebe Mountain lands from The Nature Conservancy

Heather Furman, the State Director of the Vermont Chapter of The Nature Conservancy (TNC) addressed the Board, along with Jim Shallow, its Conservation Director, and read the following statement:

> *The Nature Conservancy in Vermont is a global conservation organization dedicated to conserving the lands and waters on which all life depends. We work in all 50 states and in over 65 countries. In Vermont, we have helped conserve over 300,000 acres of land, 2,000 miles of shoreline, and we own and manage 58 natural areas in 65 towns including the former McGraw*

property at Glebe Mountain here in Londonderry. Thank you for providing time for us on your agenda.

We are here tonight to share some exciting news about the future of the 3,500-acre McGraw property, The Nature Conservancy purchased in 2019. As you may remember, at that time, Ron McGraw had put the property up for sale and we were able to acquire the land and keep it from being subdivided and developed and to give time to decide how best to protect the property over the long term. In the interim, we were able to open the land to public access after many years of being posted and closed to the public. We were excited with the outpouring of community support for the conservation of the property and its important wildlife habitat.

When we purchased the property, we made a commitment to the people of Londonderry and Windham that it would remain undeveloped, intact, and open to the public. We began restoring Cobb Brook by removing perched culverts to remove barriers to fish and putting wood additions in the stream to hold gravel, slow flood flows and create better fish habitat. We invested time and effort in marking the property boundaries. We created an interim management plan based on community feedback, and over the past three years, we explored options for the long-term ownership and management of the property that would maintain our goals to protect the wildlife habitat, permanently conserve its forests and waters and provide public access.

We are excited to now share the news, that we have reached an agreement with the US Fish and Wildlife Service to transfer the property into public ownership. The US Fish and Wildlife Service is the only federal agency whose primary responsibility is the conservation and management of fish, wildlife, plants, and their habitats for the continuing benefit of the American people. This transfer will create a new West River Unit of the Silvio O. Conte National Fish and Wildlife Refuge. This agreement was made possible by Senator Patrick Leahy's hard work to secure a $8.5 million appropriation in the federal FY22 budget for Conte Refuge land acquisitions. With this agreement we will now start working with the Conte Refuge to survey the property, review the titles and finalize the transfer sometime in 2023. Andy French with the USFWS Conte Refuge will be able to join us tonight to help answer any questions you may have about the USFWS.

We recognize that the transfer of the TNC property to the USFWS will have a fiscal impact on Londonderry's municipal budget. Under TNC's ownership, the McGraw property has been enrolled in the current use program and TNC has been paying Londonderry $662 in municipal property taxes annually. As public lands this will no longer be the case. We don't yet know what the magnitude of this change will be, however we are committed to working with you over the next several months to determine the impact and come up with ways to mitigate the impact. As National Wildlife Refuge host communities the towns of Londonderry and Windham will now be able to secure added fiscal benefits due to the presence of federal lands in their communities. US Fish and Wildlife has a revenue sharing program that provides payment in lieu of taxes to the hosting towns. And communities that host federal land or facilities are also eligible for special US DOT funds via the Federal Lands Access Program (FLAP) for road repair and improvements to facilitate and promote public access.

Thank you for your time. We are excited about this new opportunity to permanently protect this place for wildlife and people. In a time when we are seeing global declines in wildlife abundance, protecting critical places like Glebe Mountain will be increasingly important and we believe future generations will appreciate the actions we are taking today. We look forward to working with you to address questions you may have and find ways for the Town of Londonderry to benefit from this new unit of the Conte National Wildlife Refuge. We are willing to come back for more discussions and or host a community forum to help answer questions people may have. Thank you.

Andy French, the Wildlife Refuge Manager in Vermont for the Conte Wildlife Refuge, which covers four states, and is part of the U.S. Fish and Wildlife Service, joined the meeting at 6:14 PM.

Cavanagh raised the concern about loss of tax revenue and mentioned that the Town presently receives $3,400 annually. He also recalled that the Town had contributed $5,000 to the TNC purchase of the property and asked if those finds would be returned to the taxpayers, to which Furman and Shallow stated that they would.

Cavanagh also raised possible restrictions on hunting if owned by USFWS, particularly with bear and bird hunting methods, and inquired about how enforcement would occur. French noted that he was uncertain about the restrictions and stated that hunting would be open and consistent with State of Vermont regulations. He stated that whatever method or manner of take of wildlife that is legal in Vermont is permitted in the Conte Wildlife Refuge

French described some of the public access opportunities on refuge properties, expressed his interest in working with the community and neighbors in an open and transparent process, and provided his phone number (413-313-8682) and invited questions from the community. Continuity of State recognized snowmobile trails would be maintained, he stated.

Shallow mentioned that they had met already with the Windham Selectboard and the Londonderry Conservation Commission, and Windham has expressed an interest in holding a public forum on the acquisition. It was suggested by O'Keefe that a single forum could be held jointly by the Towns.

French mentioned that an annual payment in lieu of taxes of ¾ of 1% of property value is standard in this part of the country by a 1938 act of Congress. And because of the refuge land in the community, there are opportunities from the Federal Land Access Program (FLAP) for resurfacing or repairs for roads in the vicinity of the refuge. O'Keefe suggested replacement of the bridge on Route 121 shared with Windham (B10) as an appropriate project for the program funds.

French offered to participate in a community forum and also to meet with Town leadership to discuss the acquisition.

Furman stated that she has worked with USFWS on other projects successfully and she knows that its efforts are consistent with those of TNC, and that the property will be opened up even further under its ownership. She mentioned that trapping is not allowed on TNC land but it would be once conveyed to USFWS.
Furman, Shallow and French each thanks the Board and then left the meeting at 6:28 PM.

7. Town Officials Business

a. Planning Commission – Appointment to fill vacancy

The Board reviewed an application from Heather Stephenson to fill a vacancy on the Planning Commission. O'Keefe noted that the Planning Commission had recommended her appointment, and noted that she had hoped to attend the meeting but has a conflicting event.

Melissa Brown ***moved to appoint Heather Stephenson to the Planning Commission, to fill a vacancy with a three-year term ending 3/31/2025****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

b. Planning Commission – Monthly update

Sharon Crossman reminded the public of the third and final public meeting on the proposed Zoning Bylaw amendments was scheduled for the following evening at Neighborhood Connections, to include the project consultant for presentation, questions and answers. It will be accessible remote meeting software, and she stated that it was important for the public to come out and be informed.

She suggested that for the sake of transparency the Town should invest in providing remote meeting accessibility.

There is an opportunity for a municipal planning grant, Crossman noted, and she has coordinated with the Windham Regional Commission and consultant Mark Westa on subject matter for the grant. Given the wastewater planning efforts in the two villages, the suggestion at the time is to apply for funding for a South Village master plan similar to the recently completed North village master planning effort, which could inform the wastewater planning decision-making. Applications are due in December, and the grant is for $24,000 maximum.

Fleming left the meeting at 6:35 PM.

Gail Mann spoke further about how the proposed master planning effort and the wastewater project could go hand-in-hand.

Cavanagh mentioned that getting a contractor to do the wastewater installation could take a while, which makes it all the more important to act quickly on the wastewater project. Annunziata suggested that the Town’s ARPA funds could be used for the planning study to move it along. Crossman raised the question of whether the State ARPA funds could be used for the master planning effort.

O’Keefe mentioned that his understanding of the State ARPA funds is that they are limited to final design, acquisition and construction. He added that with the planning grant we may be able to expedite consultant selection if we use the previous consultant.

On the Town Hall project, Crossman stated that the Committee is focusing on the need for roofing repairs and is gearing up for structural repairs. O’Keefe mentioned that asphalt shingles need to be selected and that a general contractor was coming that week to review the work for a possible estimate.

On the proposed Zoning Bylaw amendments, Cavanagh stated that he was getting a lot of pushback in the community on the Conservation District proposal to change the minimum lot size from 3 acres to 30 acres, which should be considered as some people are unhappy. He suggested that the consultant should be prepared to address this at the meeting the following day.

She mentioned that the Commission was pleased with the appointment of Heather Stephenson and that another person might be interested in the Commission, though there are no other vacancies at the time.

Annunziata stated that with O’Keefe’s resignation from the Town Hall Renovation Committee he would like to be appointed to fill the vacancy as the project is very important to him. O’Keefe mentioned that that could be accomplished right away and that the vote would need to be ratified at the next meeting.

Tom Cavanagh ***moved to appoint Vincent Annunziata to the Town Hall Renovation Committee****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

Annunziata stated that making remotely accessibility to people for meetings was important to him, and Brown suggested that this be added to the agenda at the next meeting. It was noted that the Board had conducted its meetings entirely online during the COVID-19 pandemic, and that holding hybrid meetings could be a challenge under existing circumstances due to staffing and internet connectivity.

Mann spoke of the importance of the recent grant of ARPA funds for the village wastewater projects as a gift to the town, that it has been a long time coming and attributed the success to the work of the Planning Commission over the years. She agreed that the Town needs to act quickly on next steps for the project and requested that the Board take the time to learn about new safe, cost-effective technologies for systems. And she mentioned that the Town needs to communicate the need for the project, including reduction of river contamination, that it's a big job and she asked the Board for its support and participation.

Annunziata stated that this is the most important project that we have in front of us for the coming years, as other projects dependent on it and that there is finally funding to tackle it.

Mann mentioned that the Village Wastewater Committee is planning a public outreach meeting on 11/15/2022 at Neighborhood Connections.

Andrew Harper noted that the Town of Weston looked into village wastewater a few years ago and residents were concerned about property taxes being used to support just a few property owners.

c. Planning Commission – Authorization to apply for village center designation renewals

Crossman mentioned that the Village Center designations for the north and south villages need to be reinstated every 8 years and they were soon to expire, and new applications were in the works, which need Selectboard authorization. Incentives from the Village Center designation program were briefly mentioned.

Vincent Annunziata ***moved to authorize the Planning Commission to submit applications for renewal of the Village Center designations for both the Londonderry and South Londonderry villages****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Wase Management

a. Updates

Cavanagh mentioned that one of the stabilizer arms on the loader is needs to be repaired and the costs has yet to be estimated. He mentioned that given the increasing need for repairs of this piece of equipment it may be time to discuss replacing it, and added that Esther Fishman should probably raise this prospect with the other participating towns.

Harper left the meeting at 6:55 PM.

9. Roads and Bridges

a. Updates

None. Mann thanked the Board for the recent paving of Landgrove Road.

10. Old Business

a. Town Office Renovation Project – Discuss bond vote

O'Keefe briefed the Board on the project and noted that on 12/6/2021 the Board had agreed to hold off on setting a bond vote for the project, citing various uncertainties primarily due to the COVID-19 pandemic and its economic impacts, and to instead raise the issue again at this time. He noted that construction costs have escalated and the original project cost of ~$950,000 was estimated to be as high as $1.3 million last year, and there is no estimate of cost at this time.

He explained that the building is in tough condition and invitations to bid on repairs to the Town Clerk and Treasurer's Office this past year had no takers, but that he is hoping that the contractor looking at the Town Hall project can include this repair work in the cost estimate.

Recalling the discussion last year, O'Keefe reiterated 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. Bond payments would only be due after project construction.

Funding options also include paying some of the project from reserve funds or grant funds. Cavanagh questioned whether to have two bonds at the next Town Meeting; this and the potential vote on Williams Dam repairs. Public fundraising was also discussed.

It was agreed to address this matter at the next meeting when there is a full Board.

b. Williams Dam – Status update

O'Keefe mentioned that the Town had inquired of the USDA Natural Resources Conservation Service about qualifying for dam repair funding under a specific federal flood control program, and there was a site visit recently that will help the USDA's consultant to determine project eligibility. Cavanagh stated that we should have an answer in December sometime.

O'Keefe and Cavanagh mentioned that this is the only grant funding source identified so far for renovation of the dam.

Brown clarified that the meeting took place on 10/20/2022 as a site visit with the consultant and USDA representative, and described what took place and what information was shared during the meeting and site visit. She described the meeting as a fact-finding visit for the visitors, at which time she mentioned the emotional connection that some townspeople have for the dam. She added that she had forwarded contact information for Bob Forbes based on his institutional knowledge, and had shared some photos of the dam.

The USDA-NRCS investigation is proposed to also look at the possibilities for hydroelectric energy production and "pie in the sky" alternatives.

11. New Business

a. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Londonderry Cafe & Tavern, LLC

Applicant Christopher Benes was in attendance to discuss the license request for Jakes Restaurant & Tavern. He mentions that no new construction at the restaurant is planned.

O'Keefe mentioned that the new State of Vermont licensing system does not include "doing business as" information for applicants, only the name of the entity applying for the license.

*Vincent Annunziata **moved to approve 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Londonderry Café and Tavern, LLC, related to property located at Mountain Marketplace, VT Route 100**, seconded by Melissa Brown. The **motion passed** unanimously.*

b. Discuss regulation of short-term rentals

Cavanagh mentioned that he and Kelly Pajala have been discussing short-term rentals (STR) for a long time, and more recently with Melissa Brown, and stated that some Vermont towns have begun to regulate them. The names of several such towns were listed and the draft ordinance from the Town of Peru was distributed for review.

Annunziata stated that he didn't think the Town could go hard enough on this matter, and mentioned that the State is not likely to address this anytime soon. While the Peru ordinance is a good starting point, he said, there are many suggesting there could be an effort to push the State to focus on more landlord-oriented issues.

Brown suggested that each aspect of the discussion on STRs should be well defined as each town and state is different, and ski towns such as Londonderry have a different type of rental profile. She stated that she is very invested in this subject, and supported exploring the creation of an ordinance with the involvement of a bigger group of people, including the Planning Commission, the Housing Needs Assessment Committee, and others. Brown stated that STRs are deteriorating the fabric of the community and Annunziata added that the community is in a crisis with regard to housing and an STR ordinance is the right way to go.

Brown drew a distinction between people responsibly renting in order to earn some extra income and larger places operating without regard to occupancy, fire, safety, noise or impacts on septic systems.

Gail Mann suggested including realtors in the conversation.

There was a brief discussion about the Peru ordinance, which includes a $100 annual registration fee. Annunziata stated that STRs are businesses and should be regulated, and suggested an annual fee of $10,000.

O'Keefe stated that the ongoing housing assessment study should provide good data for the Board to consider. Crossman raised the suggested

Brown suggested a rental registry to get a better picture of what the housing profile is in the community, and Cavanagh added that an ordinance can ensure that rentals meet State health and safety codes and standards. Appropriate fees charged could help support enforcement of the ordinance, Brown suggested, and enforcement would be necessary.

Cavanagh stated that he would support a local option tax on rooms, without taxing meals. The other Board members expressed support for this.

It was agreed to add this matter to the next agenda for the full Board to discuss.

c. Discuss Town Constable position

Annunziata suggested that the Constable could address enforcement of STRs in the town, but Cavanagh questioned whether this was allowed under applicable Vermont statutes for the position.

O'Keefe stated that there are a whole new set of rules for the position passed by the Legislature this year, with any enforcement of laws requiring rigorous training and certification from the State.

Cavanagh mentioned that other than law enforcement there is not much else the Constable does, and it's more of a traditional and ceremonial position now.

There was discussion about eliminating the position, and whether to put this on the March Town meeting warning. It was agreed to add this matter to the next agenda for the full Board to discuss.

d. Consider request for use of Town Hall

The Board reviewed an application to use the Town Hall from the First Baptist Church for a pumpkin carving contest.

Vincent Annunziata ***moved to authorize use of the Town Hall on Friday, October 28, 2022 by the First Baptist Church of South Londonderry for a pumpkin carving contest, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

12. Adjourn

Crossman inquired about applications for local ARPA funding requests, and she was informed that applications are now being accepted until April 2023. And it was agreed to discuss ARPA requests so far at the next Board meeting, which could help get the word out to the community.

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

The meeting adjourned at 6:55 PM. The next meeting of the Selectboard is scheduled for November 7, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved November 7, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, November 7, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Vincent Annunziata, Taylor Prouty, and Melissa Brown.

Board Members Absent: Jim Fleming

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Town Clerk and Parks Board member Kelly Pajala; Recycling Coordinator Esther Fishman; Planning Commissioners Sharon Crossman and Larry Gubb; and Village Wastewater Committee member Gail Mann. Others – Residents Michael Goodbody, Darcy Duval, Meghan and Sean Meszkat; Business owners Judy and Tom Platt; Brattleboro Development Credit Corporation representative Nathaniel Hussey; Flood Brook Athletic Association representative Sarah Kiefer, 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 hoped-for quotes for repairs at the Town Hall and Town Office were not received in time for the meeting but would be available for consideration at the next regular meeting.

*Taylor Prouty **moved to remove from the Old Business section of the agenda the consideration of Town Hall and Town Office repairs**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

3. Executive Session(s) – 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 or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Kelly Pajala to attend the executive session**, seconded by Melissa Brown. The **motion passed** unanimously.*

The Board entered executive session at 6:01 PM. Pajala left the executive session at approximately 6:25 PM and the Board came out of executive session at 6:35 PM.

4. Minutes Approval – Meeting(s) of 10/26/2022

*Vincent Annunziata **moved to approve the minutes of the Selectboard meeting of October 26, 2022**, seconded by Melissa Brown. The **motion passed** with a vote of 3-0-1, with Taylor Prouty abstaining.*

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O'Keefe noted the following:

- The lease for the solar array at the former septage fields was finally signed last week, and contractors will be visiting tomorrow and Wednesday to get things moving, and according to Green Lantern Solar construction activities should begin next month.
- The Town received from VTrans the permit for installation of the radar feedback signs and that day placed the order for the 6 signs. A meeting is scheduled for next week with staff from the VTrans district office to begin the coordination on installation.
- Unfortunately, the Town's application for funding under the VTrans Municipal Highway and Stormwater Mitigation Grant program in the amount of $340,000 was not awarded. Another grant program has been announced and he plans to apply for it in December. The engineer for the culvert design would be visiting with O'Keefe and Road Foreman Josh Dryden the day after the meeting, he added.
- A big thanks goes out to Mark Wright of Rugg Valley Landscaping for brush hogging the Prouty property at no cost to the Town. The Board suggested that a thank you letter from the Town be sent to Wright.

And he mentioned the correspondence included in the Board's meeting packet was as follows:

- The appellant's brief of the case of Emanual Contos v. Town of Londonderry and Sandra Superchi, filed on 11/2/2022 with the Vermont Supreme Court. The Town's brief will be issued in response.
- Letters of thanks from the Mountain Valley Medical Clinic for the Town Meeting annual contribution.
- Windham County Sheriff's monthly report for October 2022.

Kelly Pajala reminded everyone to vote on the following day.

7. Visitors and Concerned Citizens

a. Meet with representative(s) of Brattleboro Development Credit Corporation/SeVEDS

Nathaniel Hussey spoke to the Board about the work of the BDCC and the Southeastern Vermont Economic Development Strategies, which is a 19-member board that drives the strategic efforts of SeVEDS for the region. BDCC provides programmatic staff for SeVEDS, he said, and seeks funding from communities it covers for those efforts. The amount requested from Londonderry is $5,307, a figure based on the town's 2010 census population.

Hussey noted that BDCC is seeking a letter of support from the Town for its application for the Southern Vermont Economic Zone, a federally recognized economic district which includes Windham and Bennington counties. The designation helps with federal government communications and funding, he explained. And mentioned that the application will be submitted by 1/1/2023 and that he will provide a template for the support letter.

He mentioned a regional business plan competition that BDCC sponsors and that several were submitted by Londonderry businesses, and noted Hayden Rowe Candles as one particularly good example. Hussey mentioned that One Londonderry was instrumental in supporting local businesses to enter the competition.

He mentioned that BDCC was on the front end of the wastewater planning process some years back, And also provides funding for community facility planning, as well as workforce development efforts. Hussey noted that the population of Windham County, including younger people, has increased in part from the influx of Afghan refugees having resettled in the Brattleboro area, where BDCC has helped with housing, employment and integration into the community.

It was agreed to review a letter of support at an upcoming meeting

b. General

Michael Goodbody inquired about what the Board was doing to enforce vehicle weight limits on Town roads, noting that trucks from Hunter Excavation to and from the Rowes Road quarry facilities are overweight and problematic. He noted that the company has requested an extension of its 10-year permit, and that it was operating in violation into this past October until it was shut down by the State of Vermont. Goodbody mentioned that the larger facility on Rowes Road is still in operation despite its permit having expired back in August. He noted the company is looking to triple its trucking and mentioned that that would be damaging to Town roads. He asked if the Board supported the gravel pits being closed down or kept open, and who is enforcing the 24,000-pound road weight limit for the Town.

Taylor explained that many trucking-related businesses serving Londonderry must apply for an annual overweight permit, which explains why heavy vehicles are on Town roads with weight limits. Regarding support for gravel pits, he mentioned that the Town needs gravel to maintain its gravel roads and supports the operation as being essential from that standpoint. Business growth beyond supply to the Town is another matter, he noted.

Goodbody complained that Hunter Excavating trucks often run uncovered and shed dust in the residential neighborhood.

O'Keefe mentioned that the Development Review Board a few years prior had approved an increase in trucking and hours of operations, which was conditioned on securing and Act 250 permit.

Prouty mentioned that truck trips were proposed to be split in either direction on Thompsonburg Road and Main Street to help reduce impacts on the neighborhood, but that this might not have been a permit requirement.

O'Keefe suggested holding off on further discussion as the matter is not on the agenda, and to add it to the next meeting agenda in order to gather additional information and be open to others interested in the issues.

It was agreed to put this matter on the agenda for the next regular meeting.

Goodbody noted that there still remains a storm drain in from of his home on Main Street in need of risers. Prouty stated that he would look into this.

Goodbody, Duval and Hussey left the meeting at 7:01 PM.

8. Town Officials Business

a. Parks Board – Update on creation of Recreation Director position

Following up on the presentation at the 9/26/2022 meeting, Sarah Kiefer spoke to the Board about the proposed regional recreation director position, noting that the Flood Brook Athletic Association has partnered with the Parks Board and West River Sports on the effort. She mentioned that presentations have been made to the Selectboards of each of the proposed participating towns and the feedback has been positive. A written presentation was provided to the Board prior to the meeting.

She mentioned that the rationale of the position is to ensure the longevity and sustainability of high quality and inclusive recreation programs for people of all ages in the mountain towns, to include Londonderry, Landgrove, Peru, Weston and Winhall. It would ease communication and coordination efforts between users and partners as well as between activities and facilities, and also pick up the administrative work of the parks. Communities with recreation directors have been contacted to better inform the proposal with regard to recreation activities and opportunities.

Kiefer described the proposed position responsibilities and funding structure, which is proposed to be 20% allocated toward Town parks maintenance, with the balance picked up by the 5 towns with an allocation based on census population. There would be no additional costs for the position salary and benefits as other expenses are covered by the Town and by the activity partners. The proposal handout stated a salary of between $45,000 and 55,000, with an overall cost of between $83,315 and $95,386. Kelly Pajala stated that the goal is to have this position worked into the budget for this next year, which means a new position in July 2023.

She described an advisory committee to be formed with representation from each town and the partners to oversee the position and develop policies and procedures. Kiefer stated that she will bring the proposal to other towns next and is seeking feedback. {Pajala added that based on feedback received they would be refining the budget and drafting potential Town Meeting articles.

Prouty noted that if one town does not go forward the cost structure would change accordingly and affect the other towns. Brown stated that she is very supportive of the proposal as it is a good roadmap and very impressive. Prouty added that the proposal is very well organized and the extensive list of existing activities further emphasizes the need for the position.

Pajala mentioned that the Town of Londonderry, like the Transfer Station, would take the lead on the personnel and administrative part of the position, and how participating towns contribute to that responsibility and oversight needs to be worked out. There was a discussion about including other towns, particularly Windham, and it was mentioned that no child would be excluded from participating, even if not from a participating town.

It was agreed to add this matter to the 12/5/2022 Board meeting.

b. Village Wastewater Committee – Presentation on project purpose, needs and benefits

Gail Mann made a presentation regarding the village wastewater project, noting that Londonderry was allocated 30% of all funding state-wide ARPA funding under this program, which is an incredible gift to the community. Other towns in the past have had to foot the bill on their own through loans and bonds to address wastewater projects.

She provided information on the history of the project and provided a timeline of milestones since 2019, and noted that wastewater was discussed 25 years ago when the Town acquired the Prouty property. The recent funding, she stated, came to the Town because of the progress made in the initial feasibility study, which is still in process, but noted that we are still behind with deliverables on the project.

The project calls for a number of decentralized in-ground systems that allow for small clusters of homes and businesses to connect for effective wastewater treatment. She noted that they are needed to protect our water resources and potable water from increased e-coli contaminating our streams, rivers and ultimately reaching our groundwater and water sources.

Noting the dire need for housing in the community, Mann said that any increase in housing stock in the villages is dependent on increased wastewater capacity. Without this added capacity the community is stuck and will never grow to meet its needs, she added. For the community to accommodate an aging population that needs to be closer to services and support systems, relocation into the villages will first require improved wastewater capacity.

On siting of systems, the Committee is actively looking at the library-owned property next to the Town Office, which includes recreational trail use. Other sites still need to be found and Mann mentioned that the technology has evolved beyond what people envision as a septic system and facilities are now designed to be invisible and can easily coexist in recreational, school and other public settings as demonstrated elsewhere in Vermont.

The challenges to the project include the project completion deadline of 12/2026, she mentioned, and spoke to the need for adequate sites in the north village, and the daunting task of handling the entire project. But the biggest thing is Town and public support for the project; if the community is not behind the project and serious, Mann added, we should walk away from it.

She noted that she wants better engineering support from the Town’s consultant engineer.

Mann announced that a public forum on the project is scheduled for 11/15/2022 at Neighborhood Connections, with an online option, which will be led by the Windham Regional Commission’s Chris Campany, and will include Emily Hackett from the Vermont Department of Environmental Conservation and the Town’s project engineer, Chrissy Haskins.

c. Village Wastewater Committee – Consider hiring of Windham Regional Commission for public outreach

O’Keefe mentioned that the $125,000 grant funding for preliminary design, legal, survey and outreach for each village included hiring the Windham Regional Commission to assist with the public outreach effort and other support functions at up to $15,000 for each village, and the upcoming public forum can be included in the allocation. He suggested hiring WRC now, with the Village Wastewater Committee coming to agreement with WRC on a limited scope of work, and to define a broader scope of work in the future for Board consideration. O'Keefe explained that it was his understanding that working with the WRC does not require a public solicitation process by the State of Vermont.

Mann mentioned that Chris Campany of WRC is very capable in this sort of work, and they will look to consider other ongoing planning efforts in the presentation.

Melissa Brown ***moved to authorize Village Wastewater Committee work with the Windham Regional Commission to develop and approve a scope of services and cost proposal for public outreach services up to a maximum of $10,000, and to authorize the Town Administrator to execute all documents necessary for hiring of the Commission, including a service contract. It is acknowledged that amendments to the contract will be necessary in the future, such amendments must be first authorized by the Board****, seconded by Vincent Annunziata. The* **motion passed** *unanimously.*

9. Transfer Station/Solid Wase Management

a. Updates

Esther Fishman stated that the 2023 transfer station stickers are in and will be available on 12/1/2022. She also noted that she is applying for funding for 2022 solid waste implementation plan that goes for hazardous waste collection, and is also applying for 2023 funds.

The bottle shed roof is in need of immediate replacement and she has received an estimate of $1,824. It was agreed to hold off on this matter until the next regular meeting.

Cavanagh mentioned that the piston for backhoe outrigger is still out for repairs.

b. Discuss equipment funding

Following up on the brief discussion at the previous meeting, Cavanagh mentioned that the backhoe, which was a second-hand unit from the Highway Department, is in need of replacement in the coming years as the Town is spending a lot on repairs annually and with 10,668 hours on it it could lose the engine at any time. He and Fishman have looked into replacements, he stated, and the price range for a decent gently used replacement is in the range of $90,000 to $130,000, and we're spending in the range of $5,000 to almost $6,000 per year to repair the existing backhoe.

Prouty suggested looking into a better piece of equipment and possibly hiring someone to purchase one at auction on behalf of the Town. Cavanagh noted that the backhoe works well for the needed use at the facility.

Brown questioned whether there were available funds for the replacement of the backhoe. While the Town could borrow from its existing funds, it was suggested that it be included in next year's budget. And the participating district communities would need to be contacted for input as they would be sharing in the cost.

Cavanagh suggested keeping the existing backhoe as a backup unit. He and Fishman will continue to do research on equipment options.

10. Roads and Bridges

a. Updates

Taylor Prouty noted the following usage for the month of October 2022:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 335.0, Town Office Generator – 20, Transfer Station – 145

He added that some roads still need mowing, grading and ditching, and the warm weather has been helpful with the schedule. He suggested an earlier start with annual mowing next year, and he mentioned that the Road Crew is getting ready for winter weather with trucks and equipment.

The tree removal budget for next year should be increased, he suggested. And he mentioned that he had received a proposal for tree removal on Thompsonburg Road that will likely exceed the budget and which can be discussed at the next regular meeting.

Prouty mentioned that the 6-month reviews for Donnie Lyon and Troy Maynard should be scheduled for an upcoming meeting as well.

Fishman raised an issue about the barriers on the State highway bridge in the north village, which Taylor noted is on the State's list for attention but with no solid date.

End of season work by VTrans in the community was discussed. Cavanagh noted the sinkhole on VT Route 100 near Windy Rise being addressed, and O'Keefe noted that centerlines were painted by the State prior to Town repaving projects, so they were covered over. He is looking to see if VTrans can have them repainted.

Prouty raised the issue of inadequate aprons on several Town roads from the VT Route 11 paving. O'Keefe mentioned that VTrans has sent someone to look at them, and Prouty added that the Road Crew may need to address them.

11. Old Business

a. Discuss regulation of short-term rentals

Following up on the brief discussion at the previous meeting, Cavanagh noted that the issue of short-term rentals (STR) has come up due to complaints from neighbors of some of these now in the community. He spoke of this being an issue everywhere and mentioned the efforts of other communities to address STRs and mentioned that the Board's meeting packet included STR ordinance documents from the Towns of Peru, Killington and Woodstock.

Annunziata noted some of the restrictions on STRs from other jurisdictions, and suggested that Londonderry should move forward with regulation and could set the standard for very strict regulation, including very high annual registration fees and enforcement fines for STRs.

Brown mentioned that seasonal rentals have always been part of the mountain communities, with some tenants establishing attachments to the community, but now there is a revolving door of visitors with no commitment to anyone. The negative impacts include noise at all hours, taxing of septic systems, lack of recycling and composting, and excess trash.

Brown noted that STRs also take away affordable housing opportunities. And while there are possibly some positives of STRs, such as increased business in the community, those working at service businesses are often being forced to live far away from Londonderry.

She suggested establishing an STR registry and to draw a distinction between someone renting a room to a ski mountain employee long-term and someone renting a house to 20 people for a few days. The negative impacts from the latter example are evident.

Prouty agreed that itinerant visitors do not care about the community, and there needs to be some accountability and enforcement to address negative impacts.

Brown stated that the registration fees could offset the cost of enforcement. The difficulty of enforcing off-hour STR violations was discussed, and Prouty suggested employing preventative measures to reduce the need for this. Pajala mentioned that Peru's proposed STR ordinance references a noise ordinance, and that the Board may wish to consider that approach as well.

There was discussion of the establishment of a local rooms tax to raise revenue that could be used for enforcement or other Town expenses.

Cavanagh stated that more research is needed on STRs and the Town should continue to work on this.

Sean Meszkat thanked the Board for its efforts to address STRs.

Annunziata noted that people are buying homes just to turn them into STRs and it's painful to see the impacts, and that this should be stopped.

O'Keefe will contact the Town Attorney to see if he is working on STR regulation with other communities and to determine how the Town might want to approach regulation. Looking at out-of-state ordinances was also suggested.

Brown suggested next steps such as establishing a steering committee or working with the Planning Commission. It was mentioned that the ongoing housing needs assessment should come up with good data on STRs. Brown noted that housing survey being conducted and suggested that everyone should participate. How best to distribute the survey was discussed, including sending out the survey link to the Town's email distribution list.

Sharon Crossman suggested that the Zoning Bylaw draft should be referred to as it also addresses STRs.

It was agreed to keep this on the agenda for upcoming meetings.

The Meszkats, Kiefer and Fishman left the meeting at 8:09 PM.

b. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Cavanagh mentioned that so far requests for funding had been received from Neighborhood Connections, Tom and Judy Platt, and the West River Montessori School, and that the Board would not be making any decisions on funding until the second meeting in April 2023.

Tom Platt mentioned that they didn't get the same percentage as others during the first round of ARPA funding, and they have significant expenses to maintain their buildings. Judy Platt said their ARPA funds received were significantly lower than all others, and questioned whether there was favoritism on the part of the Board. Tom Platt invited the Board members to come by to view the areas of the buildings needing work and expressed gratitude for the first-round funding. He mentioned that they are considering seeking a FEMA buyout of their properties which would lead to their demolition.

Cavanagh encouraged the Platts to also seek funding from the State of Vermont, of which there is a lot available. Pajala mentioned that the Agency of Commerce and Community Development has ARPA funding available to businesses.

Judy Platt asked whether the Board would be directing any ARPA funds to Town infrastructure projects. Brown stated that she believes that the ARPA funding should be distributed in keeping with the original purpose of the funding.

Gail Mann mentioned that business recovery funds are being made available by the State at this time.

The Platts thanked the Board and left the meeting at 8:16 PM.

c. Town Office Renovation Project – Discuss bond vote

Following up on the discussion at the previous meeting, Cavanagh noted that preliminary plans for the Town Office have been drawn up and its just a matter of timing when to put the project up for decision by the Voters.

O'Keefe reiterated that construction costs have escalated and the original project cost of ~$900,000 was estimated to be as high as $1.3 million last year, and there is no estimate of cost at this time but it's likely to be higher. He added 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. Bond payments would only be due after project construction. The only thing to do now is decide whether to bring the bond to the Voters this next Town Meeting.

It was clarified that the bond interest rate is determined by when the borrowing takes place, not when it is voted on. Brown asked whether there are other funds available for this project beyond borrowing to reduce the bond amount, and options discussed included Town and State ARPA funds, the Town's building reserve fund, and FEMA funds due to the Town Office being the location of the Town's emergency operations center. Pajala mentioned that there may be funds for building accessibility, including funds from the Secretary of State's Elections Division due to the Town Office being a polling place.

Prouty mentioned that there are enough delays with projects already, so there is no reason hold off as it won't be getting any cheaper to complete, so progress steps should be made. Cavanagh suggested that it is likely to take some time to hire a contractor.

The next step in the bonding process, O'Keefe mentioned, was for the Board to vote to begin the bond process with a motion at the next meeting identical to the one taken back in 2019 that starts the clock and allows any expenditures necessary for the project to be paid back through the bond.

O'Keefe suggested meeting with BDCC as was done in the past to piece together various funding sources. He mentioned that by passing a bond it would show other funders that the Town is committed to the project, making it more attractive for them to participate.

Crossman mentioned that the Planning Commission can help identify funds as well. She added that the Selectboard should vocally express its support for the project, which would help the citizens to respond positively. Brown suggested community fundraising for the project as well, and Crossman mentioned that this could help people have additional pride of ownership.

Mann suggested having bonds on the books may be good for the Town's bond rating.

*Vincent Annunziata **moved to schedule and take the necessary steps to arrange for a bond vote for the Town Office renovations for the March 2023 Annual Town Meeting**, seconded by Melissa Brown. The **motion passed** unanimously.*

d. Ratification of 10/26/2022 to appointment to the Town Hall Renovation Committee

Because the Board voted on 10/26/2022 to make an appointment to the Town Hall Renovation Committee when the matter was not on the agenda, the Board must by its rules bring the matter up again and ratify its vote.

*Melissa Brown **moved to ratify the Board's October 26, 2022 decision to appoint Vincent Annunziata to the Town Hall Renovation Committee**, seconded by Taylor Prouty. The **motion passed** unanimously.*

12. New Business

a. Discuss remote accessibility for meetings of public bodies

Brown stated that hybrid meetings only appear to be available for meetings for the duration of 2022, but she understands that this sunset may be revisited by the Legislature, and Pajala mentioned that it is likely to come up.

O'Keefe explained that the Board has always had the option of holding hybrid meetings as long as there is a physical place where the public can come to participate.

Brown said that she feels the Board should allow for engagement in as many levels as possible, and that the meeting would have been better attended had there been online accessibility. She said that there are likely people wanting avoid driving to a meeting, particularly in the winter, and others who would want to view the meeting live and not necessarily participate beyond that. And that the several issues raised that stand in the way of holding meetings remotely can be easily overcome.

Prouty suggested having a person oversee the online participation so that the meeting participants don't have to be distracted by this. Cavanagh suggested that no matter what there will be technical difficulties that will get in the way of remote participation, as demonstrated by the recent Planning Commission forums.

Annunziata suggested having a test trial period where people can attend remotely to view only to see if there are bugs that can be worked out, and maybe people can call in over the phone if needed.

Pajala mentioned that with the Legislature if there is a technical glitch that makes it impossible for the public to participate the meeting must be ended, and the Selectboard could be in a similar situation if it advertises that meeting would remotely open and available to the public. It was noted that all written chats must be part of the public records.

Gail Mann suggested that the Board should speak with the people at Neighborhood Connections as they have hardware that allows for this.

There was extended discussion on how Board meetings are conducted and can be accessed by the public.

Annunziata suggested having a live feed of meetings for one-way viewing by the public of meetings. He volunteered to look further into how best to do this and to speak with Neighborhood Connections on their meeting systems.

b. Discuss Town Constable position

Cavanagh recalled that at each annual Town Meeting no one tends to run for the constable office and someone must then be appointed each year. A previous effort to have the position appointed by the Selectboard at a special Town Meeting was withdrawn as the Voters can only authorize this by Australian ballot at an annual Town Meeting. The Vermont statutes were changed this last year, O'Keefe mentioned, to allow for Towns to eliminate the constable position at any Town meeting and not by Australian ballot, but that the Selectboard must then appoint someone to handle the position responsibilities. Those responsibilities include:

- Serve civil or criminal process;
- Assist the health officer in the discharge of his or her duties;
- Destroy dogs when so ordered;
- Kill injured deer;
- Remove disorderly people from Town Meeting; and
- Collect taxes, if no tax collector is elected.

If the Board wants there to be some enforcement of ordinances, such as with STRs, then it may make sense to retain the position. O'Keefe suggested placing the matter of Selectboard appointment of the constable on the draft Town Meeting warning for later consideration. Board members were fine with this.

c. 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 $602 for a single visit or $981 for two visits. With the generator 4 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.

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 Vincent Annunziata. The* ***motion passed*** *unanimously.*

d. Consider adoption of Declaration of Inclusion

O'Keefe mentioned that Cavanagh was first contacted about this state-wide effort that is being led by three residents from the Rutland area. A press release included in the meeting packet noted that 73 communities in Vermont representing 52% of its population have signed on to the campaign. There was general discussion on the declaration, about its importance as well as its relevance, and whether the Selectboard speaks for everyone in the community.

Melissa Brown ***moved to adopt and execute the following declaration of inclusion:***

- ***The town of Londonderry, Vermont condemns racism and welcomes all persons regardless of race, color, religion, national origin, sex, sexual orientation, gender identity or expression, age or disability and wants everyone to feel safe and welcome in our community.***
- ***As a town, we formally condemn discrimination in all its forms, commit to fair and equal treatment of everyone in our community, and will strive to ensure all our actions, policies and operating procedures reflect this commitment.***
- ***The town of Londonderry is and will continue to be a place where individuals can live freely and express their opinions.***

*The motion was seconded by Taylor Prouty. The **motion passed** unanimously.*

e. Executive Session – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)

*Taylor Prouty **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 9:04 PM and came out of executive session at 9:15 PM.

*Melissa Brown **moved to assign Taylor Prouty, Shane O'Keefe and Gail Mann to meet with the Library Board or its representatives to discuss acquisition of its property next to the Town Office**, seconded by Vincent Annunziata. The **motion passed** unanimously.*

It was noted that this decision will need to be ratified at a subsequent meeting as it was not on the agenda.

f. Consider employee compensation matter

The Board passed over this matter.

13. Adjourn

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

The meeting adjourned at 9:18 PM. The next meeting of the Selectboard is scheduled for November 21, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved November 21, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Wednesday, November 16, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Vincent Annunziata, Melissa Brown, Jim Fleming and Taylor Prouty.

Board Members Absent: Tom Cavanagh.

Others in Attendance: Town Officials –Town Clerk Kelly Pajala.

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)]

Taylor Prouty ***moved to add a discussion on a tractor parade on Town roads to the agenda as new business****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

Discussion of the tractor parade included the issue that VTRANS would not allow a tractor parade after dark. There was talk of starting the parade at Pingree and then going down Stowell Hill road and then crossing into the parking lot of the market for the tree lighting.

More discussion focused on the idea of the tractors being in the back lot of the parking lot and doing a circle.

Taylor ***Prouty moved that anything that VTRANS agrees to the Town fully supports in regard to the tractor parade****, seconded by Jim Fleming, passed unanimously.*

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

Vincent Annunziata ***moved to enter executive session to consider the employment or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Kelly Pajala to attend the executive session****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Board entered executive session at 6:10 PM. Pajala left the executive session at approximately 6:36 PM. The Board came out of executive session at 7:03 PM.

4. Consider employee compensation matter

Melissa Brown ***moved to appropriate $14,000 as a retention bonus to the Town Clerk effective 11/16/2022****. Seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

5. Adjourn

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

The meeting adjourned at 7:10 PM. The next meeting of the Selectboard is scheduled for November 21, 2022.

Respectfully Submitted,

Vincent Annunziata
Selectboard member

Approved November 21, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, November 21, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Taylor Prouty, Jim Fleming and Melissa Brown.

Board Members Absent: Vincent Annunziata

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Planning Commissioners Sharon Crossman and Elsie Smith; and Housing Needs Assessment Committee member Patty Eisenhaur. Others – Residents Cindy Gubb, Dwight Johnson (6:20 PM), Michael Goodbody, Mark Heberts, Levi Dryden, Trevor Dryden, Bob Uttal, and Paul and Shelly Hendler; Hunter Excavation representatives Hunter Kaltsas, Dana Ladd, Fred Gabert and Chris Ponessi, PE; Chester Snowmobile Club representative Dick Jewett; 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)]

Taylor Prouty ***moved to delete from the Town Officials Business section of the agenda the review of the year-to-date budget****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to add to the New Business section of the agenda the consideration of a request to use the Town Hall****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to revise the title of Old Business item 10.c. to reflect that it is the 8th extension of the Memorandum of Understanding for the Platt Elevation Project, and not the 7th****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 11//7/2022 & 11/16/2022

Melissa Brown ***moved to approve the minutes of the Selectboard meeting of November 7, 2022 and November 16, 2022****, seconded by Taylor Prouty.*

Cavanagh, referring to the minutes of 11/16/2022, inquired where the funds would come from for the approved bonus, and Brown stated that use of ARPA funds was discussed. Cavanagh mentioned that use of ARPA funds should have been in the motion and be voted on by the Board. O'Keefe suggested that the Board could vote on it at that time but would need to ratify the decision at the next meeting.

Melissa Brown ***moved to appropriate $14,000 as a retention bonus to the Town Clerk effective 11/16/202 and to appropriate ARPA funds to make that happen****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The ***motion to approve the minutes then passed*** *unanimously.*

4. Selectboard Pay Orders

Labeau noted that the last payment for the salt and sand shed was in the accounts payable.

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

5. Announcements/Correspondence

Shane O'Keefe noted the following:

- Regarding the solar array at the former septage fields, the Town recently received an easement agreement from Green Mountain Power and an estoppel certificate from Green Lantern Solar. The Town Attorney has reviewed them and opined that because they were both specifically called out in the approved lease agreement, O'Keefe was approved to sign them under the Board's previous authorization vote.
- On the installation of the radar feedback signs, Josh Dryden and O'Keefe met the previous week with VTrans' Marc Pickering on the particulars of the installation, which will be rolled out as determined by the Road Foreman and Road Commission, with the Thompsonburg Road location likely the first.

And he mentioned the correspondence included in the Board's meeting packet was as follows:

- A quote from Melvin Coleman to replace the roof of the Transfer Station bottle shed in the amount of $1,823.79.
- A 11/4/2022 letter from VTrans that the Board's 8/29/2022 recommendation to establish lower speed limits on VT Route 100 at the northbound approach to VT Route 11, will be considered by the Vermont Traffic Committee on 12/15/2022.

Tina Labeau stated that Transfer Station stickers will go on sale on 12/1/2022.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Patty Eisenhaur spoke about the ongoing housing needs study, which is well underway, and mentioned that the community survey timeframe has been extended to the end of Thanksgiving week, and that so far there has been 14% participation, which is great. She mentioned that an informal presentation on housing-related data is expected in December

Stakeholder focus groups meetings with broad community representation will take place in December, she noted, and the consultant is on track for completion of the study at the end of February. The Housing Assessment Study Committee is hoping to do a presentation at Town Meeting or another forum, she stated.

Cindy Gubb spoke of the efforts of the Mountain Towns Housing Project, which is organized under the Second Congregational Church of Vermont, to construct an affordable home on land off of Hells Peak Road donated by two congregants of the Church. She mentioned the difficulty of building affordable housing due to costs, noting that the estimated construction cost is $355,000, exclusive of water, septic or land acquisition, and that the fundraising goal is $400,000. Gubb stated that some funds have already been raised.

She described the process for the selection of the occupant for the home, who would need to earn between 80% and 120% of the median county income depending on family size and other factors. She spoke about the partnership with the Windham & Windsor Housing Trust, which would assist with homeowner purchase of the home.

Gubb mentioned that the hope is that this project would be a model for other housing projects in the community, and that the funds from the sale of the home could help to finance others. There was discussion on multi-family housing, and Gubb noted that the Windham &Windsor Housing Trust has the expertise with this.

Fleming inquired about sustainability of the future projects, and Gubb responded mentioning the number of discounts and donations from various suppliers/professionals/contractors needed to get the project done.

Gubb stated that if anyone had questions or wished to volunteer or donate they can contact her.

<u>Radar feedback signs</u> – There was an inquiry and discussion on the proposed locations of the radar feedback signs, as well as project funding.

7. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman spoke briefly about the proposed municipal planning grant application now under consideration for submittal.

Regarding the proposed Zoning Bylaw amendment draft, she noted that the Commission met after hearing public comments and discussion, and is continuing to work with the consultant on addressing them before a hearing draft can be presented. She stated that there is no set deadline for the draft but that it seems unlikely that the anticipated schedule for adoption will be met.

Cavanagh inquired as to whether there would be open discussion on changes that have come about from the comments received prior to a Planning Commission public hearing. Crossman stated that there would be open discussions prior to hearings.

b. Planning Commission - Authorize submittal of Municipal Planning Grant

Crossman stated that based on discussions with the Windham Regional Commission, the Planning Commission proposes to seek State funding to conduct a South Village master planning effort similar to the study done for the north village this past year. She added that the study would be reflective of the designated Village District, the redesignation of which is now underway.

The project expense, if funded, would be $24,200 of which the grant would cover $22,000 leaving the Town's contribution of $2,200.

There was discussion of the value of such a study to the community.

Taylor Prouty ***moved to 1) support and authorize the submittal of a Municipal Planning Grant of up to $22,000 for the development of a master Plan for the South Village area of the community; 2) enter into and agree to the requirements and obligations of this grant program, including a commitment to match funds; 3) designate the Town Administrator and the Planning Commission Chair to serve as the primary and alternate Municipal/Authorizing Officials for the Grant Electronic Application and Reporting System, respectively, and to execute the Grant Agreement and other such documents as may be necessary to secure these funds; 4) and designate the Town Administrator as the Town's Grant Administrator, with overall Administrative responsibility for the Municipal Planning Grant program activities related to the application, and any subsequent Grant Agreement provisions****, seconded by Jim Fleming. The* **motion passed** *unanimously.*

8. Transfer Station/Solid Wase Management

b. Updates

Cavanagh mentioned that the outrigger on the backhoe is not back yet, and the price is uncertain. He reiterated that the Transfer Station stickers will be available on 12/2/2022, and noted that the facility will be closed on Thursday for the Thanksgiving holiday.

9. Roads and Bridges

a. Updates

Taylor Prouty spoke about recent tree work completed by Carr's Tree & Timber on Hells Peak Road. Melissa Brown spoke about the traffic control for the project, noting that she observed it to be sketchy, with no warning and conditions difficult in both directions. Prouty discussed this and will speak to the contractor. The need for defined traffic control plans for tree work projects was discussed.

He mentioned that the Town had just received the first plowable snow of the season and the new employee did well.

b. Consider proposal for tree removal on Thompsonburg Road

Taylor Prouty spoke of the need to remove four dead sugar maple trees on the edge of Thompsonburg Road, and the Board reviewed and discussed the proposal from Carr Tree & Timber to handle this work at a cost of $4,800. It was noted that this project came about as a request and was not a budgeted expense. On how to address this particular expense, it was noted that the budget is already overspent but that the contracted services budget may have available funds. O'Keefe suggested applying the expense to the tree removal budget to properly reflect the expense category, and spending less of the contracted services budget line.

Prouty mentioned that it is difficult to put off addressing dangerous trees that are brought to the Town's attention, and that the Town should continue to increase the tree removal budget in coming years, with $5,600 suggested for the next budget.

The circumstances as to when Green Mountain Power removes trees at its expense was discussed.

Brown inquired whether there was a tree inventory to help set the budget for tree removals, and Prouty mentioned that there are many trees of concern and that the Town should be prepared to address dangerous trees that come to its attention.

Taylor Prouty ***moved to accept the bid from Carr's Tree & Timber LLC for tree removal services along Thompsonburg Road in the amount of $4,800, such funds to come from 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 Jim Fleming. The* ***motion passed*** *3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.*

c. Consider overcharge for winter sand delivery

O'Keefe noted that the Town had received a notice of inadvertent additional sand delivered as part of the contract with Hunter Excavating, and sought direction from the Board on how best to address this, as the contract at $86,000 is already well above the $65,000 budgeted. The vendor mistakenly delivered 96 yards more than the contracted 4,000 yards, and is seeking payment of an additional $2,064. Options include paying for it or having the excess sand removed, O'Keefe mentioned. The vendor suggested that if the town doesn't use it they can credit next year's contract, if they win the bid.

There was discussion about the solicitation process, and it was noted that Hunter Excavating was the only bidder.

Hunter Kaltsas stated that the company would be happy to take the sand away if that is the Town's preference. Prouty suggested keeping and paying for the sand now as it will eventually be used anyway. Prouty spoke about the other work that the company does for the Town.

Jim Fleming ***moved to authorize payment to Hunter Excavating, Inc. for additional winter sand inadvertently delivered to the Town above the contracted amount, to cost an additional $2,064****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. Authorize letter of support for FY2022 Transportation Alternatives Grant – Spring Hill Road

O'Keefe briefed the Board on the VTrans Transportation Alternatives Program, which could help the Town to afford the replacement of culvert #12 on Spring Hill Road. The program can provide up to approximately $300,000 and he noted that the Town was unsuccessful with this grant program last year but could be in line for funding this year.

Taylor Prouty ***moved to authorize the Selectboard Chair to sign a letter of support for the Town's application for maximum funding under the FY2023 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 Jim Fleming.*

Cavanagh noted that the agenda title showed FY2022 while the recommended motion specified FY2023. O'Keefe clarified that FY2023 was correct and that that agenda title was in error.

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

10. Old Business

a. Discuss regulation of short-term rentals

Brown suggested that once the housing assessment survey is completed there should be some good information on this subject. She added that a lot of communities are working on this concern.

O'Keefe mentioned that he had spoken with Town Attorney Bob Fisher about a short-term rental ordinance and the attorney is already working with two other communities and has approached the Vermont League of Cities and Towns about creating a standardized ordinance for towns.

Brown asked to keep this subject on the Board's agenda going forward, and for new information to be forwarded as it comes up.

Eisenhaur mentioned that she had connected with someone from Dover and Wilmington who noted those Towns are working on an ordinance, and the proceeds from registration and enforcement are going toward community workforce housing efforts. She added that short term rental impacts are pronounced for tourist-oriented communities.

b. Platt Elevation Project – Construction project closeout

O'Keefe noted that the last invoice for the construction contract for the building elevation project was in the accounts payable that evening. He mentioned that once this payment is made and reimbursement from Vermont Emergency Management (VEM) received, the project as approved will have been completed and closed out. The Town then can move forward with the requests from the Platts, discussed back on 3/21/2022 and again more recently on 9/26/2022, to seek a budget adjustment to cover additional project-related expenses that they incurred. O'Keefe spoke about the timeframe for closing out the project.

c. Platt Elevation Project – 8th Extension of Memorandum of Understanding

O'Keefe mentioned that this agreement is between the Town and the property owners dealing with shared project responsibilities, and he recommended extending it for another three months to allow for closeout of the project so far, and to potentially address the Platt's requests for additional funding. Escrow funds from the Platts held by the Town under the MOU were mentioned. If project funding is approved by VEM then a new MOU may be needed, he added, and he brought up the possibility of an extended timeframe for approval of proposed extra funding if FEMA gets involved.

Dwight Johnson mentioned that the Platts recognize that the project has been going on for a long time, and appreciate the patience of the Town.

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 Main Street, from November 30, 2022 to March 1, 2023, and to authorize the Town Administrator or Selectboard Chair to execute an agreement extension document on behalf of the Town. The Board previously approved an extension on August 29, 2022****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

d. Consider letter of support for BDCC/SeVEDS economic district designation

Following up on the discussion at the previous regular meeting, the Board reviewed a letter of support for the Brattleboro Development Credit Corporation's application to establish an economic development district.

Taylor Prouty ***moved to authorize the Selectboard Chair to sign a letter of support for the Brattleboro Development Credit Corporation's request to the U.S Economic Development Administration to designate the Southern Vermont Economic Development Zone as an Economic Development District****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

e. Ratification of 11/7/2022 decision to assign representatives to meet with Library board

Because the Board voted on 11/7/2022 to assign representatives to meet with the Library Board to discuss property acquisition by the Town when the matter was not on the agenda, the Board must by its rules bring the matter up again and ratify its vote.

Jim Fleming ***moved to ratify the Board's November 7, 2022 decision to assign Taylor Prouty, Shane O'Keefe and Gail Mann to meet with the Library Board or its representatives to discuss acquisition of its property next to the Town Office****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

O'Keefe informed the Board that a meeting has been scheduled for 11/30/2022 at 5:00 PM.

11. New Business

a. Discuss truck traffic on Main Street/Thompsonburg Road

The Board continued the discussion from the previous meeting regarding truck traffic in the community and claims of overweight vehicles.

Mike Goodbody asked the Board members whether any of them had a close personal relationship or a business relationship with Hunter Excavating. Goodbody noted that the Chaves pit in Londonderry has plenty of sand, but Prouty mentioned that the company does not bid on sand to his knowledge. Fleming noted that Hunter has stepped up several times to help the Town in difficult circumstances.

Prouty noted that he owns a neighboring property in the north village, and that he does have communication and business relations with the company on behalf of the Town, but does limited business with the company as a contractor.

Cavanagh noted that he knows Hunter Kaltsas and that the company has done some limited work at his house and has done some logging for him, but has no other attachment to the company. He has also employed Chaves Excavating for work, he added.

Brown stated that she did not know Kaltsas. She stated that she appreciated Hunter Excavating assisting the Town, but noted that everyone should follow the rules, and overweight trucks are unsafe.

Goodbody spoke of the State permits for the gravel operations on Rowes Road and that the facilities should be shut down.

There was discussion about the Town's bid solicitation process, and Goodbody questioned why the Town only received one bid.

There was discussion about overweight vehicle permits issued by the Town, and Brown noted that they are issued with a restriction on though traffic on Middletown and Thompsonburg Roads. Prouty acknowledged that there is an exception for trucks doing work or deliveries on these roads.

How it is determined that vehicles are overweight was discussed.

Concerns expressed by several attendees were, truck weights and speeds, damage to roads and the West River bridge in the south village, particulates from uncovered trucks, potential for motor oil contamination of soil and the West River

Hunter Kaltsas spoke to the history of operations of the pits on Rowes Road noting it's been operating since 2000. He mentioned that he has directed his staff not to use the Middletown and Thompsonburg Roads as through roads, and on Thompsonburg Road they split their routes to avoid impacts on residents. Ponessi spoke to the process and status of the State permits for the facilities noting several delays with the State, and stated that there are valid Town permits. He stated that what he sees of the operations the company is following regulations, and suggested that the Town contact the enforcement agencies about permit concerns, including the Town Zoning Administrator.

Mark Heberts, resident and former State Department of Motor Vehicles enforcement officer for the district, spoke to the Board about past efforts with Hunter Excavating to work with his office to improve the company's systems and safety, and that it has gone above and beyond to make improvements. He explained that because of the size and noise generated by trucks they appear to be moving faster than they really are travelling. He also noted that fully loaded Town trucks are heavier than most contractor trucks.

Prouty explained the Town's annual process for issuing permits for excess weight vehicles.

O'Keefe mentioned that he had contacted the Sheriff's Office about overweight vehicle enforcement and was told that they do not provide this service but had stated they'd make arrangement with the DMV to work on this. Heberts noted that there is a shortage of DMV law enforcement personnel so it may be difficult to arrange for local enforcement in town.

Kaltsas mentioned that he has directed his staff not to use the Middletown and Thompsonburg Roads as through roads, and on Thompsonburg Road they split their routes to avoid impacts on residents. Brown suggested that, due to community perceptions, Kaltsas should get the word out to the public that the company is working within applicable permit and safety requirements. Kaltsas mentioned the difficulties that impact the operation of his business, and he also listed the many contributions to area charities, institutions and not-for-profits that have benefitted from the company. He admitted that there were days when they exceeded the daily truck trip limitations, and clarified that while State and federal regulations do not require trucks to be covered, but the gravel pit permits do require them to be covered.

Goodbody expressed appreciation for the efforts stated by Kaltsas, but mentioned that compliance exceedances are taking place and the neighborhood is unfortunately changing as a result.

b. Discuss remote accessibility for meetings of public bodies

It was noted that Vincent Annunziata was planning on speaking with representatives of Neighborhood Connections on their hybrid meeting systems. Brown mentioned that the recent meeting on the Village Wastewater Project at Neighborhood Connections was a hybrid meeting that went very well from a technology standpoint. She added that she feels that the Town can handle conducting hybrid meetings, be it with reliable internet, new equipment or personnel, and that she didn't agree that hybrid meetings make for longer meetings.

Bruce Frauman mentioned that GNAT would like to go live at meetings and is looking into that, but he is not sure of the timing.

Prouty agreed that equipment, improved internet and an additional person would be the necessary components to bring about hybrid meetings in the short term.

c. 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. Adding the small portion of Mansfield Lane previously authorized on a trial basis on 1/10/2022 was recommended by the Board.

Jim Fleming ***moved to approve the request from the Chester Snowmobile Club to use a portion of Lowell Lake Road and Mansfield Lane for snowmobiling between December 15, 2022 and April 15, 2023, 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.*

d. Consider request to use Town Hall

O'Keefe noted that this request to use the Town Hall from the Girl Scouts just came in, and they need a facility with a high ceiling to accommodate a large dome for a star recognition activity. It will require heating the building he mentioned.

Jim Fleming ***moved to authorize use of the Town Hall on the afternoon of Friday, December 8, 2022 by Girl Scout Troop 60250 for a girl scout troop meeting, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Board's decision will need to be ratified at the next regular meeting.

12. Adjourn

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

The meeting adjourned at 8:09 PM. The next regular meeting of the Selectboard is scheduled for December 5, 2022.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved December 5, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, December 5, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Taylor Prouty and Melissa Brown.

Board Members Absent: Vincent Annunziata and Jim Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Parks Board member Steve Bergleitner; Recycling Coordinator Esther Fishman; and Road Foreman Josh Dryden. Others – Flood Brook Athletic Association (FBAA) representatives Sarah Kiefer and Jason Marino; 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)]

Taylor Prouty ***moved to remove from the Old Business section of the agenda the consideration of Town Hall and Town Office repairs****, seconded by Melissa Brown.*

Shane O'Keefe mentioned there is a proposal for structural work in hand but the Town's engineer needs to review it before a recommendation can be made, and this matter is expected to be on the next regular meeting agenda.

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

Taylor Prouty ***moved to add to the New Business section of the agenda the consideration of conducting soil percolation testing at two properties being considered for Village Wastewater systems****, seconded by Melissa Brown.*

O'Keefe mentioned that this matter has to do with the Library property adjacent to the Town Office and the Custer Sharp property on Middletown Road.

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

3. Minutes Approval – Meeting(s) of 11//7/2022 & 11/16/2022

Melissa Brown ***moved to approve the minutes of the Selectboard meeting of November 21, 2022****, 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 Melissa Brown. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Taylor Prouty mentioned that the Londonderry lighted tractor parade and tree lighting is scheduled for 12/9/2022 at 5:30 PM, and will take place within the Mountain Marketplace.

Tina Labeau stated that Transfer Station stickers are now available at the Town Office.

Shane O'Keefe noted the following:

- The shingle roof replacement on the front of the Town Hall and the slate roof repair in the midsection has been completed. He is looking forward to a proposal for the rear shingle section of the roof.
- VTrans was able to paint centerlines over the recently paved areas of Thompsonburg, Landgrove and Middletown Roads by VTrans.
- The Municipal Planning Grant application for south village master plan was submitted timely the previous week.
- The radar speed feedback signs have been delivered.
- That he had spoken with Capt. Samataro the previous week and the Windham County Sheriff's Office is hiring a person qualified and equipped to do truck weight enforcement beginning in the next week or so. The Board briefly discussed this enforcement opportunity.
- He had received information from the Cannabis Control Board on the functioning of the Local Cannabis Commission, which he will share with the Town Attorney and look to discuss at the next regular meeting. He mentioned that much of the information regarding license applications will be considered confidential and have to be considered in executive session, and that local review is at the last stage of State approval.
- An attorney's conference on the Vermont Woodchips zoning appeal case took place that day, and it looks like it will be tried in March or April of 2023 with 2-day hearing. Both sides will have sound experts as that is one of the big issues and the Pugliese family is now self-represented

And he mentioned the correspondence included in the Board's meeting packet was as follows:

- A letter of thanks from Valley Cares for the Town Meeting annual contribution.
- The 11/15/2022 letter of thanks to Mark Wright for his donation of mowing the Prouty property.
- A second check received from the National Opioids Settlement for $136, with more coming soon, he added, which will go to The Collaborative in keeping with the Selectboard vote of 9/12/2022.
- 11/22/2022 email from Michael Goodbody regarding the availability of sand in Londonderry.
- Windham County Sheriff's monthly report for November 2022.
- The Town's brief of the case of Emanual Contos v. Town of Londonderry, filed on 12/1/2022 with the Vermont Supreme Court, followed by the notice of joinder from Sandra Superchi of the same date.

Brown mentioned that the Board had received an email from VTrans about an issue with the VT Route 11 right-of-way in the vicinity of the Taylor Farm. O'Keefe stated that he would follow up with this.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Parks Board – Discuss creation of Recreation Director position

Sarah Kiefer of the FBAA spoke to the Board once again about the proposed regional Recreation Director position. She mentioned that she had met with other town's Selectboards and 3 of the 4 towns will be including articles on their Town Meeting warnings, with Weston yet to sign on. She mentioned that the Town of Windham caught wind of the proposal and may be interested, but general there has been a positive response from the communities so far.

How to structure the Town Meeting warning for the proposal was discussed, including how to provide for proportional contributions to the salary and benefits of the position. It was noted that the Selectboard could add an article to the Town Meeting on this or there could be a petitioned article. There was also discussion about next steps and what happens if a town does not pass the article.

The FBAA's Jason Marino discussed how there would need to be multi-year commitments from towns in order to allow the project to come together and attract a position candidate. Oversight of the position was raised by Prouty, and Brown noted that there already had been some discussion on this. How the Recreation Director would interact with the Parks Board or the regional organizational group representing the contributing towns was briefly discussed.

b. Parks Board – Consider proposal for amendment to facility winter maintenance contract

Steve Bergleitner of the Parks Board presented to the Selectboard with a written proposal and discussed the Parks Board's idea to have the entryway to Memorial Park plowed out to allow for parking access for about 2-3 cars for snowshoers. He discussed a cost proposal from Levi Dryden to do the work for $50 per plowing event and $60 for each sanding event, and this work could be added to the existing winter maintenance contract with Dryden for Pingree Park and the Town Hall. Labeau noted that the cost for this year would come from the Memorial Park fund, while it could be worked into the general fund budget in future years if successful.

Melissa Brown ***moved to accept the proposal from Dryden's Outdoor, Inc. to plow snow and sand the entryway of Memorial Park, and to authorize the Town Administrator to amend the existing contract with the vendor applicable to plowing and sanding of Pingree Park and Town Hall, which was previously authorized by the Selectboard on November 15, 2021, by adding these services****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

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

Labeau noted that it has been a good year so far, with $150,000 of delinquent taxes due, which is down from $400,000 earlier in the year. There were no questions from the Board, and Labeau noted that Board members can always feel free to direct budget questions to her.

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman mentioned that the bottle shed roof repair has been completed. She noted that they are looking for book boxes to collect books at the facility and is waiting to hear back from the company that can pick them up for recycling.

The take-it-or-leave-it shed is temporarily closed, she said, due to a fire caused by a lit candle last Saturday that luckily was found. She has posted notice of the closure. Labeau mentioned the fuel tank in the next bay that could have created a real problem, and O'Keefe inquired about whether the Sheriff's Department had been contacted.

She mentioned that she wanted to buy a $100 gift card for Jamie and her husband at the hardware store for the many thousands of punch cards that they sell. There was no objection to this.

Cavanagh noted that he did not know if the hydraulic pistons for the backhoe support is back yet.

b. Discuss Transfer Station holiday schedule

Cavanagh was noted that with Christmas and New Year's Day each falling on a Sunday, which means the national holidays fall on the following Monday, and the Personnel Policy observes as a day off, the Board should discuss which days the facility will be open.

Brown noted that 12/26/2022 is likely a high trash day as well as a turn day for seasonal renters with caretakers wanting to use the facility. Fishman mentioned that Saturdays are busy with those who work during the week. Brown suggested discussing options with facility staff. It was agreed to discuss this at the next meeting once Cavanagh has had a chance to discuss it with facility staff.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of November 2022:
Salt – 88 tons Sand – 183 yards

Fuel (gallons): Vehicles – 863, Town Office Generator – 0, Transfer Station – 0

He noted that the radar feedback signs have been received and that poles need to be ordered.

Evaluations of Road Crew members are almost complete, he added, and that a meeting with the Board should be scheduled. Prouty mentioned meeting on an off night, with 12/12/2022 a good option.

There are two access permits for temporary projects in the works, one on Landgrove Road and one on Brooks Lane, that will be coming to the Board soon. Prouty stated that if there is any rush they could be handled at the meeting where the personnel evaluations take place. Conditions of access permits for logging operations was discussed, and it was noted that all work should be handled off the roadway.

b. Access Permit #2022-07 – Little Pond Road, Parcel 017038.000

The Board reviewed an application for a temporary access permit for a logging operation to be conducted by the State of Vermont on the Lowell Lake State Park property. Prouty spoke to this and noted that it's the location of the old ball field and would make a very good log landing, and suggested that there were no issues with issuing the permit. Dryden suggested use after the operation for a bus or Town vehicle turnaround. How to work with the State on something like this was discussed briefly.

*Taylor Prouty **moved to approve access permit application No. 2022-07 for temporary logging, submitted by the Vermont Department of Forests, Parks and Recreation, for parcel #017038.000, located on the south side of Little Pond Road**, seconded by Melissa Brown. The **motion passed** unanimously.*

c. Discuss VTrans proposal for reduced speed limits on VT Route 100 south of VT Route 11

O'Keefe mentioned that back in August the Board voted to recommend reduced speeds limits on VT Route 100 just south of VT Route 11, as this is the only State highway entryway to either village that does not have transitional speed limits from 50 MPH down to 30 MPH. VTrans staff went through their review process and has recommended a 50 MPH/40 MPH transition beginning just south of Alexanders Tae Kwon Do and a 40 MPH/30 MPH transition beginning just north of #5489 VT Route 100. O'Keefe explained that the Vermont Traffic Committee meets on 12/15/2022 to consider these recommendations, and that he would attend the meeting. He suggested that the Board vote to support the VTrans staff recommendations, and he mentioned that he'd request that the new signpost for the 30 MPH zone include space for one of the new radar feedback signs.

How the public will be informed about the new speed limits was discussed.

*Taylor Prouty **moved to support the VTrans staff proposals to reduce the speed limits on VT Route 100 south of its intersection with VT Route 11**, seconded by Melissa Brown. The **motion passed** unanimously.*

10. Old Business

a. Discuss regulation of short-term rentals

O'Keefe mentioned that he had spoken with the Town Attorney who had brought to his attention an analysis done by the City of Burlington on the issue of short-term rentals (STR), which had been included in the Board's meeting packet. It provides a well thought out framework for how the City developed its STR ordinance, he noted.

Brown inquired how other Board members were feeling about either drawing up an ordinance or continuing to gather information. The general feeling was to continue to look at what other communities are doing about this but to work toward creating an ordinance.

Limitations on fees allowable in an STR ordinance were briefly discussed. The Board also discussed establishment of a local option tax for rooms, with a vote on this possibly at the March Town Meeting. Brown suggested keeping this on the agenda for upcoming regular meetings.

O'Keefe mentioned that the Housing Needs Study presently underway will provide some good information for the Board to consider on STRs. Brown stated that the Housing Needs Study Committee will be meeting next on 12/14/2022.

b. Discuss remote accessibility for meetings of public bodies

Due to the absence of Board member Vincent Annunziata, who was going to report on discussions with Neighborhood Connections on their system, it was agreed to pass over this and add it to the agenda of the next regular meeting.

c. Town Office Renovation Project - Declaration of Official Intent for bond vote

O'Keefe explained that adoption of a declaration of official intent for a bond allows the Town to recoup any project-related funds expended prior to the bond vote in the amount to be borrowed in the future. He added that the Board voted to adopt the same declaration on 10/21/2019 but once the COVID-19 pandemic hit the project was shelved due to uncertainties. And the dollar amount of the project specified in the new declaration has increased dramatically due to the early stage of the project initially and the extreme rise in costs of construction work. The declaration mentions a possible cost of $1.3 million but that is not necessarily the bonded amount, as there could be other funding sources such as grants, and reserve funds. An example is repaying the cost of architectural work leading up to the bond vote, which is the subject of the following agenda item.

O'Keefe noted there is no obligation on the part of the Town if this declaration is approved. He mentioned that a declaration of necessity would be needed the following month if the Board wishes to continue with the bonding process for this project.

Other potential bond votes in March 2023 are Williams Dam restoration and the 10% local match needed for the $7.9 million ARPA funds for the Village Wastewater projects.

Melissa Brown ***moved, with regard to proposed Town Office renovations, to adopt the Declaration of Official Intent of the Town of Londonderry to Reimburse Certain Expenditures from Proceeds of Indebtedness, and to request that the Town Clerk certify the Selectboard's adoption, and to attach said certified Declaration to the minutes of this meeting of the Selectboard****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

d. Town Office Renovation project – Consider proposal for architectural services and use of Town Buildings Reserve Fund

The Board reviewed a proposal from Architect Jon Saccoccio for architectural services necessary for the proposed Town Office Renovation bond vote. O'Keefe explained that Saccoccio was the subcontractor to Chris Cole for the initial project work, but that Cole has backed out of the project due to other obligations. O'Keefe and others working on the project are very comfortable working with Saccoccio and hope to hire him on on a time and materials basis up to a limited amount.

O'Keefe suggested that a first step is to relook at the building program which may have changed over the intervening years due to a number of factors. And a project estimator can be brought on as a subcontractor to get a better fix on the overall project cost.

Taylor Prouty ***moved to accept the proposal from J.A Saccoccio Architectural Workshop PLLC for architectural services related to the Town Office Renovation project, and***

***authorize expenditure of up to $5,000 for this service to be paid from the Town Building Reserve Fund**, seconded by Melissa Brown. The **motion passed** unanimously.*

e. Ratify 11/21/2022 decision on use of ARPA funds for Town Clerk retention bonus

Because the Board voted on 11/21/2022 to appropriate American Rescue Plan Act (ARPA) funds as an employee retention bonus when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

*Melissa Brown **moved to ratify the Board's 11/21/2022 decision to appropriate $14,000 as a retention bonus to the Town Clerk effective 11/16/2022 and appropriate ARPA funds to make that happen**, seconded by Taylor Prouty. The **motion passed** unanimously.*

f. Ratify 11/21/2022 decision on request to use of Town Hall

Because the Board voted on 11/21/2022 to approve a request to use the Town Hall when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

*Taylor Prouty **moved to ratify the Board's November 21, 2022 decision to authorize use of the Town Hall on the afternoon of Thursday, December 8, 2022 by Girl Scout Troop 60250 for a girl scout troop meeting, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town**, seconded by Melissa Brown. The **motion passed** unanimously.*

11. New Business

a. Consider conducting soil percolation testing at two properties being considered for Village Wastewater systems

O'Keefe explained that the two properties firmly being considered for community in-ground wastewater systems are the Town-owned Custer Sharp property off of Middletown Road and the Library land adjacent to the Town Office, each of which require percolation tests to determine soil suitability. But before this takes place the project funding program process requires archeological study of the sites, which will take some time, thus pushing the perc tests to the spring.

The Village Wastewater Committee is requesting that the Selectboard consider allowing the perc testing to proceed at Town cost in order to avoid months of delay. O'Keefe explained that the Town's engineer has noted that this is an acceptable way to expedite the project, that that it is hoped that there could be donated services for this effort, though engineering costs would have to be incurred by the Town. He estimated the overall cost for the effort to be approximately $4,000, and suggested that the cost could be paid from ARPA funds or budgeted funds.

Prouty mentioned that the Library would like the Town to come to a decision on the purchase of the property sooner than the spring, so this could help with that process.

Brown raised concerns about circumventing the process set forth by the State noting that it is possible to dig pits and disturb items of archaeological value. Prouty noted that the archaeological studies will need to be done regardless of the sequence of steps taken and Cavanagh mentioned that it's possible to hit artifacts anywhere in Vermont. O'Keefe offered that the process calls for digging a 7-foot pit, having the engineer analyze the soils excavated and the pit, and then the pit is filled back in with the excavated soil.

Prouty spoke about the importance of advancing feasibility of the Library property so that it is not sold off before the Town can acquire it. And that shaving months off the project schedule would better allow the Town to take advantage of the State ARPA funding opportunity. Cavanagh mentioned that the project timeframe will be very tight no matter what, and handling this work now will be helpful for the project.

Brown expressed reluctance to advance the test pits without the archaeological work preceding it. There was discussion about past uses of the properties. O’Keefe suggested the possibility of the archaeological consultant attending the perc tests.

Given that only three Board members were present and her greater concern for the Custer Sharp property, Brown offered that maybe the Library property testing could proceed now with the decision on the Custer Sharp property waiting for the full Board to meet as it needs additional time and further consideration.

Melissa Brown ***moved to authorize conducting soil percolation testing on the land owned by the South Londonderry Free Library located adjacent to the Town Office, the cost of which shall not exceed $4,000, to be paid from a source to be determined at a later date****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The Board’s decision will need to be ratified at the next regular meeting.

12. Adjourn

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

The meeting adjourned at 7:29 PM. The next regular meeting of the Selectboard is scheduled for December 19, 2022.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved December 19, 2022.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

- - Continued on next page - -

ATTACHMENT

DECLARATION OF OFFICIAL INTENT
OF THE TOWN OF LONDONDERRY
TO REIMBURSE CERTAIN EXPENDITURES
FROM PROCEEDS OF INDEBTEDNESS

WHEREAS, the Town of Londonderry, Vermont (the "Issuer") intends to construct public building improvements to be considered by the Issuer at the annual meeting thereof to be held on March 7, 2023 (the "Project"); and

WHEREAS, the Issuer expects to pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the Issuer reasonably expects that for that part of the Project consisting of design, permitting, acquisition, contract administration, fiscal and construction costs, debt obligations in an amount not expected to exceed $1,300,000 will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the Issuer declares its reasonable official intent to reimburse prior expenditures for the above-described part of the Project with proceeds of a subsequent borrowing:

NOW THEREFORE, the Issuer declares:

Section 1. The Issuer finds and determines that the foregoing recitals are true and correct, and that all of the capital expenditures covered by this Resolution were or will be made no earlier than 60 days prior to the date of this Resolution.

Section 2. This declaration is made solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, within 18 months of either the date of the first expenditure of funds by Issuer for such Project or the date that such Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of Issuer funds for such Project), and to allocate an amount not to exceed $1,300,000 of the proceeds thereof to reimburse itself for its expenditures in connection with the Project.

Section 4. The Issuer's debt obligations for the aforementioned purpose will not be “private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986.

Section 5. All prior actions of the officials and agents of Issuer that are in conformity with the purpose and intent of this Resolution and in furtherance of the Project shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 6. All other resolutions of the legislative body of the Issuer, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. It is hereby found that all discussions and deliberations of the legislative body of the Issuer leading to the adoption of this Resolution occurred at one or more meetings of the legislative body conducted pursuant to public notice and open to public attendance.

Section 8. This declaration shall take effect from and after its adoption

The undersigned, Town Clerk of the Issuer, hereby certifies that the foregoing is a full, true and correct copy of the declaration of the legislative body of said Issuer duly made at a meeting thereof held on the date, specified below, and that said declaration has not been amended, modified or revoked.

Dated: 12/5/2022

Town Clerk: Kelly Pajala

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday December 12, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Vincent Annunziata, Melissa Brown, Jim Fleming and Taylor Prouty.

Board Members Absent: None.

Others in Attendance: Town Officials – Highway Department employees Josh Dryden, Troy Maynard and Donald Lyon (5:37 PM), and Town Administrator Shane O'Keefe.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:03 PM.

2. Additions or Deletions to the Agenda [1 VSA 312(d)(3)(A)]

Vincent Annunziata ***moved to add to the New Business section of the agenda consideration of Access permit application #2022-08 regarding 216 Landgrove Road, Parcel 001001.100****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

3. New Business

a. Executive Session(s) – 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 or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Josh Dryden, Troy Maynard, Donald Lyon and Shane O'Keefe to attend the executive session****, seconded by Vincent Annunziata. The* ***motion passed*** *unanimously.*

The Board entered executive session at 5:04 PM, with O'Keefe, Dryden and Maynard in attendance. Maynard left the meeting at 5:18 PM. Lyon entered the meeting at 5:37 PM. Annunziata left the meeting at 6:03 PM. Lyon left the meeting at 6:13 PM.

The Board came out of executive session at 6:26 PM.

b. Access Permit #2022-08 – 216 Landgrove Road, Parcel 001001.100

The Board briefly reviewed an application for a temporary logging access.

Jim Fleming ***moved to approve access permit application No. 2022-08 for temporary logging, submitted by EJS Private Equity, for parcel #001001.100, located on the east side of Landgrove Road,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. Planning Commission concern with new structure opposite Town Hall

The Board was presented with a motion having just been passed by the Planning Commission as follows:

"*The Planning Commission wishes to request that the Selectboard review immediately the placement of the new structure opposite the Londonderry Town Hall with respect to the setback and façade orientation which is not in compliance with current or proposed Bylaws*."

O'Keefe noted that he had mentioned to Zoning Administrator Will Goodwin the foundation excavation at the property appeared to be very close to Middletown Road, and that he had followed up with an email later in the week to Goodwin explaining that the newly poured foundation walls likewise seemed to be too close to the road. Goodwin had responded in an email to O'Keefe and the Development Review Board that it in fact was too close and went on to mention that he had issued the permit in error. O'Keefe stated to the Board that he felt that Goodwin was not in error and that the error was on the part of the property owner or contractor that improperly laid out the foundation. He added that the permit application and plan spelled out the proposed setbacks and in his view a permit need not include every dimensional limitation in its approved language, as the permit form itself states that "the project shall be completed in accordance with the application and all sketch or site plans of record…"

O'Keefe explained that the Zoning Bylaw requires the setback to be measured from a point 25 feet distant from the centerline of the road, and that the Zoning Administrator has no obligation to stake out the setbacks as that's the developer's responsibility.

Dryden left the meeting at 6:35 PM

There was further discussion about the situation and Board members suggested that a conversation on this with Goodwin should take place soon before additional construction commences.

O'Keefe noted that a letter had been written by Goodwin to the property owner stating that the permit issued should have specified that the Bylaw requires a 15 foot setback from the edge of the Town right-of-way and not the edge of the road, and that it was his error and "the building should be allowed as a non-conforming use, improperly authorized as the result of an error by the Zoning Administrator".

On the Planning Commission motion, O'Keefe mentioned that he had been approached by one of the Commissioners that evening who inquired about the foundation location and that he had explained to them the situation.

Prouty said he was aware that there was supposed to be an engineer for the project to determine where the foundation was to be located.

Whether an appeal of the Zoning Administrator's decision about the error is possible was briefly discussed.

There was discussion about trying to have work stopped somehow until things are worked out and that the owner should be made aware of the concerns, as time is of the essence. It was agreed that Cavanagh and O'Keefe would confer with the Town Attorney to clarify legal constraints and appropriate next steps.

4. Transfer Station/Solid Waste Management

a. Discuss Transfer Station holiday schedule

Cavanagh noted that he had spoken with Transfer Station staff who had indicated that they felt that it was not good to close two weekends in a row, and that 12/2 is one of busiest days of the year and not a good day to close. The Board discussed ramifications of facility closure on various user categories.

Jim Fleming ***moved to establish the following holiday schedule for the Transfer Station:***

- ***Open on Saturday, December 24, and closed on Sunday, December 25 and Monday, December 26***
- ***Closed on Saturday, December 31 and Sunday, January 1, and open on Monday, January 2****,*

Seconded by Taylor Prouty. The ***motion passed*** *3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.*

5. Adjourn

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

The meeting adjourned at 6:54 PM. The next regular meeting of the Selectboard is scheduled for December 19, 2022.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved December 19, 2022.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, December 19, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Taylor Prouty, Jim Fleming and Melissa Brown.

Board Members Absent: Vincent Annunziata.

Others in Attendance: Town Officials – Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Planning Commissioner Sharon Crossman; Village Wastewater Committee Chair Gail Mann; Parks Board members Kelly Pajala, Steve Bergleitner, Elizabeth Labeau, Taylor Barton and Marge Fish. Others – One Londonderry representative Elsie Smith; Flood Brook Athletic Association member Sarah Kiefer; Phoenix Fire Company #6 Chief Jim Ameden and firefighters James Ameden, Jr. and Don Hazelton; Residents Cindy Gubb, Bob Wells, Paul Hendler, Kevin Phillips and Jessica Putnam-Phillips, Patricia Gagnon, and GNAT camera operators Bruce Frauman and Brandon Perra.

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)]

Taylor Prouty ***moved to add to the Old Business section of the agenda a discussion on the Williams Dam****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 11//7/2022 & 11/16/2022

Taylor Prouty ***moved to approve the minutes of the Selectboard meetings of 12/5/2022 & 12/12/2022****, 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Shane O'Keefe noted the following:

- On 12/15/2022 the Vermont Traffic Committee approved the Board's 8/29/2022 recommendation to establish lower speed limits on VT Route 100 at the northbound approach to VT Route 11. The speed limits will go into effect when the signs are posted
- The office will be closed the next two Mondays for the Christmas and New Year holidays.

And he mentioned the correspondence included in the Board's meeting packet was as follows:

- A holiday greeting card from the Chester Snowmobile club
- Year-to-date financials through November

He also distributed a thank you card from the Girl Scouts for allowing them to use the Town Hall recently.

Cavanagh thanked the Town Road Crew for keeping the roads clear during the recent snowstorm, and for the Green Mountain Power workers for restoring power. Melissa Brown thanked the Fire Chief for coming up with the idea of establishing a warming center for the public. Jim Ameden noted the number of emergency calls received.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Elsie Smith mentioned that there was a recent cleanup of the property at VT Routes 11 and 100 by the Mill Pond, and that One Londonderry is developing a plan for a park space there

b. Others

Middletown Road property owners Kevin Putnam and Jessica Putnam Phillips asked if there was any information from the Board about their project to construct a building across from the Town Hall as they have contractors unwilling to proceed with work due to word of mouth that there is a problem with their permit. They stated that the building would begin in January and there is a lot of money tied up in the project.

Cavanagh stated that he was unaware of any Town official having given direction to stop work on the project. Putnam noted that he had heard from the Zoning Administrator stating that an error had been made in the permit process but that they could proceed.

Prouty stated that the Board had been made aware of the matter at the previous meeting but that no decisions have been made. It had been brought to the Board's attention by the Planning Commission. O'Keefe was asked about the appeal period for the Zoning Administrator's decision on the permit status, and responded that it was 15 days from the 12/5/2022 letter.

Cavanagh mentioned that the matter would be discussed later in the meeting, and it was agreed that the property owners would be promptly informed if there were any decisions rendered by the Board.

7. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman mentioned that it has been a very busy year for the Planning Commission and she mentioned several things that they are hoping for:

- Wrapping up the Zoning Bylaw amendment to bring it to public hearings beginning in January.
- For broader community understanding and support for the Zoning Bylaw amendment.
- To see continued improvements to the Town Hall building.
- Both the village wastewater project and housing effort each move forward for the benefit the community.
- Success in the coming year with the planning grant application for a south village master plan.

She stated that she wished to give thanks to all the staff and volunteers who have done so much for the town, and wished everyone a happy holiday.

b. Village Wastewater Committee – Request to conduct soil testing at Pingree Park

O'Keefe recalled that the Board had decided in February 2021 not to consider Pingree Park for evaluation as site for a community wastewater, and that now that the number of locations for potential sites is down to one, the Village Wastewater Committee and the Parks Board have met to discuss the Committee's interest in reconsideration of this.

Gail Mann spoke of the great opportunity the Town has for establishing community wastewater by virtue of State ARPA funding, and that we may need to look beyond the original study area for locations not under Town ownership.

Marge Fish spoke to the Selectboard about the Parks Boards consideration of the use of Pingree Park for this purpose and its unanimous position that it should not, and she read aloud a letter prepared by the Parks Board and distributed to the Board at the meeting that discusses the Parks Board's reasoning for its position.

Mann contested some of the information offered in the Parks Board letter, in particular whether there would be significant site disturbance by virtue of the digging of test pits. And she mentioned that the use of the property for recreational purposes would not be impacted by its use for community wastewater purposes, as demonstrated by projects done in other communities.

Resident Cindy Gubb spoke to the work of the Village Wastewater Committee and that it is working toward the future health of the community, as increased stability and development will lead to a stronger tax base. She supported the notion that recreational activities can coexist with wastewater facilities.

Cavanagh noted he had questions about how far the grant funding will go, and asked for the cost estimate of construction of a 6,500 GPD system on a flat property. Mann stated that she would ensure this was forthcoming.

Pingree Park abutter Patricia Gagnon spoke of issues she has with a septic field next to her home, and noted deed restrictions on and State permits affecting the property precluding its use for any commercial purposes and that the use as a community wastewater system would be prohibited. O'Keefe read from a legal opinion from the Town Attorney on this concern that concluded that it is possible to construct a treatment system on part of the property that would not violate the deed restriction, and that the proposal would constitute a municipal project and not a commercial use.

The Board members agreed that more information in needed. O'Keefe mentioned that in order to get more information the Town would need to incur engineering expenditures. Prouty and Brown suggested that work acceptable to both committees should be able to proceed in some way, to reach a common ground.

Taylor Barton expressed concerns about damage to the park caused by site exploration, and who would clean up afterward.

Fleming inquired of Fish whether there was room to negotiate with the Committee. She expressed concerns about cutting of timber and damage to trails, and mentioned that doing just auger holes at first could be a reasonable first step. It was generally agreed that digging an auger hole in the wooded area shown on a map provided by the Town's engineer would work.

Potential demand for wastewater needs in the north village was discussed.

Melissa Brown ***moved to allow for an exploratory auger hole at Pingree Park in the mapped area provided, to determine its suitability for a community wastewater system****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

It was agreed that next steps for site evaluation would await the results of the auger test.

c. Village Wastewater Committee – Request to conduct soil testing at Custer Sharp property

Melissa Brown reiterated her concern about conducting test pits on the Custer Sharp property prior to conducting the archaeological analysis due to the potential for disturbing items of archaeological value near the historically significant Custer Sharp house. Conducting the study before the soil disturbance is the required sequence for use of the State of Vermont planning funds. The Village Wastewater Committee requested Town funds at the previous regular meeting to conduct the test pits in order to shave a number of months off the exploratory process at the site.

Cavanagh recommended having someone from the Historical Society present to approve the test pit location.

O'Keefe noted that he was aware that Conservation Commissioner and Village Wastewater Committee member Gary Hedman has flagged a route on the property to the test pit location that avoids felling trees.

Jim Fleming ***moved to authorize conducting soil percolation testing on the Town-owned Custer Sharp land located on Middletown Road, the cost of which shall not exceed $4,000, to be paid from a source to be determined at a later date, with the condition of the Historical Society agreeing to the testing****, seconded by Taylor Prouty.*

The cost of doing test pits was discussed, as was the cost of an archaeological consultant. There was further discussion about whether to have an archaeological consultant on site, and it was decided to modify the motion.

Melissa Brown ***moved to authorize conducting soil percolation testing on the Town-owned Custer Sharp land located on Middletown Road, the cost of which shall not exceed $4,000, to be paid from a source to be determined at a later date, with the condition that there be an archaeological consultant on site during the soil perc test****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. Village Wastewater Committee – Ratify 12/5/2022 decision to authorize soil testing at Library property

Because the Board voted on 12/5/2022 to authorize percolation testing soil testing on Library land adjacent to the Town Office in support of the Village Wastewater Project when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Taylor Prouty ***moved to ratify the Board's December 5, 2022 decision to authorize soil testing on land owned by the South Londonderry Free Library located adjacent to the Town Office, the cost of which shall not exceed $4,000, to be paid from a source to be determined at a later date****, seconded by Jim Fleming.*

e. Parks Board – Discuss creation of Recreation Director position

Regarding the proposal for a regional recreation director, the Board reviewed recommended Town Meeting warning articles presented by Kelly Pajala for Londonderry as well as those for the other participating Towns, as follows:

Londonderry

- Article 1 Shall the Town establish the full-time position of Mountain Towns Recreation Director by contracting with participating regional Towns using an inter local agreement as established in 24 V.S.A. 4901.
- Article 2 Shall the Town raise and appropriate a sum for the salary and benefits of the Mountain Towns Recreation Director, an amount not to exceed $____, a portion of which will be offset by contributions from participating regional Towns as established in a inter local agreement.

Other Towns

- Article 1 Shall the Town of ___ participate in the establishment of a full-time position of Mountain Towns Recreation Director to be hired by the Town of Londonderry, by contracting with participating regional Towns using an inter local agreement as established in 24 V.S.A. 4901.
- Article 2 Shall the Town raise and appropriate a sum for a portion the salary and benefits of the Mountain Towns Recreation Director, an amount not to exceed $_____, and in accordance with the inter local agreement established between all participating Towns.

Sarah Kiefer gave updates on the status of the other towns, and mentioned that an interlocal agreement would be the mechanism for how it all comes together. Pajala clarified information on how other communities may set up their articles, which don't necessarily need be the same, as the legal contractual agreement that brings it all together is an "interlocal agreement" between the towns.

Pajala mentioned two requests of the Board:

- That the Town Attorney should review, comment and sign off on the two Londonderry articles.
- For Londonderry's second article, coming up with an "amount not to exceed" that provides for the possibility that not every other town will participate.

Prouty suggested that there should be some minimum participation clause in case one or more of towns back out, and it was generally agreed that this should somehow be worked into the articles.

Taylor Prouty ***moved to include in the 2023 Annual Town Meeting warning articles seeking to establish the full-time position of Mountain Towns Recreation Director, and to raise and appropriate funds for salary and benefits for the position, the specific wording***

***and dollar amount to be determined by the Board, with the advice of the Town Attorney**, seconded by Melissa Brown. The **motion passed** unanimously.*

f. Parks Board – Appointment to fill vacancy

The Board reviewed an application from Chad Stoddard to fill a vacancy on the Parks Board caused by the resignation of Matt Scott in August 2021. Pajala noted that the Parks Board had recommended his appointment at its most recent meeting. O'Keefe mentioned that the term of the vacancy expires in April 2023, so the appointment would only extend until then.

*Jim Fleming **moved to appoint Chad Stoddard to the Parks Board, to fill a vacancy with a term ending 4/30/2023**, seconded by Melissa Brown. The **motion passed** unanimously.*

8. Transfer Station/Solid Wase Management

a. Updates

Cavanagh mentioned that the backhoe arm has been fixed at a cost of $1,819.39, and that the plowing contractor had some equipment issues with the recent storm and thanked Transfer Station staff for stepping in to keep the facility open the previous Saturday. He mentioned that 2023 Transfer Station stickers are available at the Town Office.

9. Roads and Bridges

a. Updates

Taylor Prouty spoke about the recent storm and that there was some broken equipment and that one Town truck was struck by an oncoming vehicle. The accident was not the fault of the Town employee and there were no injuries. All-in-all, he said, the Road Crew did pretty well in a significant storm.

10. Old Business

a. Consider proposals for Town Hall roof repairs

The Board reviewed a proposal from the Vermont Roofing Company for replacement of the roof at the rear of the Town Hall and repairs to the bell tower roof as well. O'Keefe recommended that the Board approve the former but hold off on the latter as the Town Hall Renovation Committee is of the opinion that the bell tower repair cost is too high at this time. O'Keefe noted that the contractor was retained by the Town's engineer Chris Cole and did the previous work on the building, and the overall roofing cost is in line with the pricing approved by the Board earlier in the year.

Tina Labeau confirmed that there were adequate funds in the Town Building Reserve Fund for this expanse.

*Jim Fleming **moved to 1) accept the quote from Vermont Roofing Company for roofing replacement at the rear of the Town Hall, estimated to cost $19,210, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, and 3) authorize expenditure of up to $20,000 for this effort to be paid from the Town Building Reserve Fund**, seconded by Taylor Prouty. The **motion passed** unanimously.*

b. Consider placement of roadside historic marker on Town property

Bob Wells explained that he had received approval from the Board previously to apply for a roadside historic marker celebrating Londonderry's important place in the development of snowboarding, to be located at the Genser Barn property at the northeast corner of the easterly intersection of VT Routes 11 and 100. He explained that VTrans staff had some reservations about that location due to safety concerns, so he discussed with Town and State representatives an alternative location directly across the road at Williams Park outside the State highway right-of-way and about 25 feet west of the war memorial. The Parks Board unanimously approved the location on 12/5/2022 and VTrans has indicated that it's an acceptable location as well.

Wells explained that he was now seeking Selectboard approval once again, but for the new site. He reiterated that the marker recognizes the work of Jake Burton Carpenter to begin manufacturing snowboards in 1977 right on Main Street in Londonderry. He added that the marker is being cast at this time and should be ready to go up in 20-24 weeks. Installation of the marker was briefly discussed, and Wells noted that there is planning for a dedication ceremony.

Sharon Crossman thanked Wells for his persistence in pursuing this community building effort.

Taylor Prouty ***moved to rescind the Board's decision from 8/15/2022 on the location of a roadside marker on parcel #102026.000, and instead support the application to the State of Vermont for a roadside historic marker to memorialize Londonderry's place in the history of snowboarding, and to allow placement of the marker at Williams Park, at a specific location on the property previously agreed to by VTrans and the Parks Board****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board reviewed a matrix of all requests to date for ARPA funds with the most recent having come in from One Londonderry, Mike and Tammy's Main Street Market and Deli, and the South Londonderry Free Library. These are in addition to requests reviewed on 11/7/2022 and 11/21/2022.

O'Keefe noted that the total amount of funds requested for FY2023 so far is $372,600, and just over $247,500 is available. He suggested that the Board may want to reconsider its previous decision to keep the application period open until mid- April as there are some entities requesting funds that may need the assistance sooner as opposed to later, and that moving the closing date up to 2/1/2023 or 1/15/2023 might help with this.

The Board discussed moving the date up due to the number and amount of funds requested already, and it was agreed that it was important to get the word out for any such change in the deadline. There was also discussion about allocating only portions of the amounts requested to address immediate needs.

Jim Fleming ***moved to rescind the Board's original date that allocation of funds and move it to 2/1/2023 to accept American Rescue Plan funds applications****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. Discuss regulation of short-term rentals

The Board reviewed the new short-term rental (STR) ordinance recently adopted by the Town of Chester as well as a chart assembled in support of that adoption process that notes the purpose of the ordinance is to strike a balance between various goals and objectives, and provides the description and impact assessment of a number of types of STR regulations.

The Board reviewed an email received that day by Melissa Brown from residents complaining about a new STR in a residential area that is causing negative impacts on the resident's property and surrounding neighborhood. Brown discussed whether a working group needs to be formed to work on this concern.

How to address writing an ordinance and what elements of STRs it would regulate was considered. Prouty stated that the whole matter is evolving and any ordinance established can be amended in the future.

Crossman mentioned that language in the first draft of the proposed new Zoning Bylaw had STR language removed in deference to the Selectboard's interest in establishing an ordinance. She agreed to forward a copy of the previous version's language on STRs to the Board. Brown suggested that the Zoning Bylaw and the STR ordinance could work together to address the STR issues.

Fleming asked about enforcement of an ordinance, and Cavanagh suggested bringing on a STR officer and pay for it through a registry fees and a local 1% rooms tax. Fleming suggested a building inspector to review structures used for this purpose as well. Jim Ameden spoke to overcrowding of STR residences and noted that if more than 12 people are housed the structure requires a sprinkler system. He added that the State Fire Marshall can provide enforcement of State rules in the community. Elsie Smith suggested that there could be regional enforcement covering several towns. Gail Mann suggested a public information campaign on the issue and the Town's interest in regulating STRs.

It was agreed to continue working on this and to discuss it again at the next regular meeting.

e. Discuss remote accessibility for meetings of public bodies

O'Keefe noted that the meeting was being live-streamed for the first time, and Brandon Perra from GNAT introduced himself and noted that the meeting streaming was a test but was live to the public. The plan, he mentioned, was to roll out streaming Selectboard meetings for 8 other area towns and eventually bring on all other boards and commissions. And for now, it would be viewing only and not allow for two-way interactions.

Elsie Smith for the Planning Commission recommended a remote feature for meetings such as Zoom software. There was further discussion about accommodating this better, which would require new technology and equipment.

It was noted that Annunziata is researching the setup at Neighborhood Connections, which is known to work pretty well.

Pajala noted that Board members have always been able to attend meetings remotely under the Vermont Open Meeting Law.

f. Discuss Williams Dam

Cavanagh noted that the USDA Natural Resources Conservation Service preliminary investigation feasibility report for the repair of the Williams Dam came in that day and Board members each received a copy. O'Keefe reiterated that this was the one source found that could fund the repair or replacement of the dam and the report concludes that it is unable to be funded as it would not solve the flooding issues for which the program is set up to address.

Brown asked to add this matter to the agenda for the next regular meeting and make the report available to the public.

Cavanagh noted that the report is thorough and in-depth, and concludes that unless the Town can find other sources of money to renovate the dam that its removal through the Connecticut River Conservancy is recommended. And that there are no alternatives reviewed that would help in any way to mitigate flooding. He made clarified that the study refers to the population of Londonderry being 180 people, but that it is referring to the Census Designated Area of the north village only.

11. New Business

a. Discuss requested Town Meeting article on borrowing for a new fire engine for the Phoenix Fire Company #6

Phoenix Fire Company #6 Fire Chief Jim Ameden address the Board about the need for a new fire engine, noting that the 1991 Mack vehicle was purchased 32 years ago and is long overdue for replacement. He mentioned that the department is looking for a basic standard cab that seats three people, carries 1,500 gallons of water with a 1,500 GPM pump, and is estimated to cost approximately $500,000. The department is working with Dingee Machine of Cornish, NH to build the new apparatus and Ameden mentioned the company has built three trucks already for the department and builds them at a very good cost.

Ameden stated that the department is not looking for 100% funding from Town Meeting as it provides services to the Town of Landgrove and will request funds there, and as a 501(c)(3) organization it raises funds from donations and activities. He said he'd have an exact cost figure before Town Meeting and can amend the article at Town Meeting with the more specific cost figures. How to finance the vehicle was discussed, as was grant opportunities, and Ameden mentioned that the Fire Company would own the vehicle and take care of all expenses including insurance and ongoing repairs. Ameden noted that the call volume has increased dramatically and expects to make over 100 runs this year.

Taylor Prouty ***moved to include in the 2023 Annual Town Meeting a warning article seeking to raise and appropriate funds for a new fire engine for the Phoenix Fire Company #6, the specific wording to be determined by the Board****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Review and discuss preliminary FY2024 Budget

The Board briefly reviewed the first draft of the proposed budget, Labeau noted that the amount to be raised by taxes is 3% less than last year's amount, but does not include appropriations and other articles. The status of appropriations was discussed, and figures for potential new employees. The budget includes cost of living adjustment (COLA) for employees of 5% Labeau mentioned, and it was noted that the social security COLA is presently almost 9%; there was discussion about evaluating the impact of a higher COLA for employees.

Fleming left the meeting at approximately 8:40 PM.

Labeau suggested setting up a time for the Board to go over the budget line by line.

c. Discuss VT Route 11 right-of-way matter in the vicinity of Riley Road (TH #8)

O'Keefe reviewed with the Board correspondence and old maps received from VTrans related to a major culvert project along VT Route 11, and the State right-of-way office has found that a change to the ROW in the 1940's resulted in the Town being given ownership of abandoned State ROW. But the State claims that the Town may have never discontinued that ROW and therefore some land in the vicinity of Riley Road and the Taylor Farm may be burdened by a Town ROW never relinquished. He noted that VTrans plans to meet with the property owners, and he will participate and invited Board members to participate.

It was agreed that the Town should not spend significant funds to address this if possible.

d. Consider changes to January Selectboard meeting schedule

With the regular January meetings falling on the day after New Year's Day and on Martin Luther King Jr. Day, and there being 5 Mondays in January, it was suggested that the regular meetings for January be pushed out a week. It was noted that the Board needs to approve the Town Meeting warning on 1/23/2023.

Melissa Brown ***moved to adjust the regular Selectboard meeting schedule for January 2023, to meet on January 9 and 23, instead of January 2 and 16****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

e. Executive Session(s) – 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 or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O'Keefe and Tina Labeau to attend the executive session****, seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Board entered executive session at 8:45 PM and came out of executive session at 9:07 PM.

f. Consider employee compensation matter

Melissa Brown ***moved to I move to adjust the hourly rate of pay for Don Lyon to $25.00 and for Troy Maynard to $22.50, effective for the current pay period****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

g. 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 that premature general public knowledge of probable civil litigation regarding private property on Middletown Road will clearly place the Town of***

***Londonderry at a substantial disadvantage**, seconded by Melissa Brown. The **motion passed** unanimously.*

*Taylor Prouty **moved to move to enter executive session to discuss probable civil litigation in a matter regarding private property on Middletown Road, to which the Board may be a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E), and invite Town Administrator Shane O'Keefe to attend**, seconded by Melissa Brown. The **motion passed** unanimously.*

The Board entered executive session at 9:09 PM and came out of executive session at 9:25 PM. No decisions were made

12. Adjourn

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

The meeting adjourned at 9:26 PM. The next regular meeting of the Selectboard is scheduled for January 9, 2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved January 9, 2023.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair