

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 31, 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, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Solid Waste Coordinator Esther Fishman (6:10 PM), Planning Commissioners Sharon Crossman (6:25 PM) and Larry Gubb (6:12 PM). Others – Town Attorney Robert Fisher (7:30 PM), Residents Richard Phelan, West McDonough, Melissa and Duane Hart, and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

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

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

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on August 28, 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.

2. Additions or deletions to the agenda

Mora noted that there are several additions to the agenda.

Taylor Prouty moved to add to the Old Business section of the agenda (as new item 10.c.) the consideration of participation in the Okemo Valley Regional Chamber of Commerce COVID-19 Recovery Marketing Plan, seconded by Tom Cavanagh, passed unanimously.

Taylor Prouty moved to add to the New Business section of the agenda (as new item 11.b.) the convention of the Board of Health to consider the recommendation of a Deputy Health Officer, seconded by Vincent Annunziata, passed unanimously.

3. Minutes Approval – Meetings of August 3, 2020

Tom Cavanagh moved to approve the minutes of the Selectboard meeting of August 3, 2020, seconded by Vincent Annunziata, passed unanimously.

4. Selectboard Pay Orders

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

Shane O’Keefe noted that one of the pay order items related to a Town Hall expense authorization decision to be made later in the meeting, and that the pay order included the Town’s contribution to the Flood Brook School’s cost of installation of flashing beacons on VT Route 11.

5. Announcements/Correspondence

It was noted by O’Keefe that the Derry Woods Road culvert project is underway, with the temporary bypass in place, and that all property owners and residents have been notified.

O’Keefe mentioned that there is a mediation session scheduled for 10/13/2020 for the Vermont Woodchips Real Estate Holdings enforcement and Development Review Board case presently in the Vermont Environmental Court, and asked if one of the Board members would like to participate along with him and Town Attorney Bob Fisher. Mora volunteered to do this and noted that one of the participants is a friend, but she did not believe it constituted a conflict of interest.

He also mentioned that he had not heard back from the Taylor Farm on his letter of 8/12/2020 regarding land use and zoning matters, and that he would be commencing with enforcement action unless the Board prefers that I didn’t. It was recommended that he wait a week.

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

- A letter, dated 8/20/ 2020 from the Vermont Agency of Agriculture, Food & Markets that determined that the property at 224 Cobble Ridge Road owned by West McDonough Flanagan meets the definition of “farming” and is therefore considered a farming operation.
- A letter of thanks, dated 8/26/2020, from the Southwestern Vermont Watershed Alliance for the Town’s annual contribution voted at Town Meeting.
- A copied letter, dated 8/12/2020 to Jennifer Howe from Winhall property owner Peggy Dennis suggesting that a horse statue on the Howe property should become a Town mascot or symbol.

6. Visitors and Concerned Citizens

Cobble Ridge Road resident West McDonough spoke to the Board about complaints made about dog’s barking which were lodged by neighbors at the previous Board meeting. She expressed disappointment that she was not included in the discussion, and noted that there had been exaggerations and misstatements presented. She confirmed that her property qualified as a small

farm operation, and explained that after hearing comments from neighbors that her livestock guardian dog was barking, she took steps to determine the extent of the noise. She mentioned that she had used an audio recording device for the past 12 evenings and presented the results to the Board.

On the 12 nights recorded, on 7 there were zero or 1 incident, all under one minute in duration. On 3 nights there were 2 to 4 incidents of barking, mostly under 1 minute. On 2 nights there was significant barking due to predator activity, but on the worst of the nights there was a total of no more than 15 minutes of barking, with the longest single incidence being 5 minutes. Average less than a minutes per incident, and an average of 2 minutes 49 seconds per night.

She stated that she did not feel there is a problem but was working on the dog getting out when frightened. She stated that the dog is not dangerous or aggressive.

Mora noted that with the property being designated as a farm, and with the dog now licensed as a working farm dog, there is little that the Board can do statutorily, and solution of the matter would need to be handled between the neighbors

The farm designation as briefly discussed, and McDonough stated that having more than 4 acres used for farming qualifies the property for the designation. The need to comply with State of Vermont Required Agricultural Practices that comes along with a farm designation was raised.

Board members thanked McDonough for coming to the meeting to discuss her position and provide data.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Emergency Management Director (EMD) Kevin Beattie briefed the Board on the COVID-19 pandemic and the declared state of emergency. He noted there is nothing new to report.

Tina Labeau noted that the Town has received a delivery of about 200 non-disposable protective facemasks for use by the public. She and Beattie will discuss how best to distribute them.

Esther Fishman stated that the 500 FEMA masks that were supposed to come in early Augusta have been delayed and may not arrive until October. She will contact Beattie when they arrive about distribution.

b. Emergency Management Director – Authorize application for FEMA Public Assistance grant and/or Local Government Expense Reimbursement grant

Beattie spoke to the Board about a grant that he has submitted to FEMA for municipal emergency management during the COVID-19 pandemic. The funding request is \$11,500 at this time, but it remains open-ended for ongoing expenses. Expenses to date are about \$9,500 he noted.

He said there are no plans at this time to apply for funding from the Local Government Expense Reimbursement grant program. Kelly Pajala noted that this program is normally the Town match but is instead being picked up by State of Vermont Coronavirus Relief Funds (CRF), and that a second application for the 25% match to supplement the FEMA grant is not necessary.

Taylor Prouty moved to apply for funding through the FEMA Public Assistance grant and/or Local Government Expense Reimbursement grant for expenses related to COVID-19 response, and authorize either the Emergency Management Director or Selectboard Chair to sign any documents necessary for the application process on behalf of the Town, seconded by Tom Cavanagh, passed unanimously.

c. Town Clerk – Authorize application for Coronavirus Municipal Records Digitization grant

Pajala spoke to the Board about a grant that she proposes to submit for \$8,500 in funding to digitize municipal records, which are necessary efforts not planned on prior to the pandemic. The funds will pay for the setup fee for the New England Municipal Resource Center (NEMRC) to attach the web portal to the Town’s land records module, the annual fee for upkeep of records, and two more days per week for Assistant Town Clerk Bonnie Cobb dedicated solely to scanning the backlog of records. She noted that the project needs to be completed by the end of the year, so there is a compressed schedule.

Pajala said that for subsequent years the Town can budget for the annual cost of portal maintenance to be paid through the records preservations fund, which itself is funded through statutory recording fees.

Vincent Annunziata moved to apply for funding through the Coronavirus Municipal Records Digitization grant program, and authorize either the Town Clerk or Selectboard Chair to sign any documents necessary for the application process on behalf of the Town, seconded by Tom Cavanagh, passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Tom Cavanagh stated that the facility is trying to get back to normal operations, and from now on people will have punch card punched by an attendant or visually show an attendant that you are punching at the amount needed.

b. Discuss entryway signage at Transfer Station

Esther Fishman stated that she has been working with the VTrans representative that manages the Official Business Directional Sign program and it was determined that municipalities were eligible, and she presented an application for this signage to the Board for review. The sign would be facing the northbound lane of traffic. The application fee is \$175 with an annual maintenance fee of \$100, all of which would be shared amongst the five towns. She described the roadways leading to the facility entrance and noted that the tree limbs and brush has been pared back in the vicinity.

O’Keefe noted that another sign can also be erected at the site with a local zoning permit. Labeau mentioned that E911 number signs are also available to be erected. Prouty suggested putting up a sign similar to street name sign.

Authorization of the application fee was discussed.

Taylor Prouty moved to apply to the Vermont Agency of Transportation for an Official Business Directional Sign for the Transfer Station, and authorize the Solid Waste Manager to execute any necessary application documents on behalf of the Town, and authorize a payment of \$175 for the sign application, seconded by Tom Cavanagh, passed unanimously.

c. Discuss offer to mowing former septage fields in exchange for hay

O’Keefe mentioned that the work of mowing the former septage fields is in process, with Duane Hart having offered to hay the fields at no cost to the Town in exchange for the hay. Hart stated that most of the work was done and it would be finished in the next day or so.

On whether a matter such as this needed prior Selectboard approval, O’Keefe offered that it was a departmental maintenance matter with zero cost and needed to get done. Mora thanked Hart for stepping up on this and said that it was a great solution for everyone involved. O’Keefe mentioned that how to address future years can be discussed at another time.

d. Review proposed invitation to bid for winter plowing & sanding

A proposed Invitation to Bid for the plowing and sanding like that used last year was reviewed. O’Keefe noted that the only changes were to allow for bidding on a three-year contract as a bid alternate and, similar to other recent solicitations, this would be handled remotely with electronic submittal of bids for safety reasons.

Taylor Prouty moved to approve the Invitation to Bid for winter plowing & sanding for the Transfer Station, and authorize the Town Administrator to take all necessary steps to solicit bids for review by the Board, seconded by Tom Cavanagh, passed unanimously.

9. Roads and Bridges

a. Updates

Taylor Prouty mentioned that the Derry Woods Road project is moving along nicely and described project details and his discussion with the Town’s engineer. He noted that the contractor is trying to wrap up the project in the next three weeks, and it looks to like it will come in at or below budget.

Several other access permit applications are in the works he mentioned.

Prouty also noted that the Under the Mountain Road trail upgrade project has restarted and is almost complete except for some of the engineering improvements. He reported that meetings have taken place between the contractor and some neighbors, and all is going well.

Annunziata mentioned some comments he had received about roadside mowing and noted that he has directed people to Prouty about specific locations in need of mowing. Prouty said that he would relay information on high needs areas to the Road Crew.

b. Access permit 2020-05 – 1839 Landgrove Road, Parcel #001038.000 (Stern)

Mora noted that the Road Foreman had signed off on the permit request. There was question about whether there already was an access at the barn on the property, and if there was the proposal would require Development Review Board approval for a second road access unless the access was preexisting and was just being brought back into use.

It was the consensus that the project should be approved and that if a second access was being proposed for the property than it should be subject to DRB review.

Taylor Prouty moved to approve access permit application No. 2020-05, submitted by Paul Stern for parcel #001038.000, located across from 1839 Landgrove Road for field access, subject to Development Review Board approval per Zoning Bylaw Section 402(B), if applicable, seconded by Tom Cavanagh, passed unanimously.

10. Old Business

a. Planning Commission presentation of results of Town Hall studies, and authorization to proceed with improvements

Sharon Crossman spoke about efforts to renovate the Town Hall. She noted that engineer Chris Cole was hired to make a general list of what areas need to be looked at and it included 1) structural, 2) thermal, 3) environmental and 4) life safety.

The Planning Commission has received conditions reports on all but the structural analysis at this point, and the reports had been provided to the Board for the meeting. She noted that the life safety report has been conducted at a cost of \$1,500, which needs to be approved for payment by the Board, and the estimate of cost for the structural conditions assessment is estimated to cost between \$3,500 and \$4,000. Once the structural analysis is done, Crossman stated, the four categories of analysis will have been completed to give a picture of current conditions and recommendations, and then the Town can consider prioritization. Their goal is to have a project take place next building season, she mentioned.

Crossman noted that there has been considerable progress, that there is quite a bit to do, and that some needed work is due to deferred maintenance, while some is deeper than that. She added that the life safety review suggested that a properly sized fire extinguisher be acquired and that an extinguisher maintenance plan be in place before the Fire Marshall visits to go over potential improvements. Labeau noted that there is a fire extinguisher and a maintenance plan in place.

Crossman added that Cole had mentioned that major life safety requirements would only be necessary with a change of use of the building, but the Fire Marshall will make suggestions that should be considered.

There is little or no insulation in the building according to the thermal report, and insulation efforts were discussed.

It was agreed all around that efforts to restore, maintain and better utilize the building should continue.

Payment of an invoice for the code review was briefly discussed, and the scope of services and hiring a consultant to conduct the structural assessment will be discussed at the next meeting.

b. Authorize consultant expenditure after-the-fact – Town Hall Code Review

Taylor Prouty moved to authorize the after-the-fact expenditure of \$1,500 for professional services to Cole Company for code review services for the old Town Hall, and authorize the expenditure to be paid from the Town Buildings Reserve Fund, seconded by Tom Cavanagh, passed unanimously.

c. Consideration of participation in the Okemo Valley Regional Chamber of Commerce COVID-19 Recovery Marketing Plan

Crossman spoke to this funding opportunity that had just came up and had a short window for action. She mentioned that the Okemo Valley Regional Chamber of Commerce has offered to submit an application, due that day, for a consortium of towns (Londonderry, Ludlow, Weston and Chester) for \$40,000 for various economic promotional activities, including creating mapping and brochures. If approved, each participant would be allocated \$10,000 and repay the Chamber for its efforts. Magic Mountain has written a letter of support for the project.

O’Keefe suggested reconsidering membership in the Chamber of Commerce.

Taylor Prouty moved to join the 4-town consortium submitting a grant application, to be prepared by the Okemo Valley Regional Chamber of Commerce, and accept \$10,000 as Londonderry’s 25% share of total grant funds, to be expended as marketing products are created and distributed, and with no net cost to the Town, seconded by Tom Cavanagh, passed unanimously.

11. New Business

a. Recommend Town Health Officer appointment to VT Dept. of Health [18 V.S.A. §601(a)]

Mora noted that Richard Phelan, who has been attending Board meetings for a few months and recently closed on a house in Londonderry has offered his services as Town Health Officer. She stated that she’s happy to turn over the reins to him but would like to resolve an ongoing rental housing matter, and on the advice of the Vermont Department of Health the best way to handle this is for Mora to resign as Health Officer, Phelan to be recommended to the State to replace her in that position, and for the Town’s Board of Health to recommend Mora’s appointment as Deputy Health Officer so she can continue to address the ongoing matter with full authority. Mora noted that she has already submitted a letter of resignation.

Phelan suggested that he and Mora work together on the outstanding matter for the sake of transition. He spoke to his interest in serving the community and in promoting volunteerism.

Tom Cavanagh moved to accept the resignation of Georgianne Mora as Town Health Officer, effective upon appointment of a new Town Health Officer by the Vermont Department of Health, seconded by Vincent Annunziata, passed unanimously.

Tom Cavanagh moved to recommend to the Vermont Department of Health the appointment of Richard Phelan as Town Health Officer, seconded by Vincent Annunziata, passed unanimously.

Mora congratulated Phelan on his appointment, which is subject to State approval, and his willingness to serve the Town in this capacity.

b. Convene meeting of the Board of Health to consider recommendation of a Deputy Health Officer

Tom Cavanagh moved to convene a meeting of the Londonderry Board of Health, which shall include the Selectboard and the Town Health Officer, seconded by Vincent Annunziata, passed unanimously.

Tom Cavanagh moved that the Londonderry Board of Health recommends to the Vermont Department of Health the reappointment of Georgianne Mora as Deputy Health Officer, seconded by Vincent Annunziata, passed unanimously.

Mora stated that she would be in contact with Phelan on the ongoing Health Officer matter. She added that the appointment recommendation forms must be executed and submitted to the Vermont Department of Health first thing the following morning for the appointments to be effective right away.

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)

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 Tom Cavanagh, 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 Tom Cavanagh, passed unanimously.

The Board entered in executive session at 7:25 PM. The Board came out of executive session at 7:50 PM.

Taylor Prouty moved to authorize the Town Administrator to execute on behalf of the Board an acknowledgement of defense under a reservation of rights with the Vermont League of Cities and Towns in the matter of Contos v. Town of Londonderry et al., seconded by Tom Cavanagh, passed unanimously.

12. Adjourn

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

The meeting adjourned at 7:51 PM. The next regular meeting of the Selectboard is scheduled for September 21, 2020.

Respectfully Submitted,



Shane P. O’Keefe
Town Administrator

Approved September 21, 2020.

LONDONDERRY SELECTBOARD

Georgianne Mora, Chair