

**Town of Londonderry, Vermont**  
**Selectboard**  
**Meeting Minutes**  
**Monday, August 3, 2020**  
**Meeting held remotely via online video with no physical presence**

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

**Board Members Absent:** None.

**Others in Attendance:** Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Emergency Management Director Kevin Beattie, Lister Sandra Clark, Planning Commission Chair Sharon Crossman (6:38 PM). Others – Residents Richard Phelan and Bruce Frauman (GNAT), and Town Attorney Robert Fisher (6:55 PM).

**1. Call meeting to order**

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

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

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on July 31, 2020, and still available on the Town’s website, provided information on how the public could participate in the meeting. She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

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

Mora noted the recent tragic passing of Joan Dayton, who was a delightful person and an integral part of the Town government as Delinquent Tax Collector and she served other important community roles. She mentioned that Joan will be greatly missed and expressed condolences to Joan’s family.

**2. Additions or deletions to the agenda**

Kevin Beattie had asked to include a discussion on a Wi-Fi booster program from the Windham Regional Commission (WRC).

*Taylor Prouty moved to add to the New Business section of the agenda a discussion on the Windham Regional Commission's proposal to install a Wi-Fi booster on Town property, seconded by Tom Cavanagh, passed unanimously.*

### **3. Minutes Approval – Meetings of July 15, 2020 & July 20, 2020**

*Vincent Annunziata moved to approve the minutes of the Selectboard meeting of July 15, 2020, seconded by Tom Cavanagh, passed unanimously.*

*Vincent Annunziata moved to approve the minutes of the Selectboard meeting of July 20, 2020, seconded by Tom Cavanagh, passed unanimously.*

### **4. Selectboard Pay Orders**

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

### **5. Announcements/Correspondence**

Tina Labeau reminded everyone that the Primary Election is the following Tuesday, 8/11/2020, and the polls will be open from 7:00 AM to 7:00 PM. They will be providing for drive-through voting.

She also noted that property tax bills had been printed and would be mailed later in the week.

Mora reminded the Board members that a meeting of the Board of Civil Authority would be held on 8/6/2020 at 4:30 PM in the Town Office parking lot with an option to attend via Zoom software

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

- An invitation to Board members from the office Congressman Peter Welch to participate in an E-meeting on 8/6/2020 at 11:00 AM on federal funding opportunities for municipalities. Mora noted that she has already registered for this.
- A 7/29/2020 email from Chairperson Mora to surrounding communities regarding the possibility of sharing a health officer position.
- A 7/31/2020 email from the VTrans public information contractor about the status of the VT Route 11 paving project, which notes that the North Main Street area will be milled during the week.
- A copy of a 7/22/2020 stipulation related to sound engineering and mediation for the zoning case involving Vermont Woodchips Real Estate Holdings, LLC and the Town. O'Keefe noted that a sound engineer has taken sound samples during a recent crushing operation and the report indicates that the operation that day did not violate the Zoning Bylaw standards.
- A 7/21/2020 letter of thanks to My Skyler Cruz Wolsey for his providing to the Town recommended traffic solutions to the westerly intersection of VT Routes 11 and 100.

- A 7/15/2020 letter from the Brattleboro Development Credit Corporation regarding its Southern Vermont Economy Project and its request for funding for the FY2022 budget.

Bruce Frauman mentioned that he is being reassigned at the *Chester Telegraph* for special projects for the most part, and that Charise Madigan will covering Selectboard meetings in the future, though he will participate from time to time. He stated that he has enjoyed covering the Selectboard. Mora thanked him for his work.

O’Keefe noted that VTrans has cancelled its permission for the 8/8/2020 boot drop for Ruck Up, which was authorized previously by the Board, as the section of VT Route 11 where it is planned is an active construction zone.

## **6. Visitors and Concerned Citizens**

None.

## **7. Town Officials Business**

### **a. Emergency Management Director – COVID-19 response updates**

Emergency Management Director (EMD) Kevin Beattie first briefed the Board on Tropical Storm Isaias, which was expected to affect the community the following day. He noted that it is picking up strength and rain is expected to range from between 2 and 4 inches regionally, with up to 6 inches possible. Dry conditions will help keep down the negative impacts, and only minor flooding is expected, but he and the emergency responders are gearing up with preparations.

Regarding COVID-19, there is not too much new news, he reported. Vermont numbers are fine, but other areas within travel distance have seen a resurgence of infection, and people should remain vigilant with preventive measures. People traveling to areas with higher infection rates need to quarantine upon return he stated.

Beattie mentioned that adherence to the recent mask mandates have gone well in the community. He noted that there is a State-sponsored mask supply program for which an application will be submitted. Regarding the masks already ordered by the Transfer Station, Cavanagh mentioned that he has been informed that we will receive them if there are any still available. Beattie mentioned that he is not aware of mask shortages at this time, but that could change with the mandates.

Beattie mentioned that shelter supplies have been purchased and organized for the most part. He will be reaching out to the Flood Brook School Principal to get a better idea of the School’s plans for reopening. Bruce Frauman mentioned that he had heard from one of the School Board members that things are still uncertain but that an announcement will be made on school opening details for the supervisory union on 8/11/2020.

### **b. Listers – Errors & Omissions**

Sandra Clark spoke to the Board about the need to combine two lots for a property owner after the setting of the Grand List, and that the Board must approve this change under the

statutory errors and omissions provisions. There is a new owner of these parcels, which are parcels 062010.000 and 104006.000, and they are in current use.

*Taylor Prouty moved to combine parcels 062010 and 104006 because they are contiguous same-ownership properties that shall be listed as one, seconded by Tom Cavanagh, passed unanimously.*

Clark said that all has gone smoothly with tax bill situation, and noted that she is behind with getting homesteads, but said that it will all work out. She left the meeting at 6:24 PM

## **8. Transfer Station/Solid Waste Management**

### **a. Updates**

Cavanagh stated that due to Governor Scott's mask mandate, which states that if you cannot maintain social distancing outside one must wear a mask, they are now requiring masks to be worn at the Transfer Station. He noted that signs have been posted and masks have been made available.

### **b. Entryway signage at Transfer Station**

Mora noted that she had received an email regarding a complaint from a neighbor of the Transfer Station which noted that many people miss the entrance to the facility and end up turning around on his drive, and there have almost been some collisions.

Mora inquired about State approval due to the location on VT Route 100. O'Keefe noted that a sign needs to meet our Zoning Bylaw and cannot be in the State right-of-way. Mora also suggested seeing if the facility could qualify for the State travel sign program. O'Keefe will contact the VTrans district office to confirm about requirements and opportunities.

Cavanagh mentioned that the facility is seeing increased number of visitors and higher waste volumes of late due to the second homeowners visiting. Mora added that many are unfamiliar with the location but would better understand over time, but it is a safety issue that needs to be addressed. Labeau confirmed the increased usage by noting that the number of stickers being sold is up. Cavanagh estimated usage is up an estimated 50%.

## **9. Roads and Bridges**

### **a. Updates**

Taylor Prouty mentioned that the Road Crew was ditching roadsides this week. He also mentioned that there has been discussion about making improvements to the end of West River Street at the West River Trailhead. It was mentioned that there are some site contamination conditions on the land that will affect the development of the trailhead.

## **10. Old Business**

### **a. Discuss Town request for VTrans Safety Audit for VT Route 11**

Mora brought this up as a matter previously discussed and mentioned that having a traffic safety audit for the north village area would help the Town in a subsequent application for

VTrans Bicycle and Pedestrian Grant funding. O’Keefe conformed his information that any request to VTrans for the study had to be filtered through the Windham Regional Commission. The audit should take place after the ongoing paving project. Prouty raised the idea of including the Thompsonburg Road area of VT Route 11 in the audit. Mora noted that the safety audit for Thompsonburg Road was completed in the recent past, and there were some maintenance recommendations included for VT Route 11 at that location, but adding it into the request at this time was appropriate.

Sharon Crossman suggested adding to the safety audit the two designated village areas, north and south. Mora recalled that the south village was part of the Thompsonburg Road audit.

*Taylor Prouty moved to formally ask the Windham Regional Commission request that the Vermont Agency of Transportation conduct a road safety audit for VT Route 11 in the vicinity of North Main Street village area, and include information from the Thompsonburg Road intersection to determine the need for that area as well, seconded by Tom Cavanagh, passed unanimously.*

**b. Review bids and award contract for heating oil delivery for Town facilities**

Prouty mentioned he had spoken with Road Foreman Josh Dryden about the lone bid received from Cota & Cota and the work required for filling fuel tanks at Town facilities, and Dryden mentioned that filling tanks has become routine for the Road Crew but if they are to continue to do so they would need a new tank and pump for the truck at a cost of about \$1,000. The need for new equipment was discussed, and Prouty stated that he felt that bidding out the service made sense but continuing as we do now can work.

Fueling of vehicles at the Transfer Station was discussed. Labeau noted that the facility used 494 gallons of off-road vehicle fuel this past year in 4 deliveries. Cavanagh stated that he thought that the tank had a capacity of 200 gallons and will confirm this.

O’Keefe was asked to inquire of Cota & Cota whether the company delivers off-road vehicle fuel as well, and what the pricing would be. Prouty will ask Dryden which fuels are needed. Further consideration of this matter will take place at the next meeting.

**c. Review bids and award contract for Town Garage connection to the Town Office generator**

O’Keefe noted that he sent out the Invitation to Bid for the project to about 10 area electricians and only one timely bid was received, from Lawrence & Lober of Bellows Falls, in the amount of \$7,860. One late bid for about \$2,000 more than that was also received. The original estimate provided by Gary Barton was for between \$6,000 and \$7,000, and it is assumed that the Road Crew will handle the trenching for the project.

*Taylor Prouty moved to 1) accept the bid from Lawrence & Lober Electric, Inc. in the amount of \$7,860 for the connection of the Town Garage to the Town Office generator (RFP #2020-04), 2) authorize the Town Administrator to execute all documents necessary for the hiring of the contractor to conduct the necessary work, including a service contract*

*after review by the Town Attorney, and 3) authorize the expenditure to be paid from the Town Building Reserve Fund, seconded by Tom Cavanagh, passed unanimously.*

## **11. New Business**

### **a. Discuss Selectboard Rules of Procedure**

Town Attorney Robert Fisher joined the meeting.

Mora brought up the fact that the Board's Rules of Procedure require that meetings be conducted in conformance with Roberts Rules of Order but noted that meetings over the years have not been run so formally. She mentioned that examples from other communities and the Vermont League of Cities and Towns (VLCT) had been distributed to Board members and she recommends adopting the VLCT boilerplate model.

Fisher noted that there is no obligation to follow Roberts Rules of Order, but the Board must have procedures. He clarified that Roberts Rules of Order do have a relaxed version that does not require pre-published motions or seconds on motions.

O'Keefe brought up the issue of decisions made by the Board on items added to the agenda, and the practice of some communities of putting the matter on the next meeting agenda for ratification to provide fair notice to the community. This allows community members an opportunity to have a say on all agenda matters, he stated, and recommend that the Board consider this. Mora said this could promote full transparency for the community.

Fisher said that the Town needs to make rules that it follows every time. Annunziata mentioned that he liked the Town of Killington rules, noting that they were very streamlined.

O'Keefe and Mora will work a draft for future consideration based on the VLCT model.

### **b. Discuss short stay visits to Londonderry during pandemic**

Jim Fleming expressed concerns about the issue of people visiting from afar at short-term rentals for a few days, not quarantining, and visiting area attractions and potentially spreading COVID-19. Beattie stated that he is aware of a lot of instances like this in the community.

Mora noted that the Board may not be the best avenue for enforcement of the State rules on this, and Beattie stated that as Emergency Management Director he is able to take some steps and has followed up, mostly through education. He also brought up ways to report violations of State virus prevention orders, and suggested to Fleming to contact him if becomes aware of any such violations.

### **c. Discuss community policing services**

O'Keefe noted that three policing matters came up recently as follows:

- A letter from the Vermont State Police (VSP) requesting input from communities to help shape how they can best provide policing services state-wide, and O'Keefe recommended that the Board craft a response.

- An offer to provide policing services from the Bennington County Sheriff's Department.
- Speeding complaint on Hell's Peak Road

Mora mentioned that she had been contacted about speeding on VT Route 100. And she noted that there have been many informal traffic control signs in the community such as "Drive like your Children Live Here".

O'Keefe noted that Hell's Peak Road, as a paved road, would require an engineering study and ordinance amendment to reduce the speed limit to below the State of Vermont 50 MPH default speed limit. The default speed limit is still allowed on gravel roads until such time as they are signed for the 35 MPH limit established in the Town's Traffic and Parking Ordinance. Cavanagh mentioned that we need to erect signs around town and do not have enough money to do so adequately.

Lack of adherence to speed limits in general was discussed.

O'Keefe recommended prioritizing some of the gravel roads for speed limit signs now using existing budgeted funds. And on paved roads the Town could seek an engineering study from WRC or VTrans. Mora suggested a rolling program of sign installations, which Prouty said he would talk about with Road Foreman Josh Dryden.

There was brief discussion of the traffic safety signs to be posted by VTrans for Thompsonburg and Middletown Roads, which is scheduled for this construction season

Mora raised the matter policing services in town, stating that she had heard from a citizen that there is a community-wide sense that we need more policing in town for speeding violations. She suggested putting together a proposal, based on the work done in the past by the Policing Committee, and put in on the Town Meeting warning for discussion and vote. Prouty mentioned that the Town previously budgeted over \$85,000 policing. The budget now is \$5,000. The 2016-17 VSP contract was for \$86,000, and included 25 hours of overtime per week, and Mora mentioned that the Town was getting about 20 hours of actual service and weekly reports.

The merits of the different policing entities were discussed, as was whether to create a scope of services on which the police agencies can bid. The type of policing services they each can provide and the type of services desired by the community was also discussed.

O'Keefe was asked to request of WRC that they provide speed counts at a number of locations this season. He was also asked to invite the VSP Barracks Commander to the next regular Board meeting.

**d. Windham Regional Commission proposal to install a Wi-Fi booster on Town property**

Beattie mentioned that WRC is looking to provide a Wi-Fi booster at a Town facility in each of its communities to provide public internet connectivity opportunities. The obvious option would be at the Town Office he mentioned. Labeau mentioned that the building already has

a guest network securely segregated from the Town’s internal internet and can accommodate this.

Beattie mentioned that WRC was seeking a decision from the Board as they put together a grant application.

Board members expressed support for this program. Because the matter was added to the agenda it was mentioned that a vote of support could be ratified at the next regular meeting.

*George Mora moved to approve installation of a Wi-Fi booster from the Windham Regional Commission at the Town Office for public use, seconded by Jim Fleming, passed unanimously.*

Beattie, Frauman and Phelan left the meeting at 7:45 PM.

**e. 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 pending civil litigation or a prosecution, to which the public body is a party will clearly place the Town or person involved at a substantial disadvantage, seconded by George Mora, passed unanimously.*

*Taylor Prouty moved to enter executive session to discuss pending civil litigation to which the Selectboard is a party pursuant to Title 1, Section 313((a)(1)(E), with Town Administrator O’Keefe, Town Treasurer/Delinquent tax Collector Labeau and Town Attorney Fisher invited to attend, seconded by George Mora, passed unanimously.*

The Board entered in executive session at 7:47 PM. The Board came out of executive session at 8:37 PM, and no decisions were made or announced.

**12. Adjourn**

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

The meeting adjourned at 8:38 PM. The next regular meeting of the Selectboard is scheduled for August 17, 2020.

Respectfully Submitted,



Shane P. O’Keefe  
Town Administrator

*Approved August 17, 2020.*

**LONDONDERRY SELECTBOARD**



Georgianne Mora, Chair