

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, December 21, 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, Planning Commission Chair Sharon Crossman, Road Foreman Josh Dryden, Road Crew member Dan Diaz. Others – Resident Richard Phelan 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 December 18, 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

None.

Mora suggested addressing the personnel related executive session next to accommodate those involved.

George Mora moved to adjust the agenda to hold the executive session regarding a public officer or employee next, seconded by Vincent Annunziata, passed unanimously.

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

George Mora moved to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A Section 313(a)(3) to include all Board members, Dan Diaz, Josh Dryden and Shane O’Keefe, seconded by Jim Fleming, passed unanimously.

The Board entered in executive session at 6:06 PM. Dryden and Diaz left the executive session at 6:20 PM. The Board came out of executive session at 6:34 PM.

Taylor Prouty moved to move item 11.e to follow the executive session that was moved to the beginning of the meeting, seconded by Tom Cavanagh, passed unanimously.

b. Consider employee compensation matter

Taylor Prouty moved to increase the hourly pay for Road Crew member Dan Diaz from \$21.00 to \$21.75 as of this pay period, seconded by Vincent Annunziata, passed unanimously.

3. Minutes Approval – Meeting(s) of 12/7/2020

Tom Cavanagh moved to approve the minutes of the Selectboard meeting of December 7, 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 Vincent Annunziata, passed unanimously.

5. Announcements/Correspondence

O’Keefe noted that new Zoning Administrator and Floodplain Administrator Will Goodwin has begun work and all is good.

He mentioned that the Town Garage generator connection has been delayed due to accumulation of water and there is likely to be an additional \$300 project cost.

O’Keefe informed the Board that the Town was successful in receiving a \$22,000 planning grant for the Main Street study and master plan for the north village center, noting that Planning Commission Chair Sharon Crossman did a wonderful job putting together an excellent application.

The Town Office internet booster was installed and is operational and invited the public without internet connectivity to feel free to use the public Wi-Fi, but to park away from the building if possible.

O’Keefe noted that Bob Borella has stepped down from the Energy Committee, and that the vacancy would be advertised as soon as possible. He mentioned that Bob was a member from the Committee’s inception and did a great job for the Town in that role.

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

- A letter from the Vermont League of Cities and Towns seeking candidate for the VLCT-PACIF Board of Directors.

Tina Labeau noted that the Clerk’s and Treasurer’s offices would close at noon on Christmas eve and New Year’s eves, and would be closed on both Christmas and New Year’s days. And she suggested that people purchase Transfer Station passes as stocking stuffers.

Annunziata reminded people in the Main Street area of north village about the Town's trash burning ordinance. He noted that he and Health Officer Rich Phelan had done some scouting recently as this has been occurring of late, and they are soon to determine the source.

Mora noted continued complaints about speeding traffic on VT Route 100, and while the Town has no jurisdiction on State highways, the Board and staff are working on this. She asked that the public be mindful of their speeds particularly as they are hitting speed zones. O'Keefe mentioned that the Windham County Sheriff's Department generously offered its mobile radar speed cart recently and that he has received the results of the counts taken, which he is reviewing with the WCSD.

6. Visitors and Concerned Citizens

Richard Phelan thanked the Highway Department for doing a great job with the roads during the recent storm. He noted that there was a potential for flooding with the predicted rain. He offered best wishes for the holidays to those present and noted his happiness with being in Londonderry.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Kevin Beattie noted that he has checked in with local social service agencies with regard to COVID-19, and funding appears good for providing food and other services. He mentioned that regional and state-wide housing is a problematic, and that there are newly homeless due to the pandemic.

He mentioned that COVID-19 vaccinations have begun, and healthcare workers and responders are getting vaccinated, but it will be a slow process. He suggested that people contact their medical providers for the best information on when and how to get vaccinated.

b. Town Clerk -- Discuss alternatives for 2021 Town Meeting

Kelly Pajala explained to the Board alternative ways to handle the 2021 Town Meeting in order to address concerns with the COVID-19 pandemic, and noted that the Board's meeting packet included information from the VLCT on this.

She noted that recent legislation allows the Selectboard now to vote to hold Town Meetings by Australian ballot in 2021, and which requires an informational meeting for Voters, and does not bind the Town to Australian ballot for future years. Pajala explained that Australian ballot in this case is where Voters decide all Town Meeting articles and Town Officer elections by paper ballot similar to casting ballots for the School Districts, and primary and general elections.

There are other options to postpone the Town Meeting, she mentioned, that would potentially allow for traditional floor votes. The first is presently permitted by law, where the Town Meeting is warned for and briefly held on the regular Town Meeting day (March 2, 2021), with as few as three people in attendance including the Moderator, and immediately recessed to a date certain, and then reconvened on that date. It was clarified that those present must meet applicable COVID-19 protocols for room density, and a majority of those present must vote to recess the Town Meeting.

She noted that the Legislature is working on an alternative to this, which may become effective in mid-January, where the Selectboard can vote to reschedule its annual Town Meeting in 2021 to later date.

Pajala suggested holding a Town meeting outside at Pingree Park as far into May 2021 as possible, and explained the benefits of this and suitability of the location based on previous

outdoor activities there. It was noted that mask-wearing and physical distancing precautions would still be in effect even in the late spring due to the timing of general vaccination rollout.

There was general discussion of the pros and cons of the various alternatives, including their relative financial costs. Pajala noted that it is possible that Towns would have the ability in the proposed legislation of mailing all ballots out to the public, and that the State may have financial support for some costs of using Australian ballot.

Labeau mentioned that the Town Report deadlines depend on the Town Meeting date, so a decision on how to proceed should be made soon. There was general agreement that the Board and staff should continue with the process of budgeting and assembling the Town Meeting warning assuming the standard Town Meeting date but to be flexible with the means and date of voting for now.

Pajala suggested that the Board continue discussing how it wishes to proceed. Mora noted that the more discussion that takes place the more potential there will be for community feedback on preferences. Pajala noted that the School District is continuing on with its standard practice of holding Australian balloting and elections on Town Meeting day.

8. Transfer Station/Solid Waste Management

a. Updates

None.

9. Roads and Bridges

a. Updates

Prouty mentioned that the new Road Crew employee was unable to get drug test results in time for his CDL test and new test is scheduled for 12/31/202. He raised the question of whether qualified and properly licensed non-employees could fill in for Town employees in Town trucks when the Road Crew is short a person. He also noted that a qualified CDL driver must accompany the new employee to the CDL test. Mora noted that before the recent storm there had been contact with Hunter Excavation and the company was willing to assist with its own driver and vehicle. O’Keefe clarified that only Town employees can drive Town vehicles.

How to address road maintenance if it storms on the day of the CDL test was discussed, and it was agreed to wait and see how the weather shapes up.

Prouty raised the matter of the Town Garage breaker panel needing to be replaced due to moisture infiltration. He noted ongoing condensation issues in the building and the need to have someone look into the cause of the moisture; whether it’s a structural problem such as a roof leak, or more of an operational matter. It was agreed that this needs to be addressed as soon as possible.

10. Old Business

a. Platt Elevation Project – Discuss project status

O’Keefe again briefed the Board on the status of the project, noting that an email from the advisor to the contractor (who is also the property owner) was included in the meeting packet that states the construction is being delayed to the spring of 2021 due to unavailability of the prime subcontractor.

He expressed his concern that the contractor's bid is over a year old and the numbers may be stale at this point, and he want to make sure that the bidder will keep the bid price as FEMA is unlikely to allow for an increase in grant funds. O'Keefe also noted that the project completion date in the grant is May of 2021, but that the State of Vermont is seeking to extend the timeframes for this and similar projects.

b. Appeal of Vermont Woodchips – Authorize mediation representation

O'Keefe explained that this matter has to do with Zoning appeals for a 2019 Notice of Violation and subsequent Development Review Board decisions related to property of Vermont Woodchips located on Winhall Station Road, and the need to authorize mediation as a means of resolution.

Taylor Prouty moved to appoint both the Town Administrator and Selectboard Chair to represent the Town in mediation in the matter of the Appeal of Vermont Woodchips, and authorize the Selectboard chair to execute any documents necessary to engage in the mediation process, seconded by Vincent Annunziata, passed unanimously.

c. Ratify 12/7/2020 Board vote regarding renaming of Legal Trail #4

The matter of a renaming legal Trail #4 was added to the agenda at the previous regular meeting and therefore required ratification per the Board's Rules of Procedure.

Tom Cavanagh moved to ratify the Board's December 7, 2020 decision to rename Legal Trail #4 to Shatterack Mountain Road, seconded by Taylor Prouty, passed unanimously.

d. FY2021 budget adjustments

The Board reviewed adjustments to the existing year budget proposed by O'Keefe to address and properly allocate the recent personnel changes regarding zoning administration and the Town Administrator's office. O'Keefe mentioned that there was \$900 savings from the changeover, which he recommended applying to the Town Attorney budget line to address an over expenditure and maintain a balanced budget.

Taylor Prouty moved to approve the recommended fiscal year 2021 budget adjustments to accommodate the recent hiring of a part-time Zoning Administrator/Floodplain Administrator, and resignation of the Assistant to the Town Administrator, seconded by Jim Fleming, passed unanimously.

11. New Business

a. Review and discuss proposed FY2022 Budget

Labeau reviewed with the Board the proposed FY2022 budget line-by-line, beginning with revenues and then expenditures.

Highlights include the following:

- Addition of life and disability insurance for full-time employees at an annual cost of \$191 per employee.
- Legal expenses increased to \$8,000 to reflect past expenses.
- Increase website cost to \$4,000 to address the need for a new Town website.
- Transfer Station changes as follows:
 - Trash hauling costs increase to \$195,000.
 - An electrical upgrade expense of \$11,000.
 - Recycling hauling increase to \$50,000.

- Hazardous waste contract increases to \$23,000
- Debt service costs are reduced to \$138,192 as several equipment items have been paid off.
- Highway insurance health costs are increased.
- Road paving is increased to \$200,000 to keep up with resurfacing needs.
- Sand and salt for winter maintenance are increased to \$100,000 and \$45,000, respectively.
- Emergency management expenses are reduced to \$1,000.
- Addition of a new full-time position shared between the Highway Department and buildings and grounds, the total cost of which would be \$79,600.
- Contributions to both the highway equipment capital reserve fund and the buildings capital reserve funds are reduced by \$20,000 each, to \$100,000 and \$80,000, respectively.

Crossman spoke to the Planning Commission's proposed budget, and mentioned that various categories would change but the bottom line would remain the same. She will submit these changes to Labeau, she stated. O'Keefe was asked to look into establishing a Zoom account for the Planning Commission. Crossman also mentioned an historic preservation grant application being worked on for Town Hall renovations that could be bring in between \$50K to \$100K.

Pajala spoke to the Parks Board budget, which shows a small increase. She noted that the tennis court needs to be resurfaced, and that pickleball lines will be painted on the tennis courts. Other improvements will be paid for from the various park funds and not the general fund.

The Board reviewed and discussed at length a proposal for a new full-time employee to be allocated between the Highway Department and various buildings and grounds needs. The overall cost was budgeted at \$79,600. There was discussion about the needs of the Town's various buildings and the idea that the new employee can address immediate repair and maintenance issues for all departments, and conduct repair issues before they become more problematic and expensive, thereby protecting the Town's infrastructure investments. The needs of the Highway Department during storms and road construction and maintenance projects was also discussed. Prouty noted that the Road Crew at present is not able to flag roadside projects properly due to the lack of staff. Cavanagh questioned the wisdom and cost of creating this as a new full-time position, noting that a part-time position may be more appropriate. Annunziata also suggested this as a part-time position. Prouty mentioned that the right person in the job may be worth the cost, and noted several projects and initiatives that can be addressed with this position. The lack of depth with the Road Crew was also mentioned as an issue, as one employee being ill during a snowstorm can create a significant problem. Pajala mentioned that the Parks Board will want to discuss this position further as having an employee monitoring parks facilities has proven helpful in the past, and there is a need for assistance such as this. Labeau also suggested that the person could fill in at the Transfer Station as needed. Mora recommended keeping the proposal in the budget for the Voters to consider.

O'Keefe confirmed that according to VLCT appropriations to existing capital reserve funds can be handled in the budget as separate budget lines and do not have to be voted as separate Town Meeting articles. Labeau spoke to the reductions of contributions to the capital reserve funds, which would be for a one-year period to help keep down taxes.

Labeau noted that the Board has until the second meeting in January to approve a final budget.

The municipal budget impact so far, without inclusion of annual appropriations, is less than a penny on the tax rate, generating a tax billing increase of \$8.74 per \$100,000 of property value.

b. Discuss 2021 Town Meeting appropriations

The Board reviewed and discussed requested appropriations from various local and regional organizations, all of which have submitted required paperwork except for the American Red Cross.

It was noted by Labeau that generally all allocations remaining at the same level are included in a single article, except for a few municipal service allocations which are addressed separately on their own. Pajala confirmed that signatures are still required for petitioned warning articles.

There was discussion about paring down the appropriations to address the need to reduce taxes. The services and value that many of the funded organizations and entities provide to the community was also discussed. There was some debate about either reducing all appropriations or zeroing out appropriations for less crucial entities to ensure more crucial entities remain level funded.

It was agreed to review this again at the next meeting or at a special meeting. It was also suggested that individual entities could be contacted to determine if there was a lesser figure that they can live with for the next year.

c. Discuss options for funding of economic recovery/development

Mora noted that this matter has come up out of discussion on fundraising for Project Londonderry, and how the Town could receive private donations for its activities.

O’Keefe explained that the Town could vote to establish a capital reserve fund specific to these purposes that can accept donations, though any expenditures from the fund must be used only for those purposes in the article as approved at Town Meeting.

He also noted that, according to VLCT, the Town can accept earmarked donations and retain the funds in the General Fund without lapsing into fund balance at fiscal year-end provided they may only be used for the purpose for which they were donated.

Crossman stated that working groups involved in Project Londonderry are in the process of establishing a not-for-profit 501(c)(3) organization to allow for private donations that can be used more freely as well as directed to the Town if appropriate.

It was agreed to further explore establishing a capital reserve fund for economic recovery, revitalization and development, and O’Keefe will draft a Town Meeting article for Board review.

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

Addressed earlier in the meeting.

e. Consider employee compensation matter

Addressed earlier in the meeting.

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

George Mora moved to enter executive session to discuss pending civil litigation to which the Town is a party, pursuant to Title 1 V.S.A Section 313(a)(1)(E), seconded by Tom Cavanagh, passed unanimously.

The Board entered in executive session at 8:59 PM with O’Keefe and Labeau invited to attend, and came out of executive session at 9:04 PM.

Taylor Prouty moved to agree to mediation in the matter of Contos versus the Town of Londonderry, et al., and appoint both the Town Administrator and Selectboard Chair, as well as Town Attorney Bob Fisher, to represent the Town in the mediation process, and authorize either the Selectboard Chair or Town Administrator to execute any documents necessary to engage in the mediation process, seconded by Tom Cavanagh, passed unanimously.

12. Adjourn

George Mora called for the adjournment of the meeting.

The meeting adjourned at 9:05 PM. The next regular meeting of the Selectboard is scheduled for January 4, 2021.

Respectfully Submitted,



Shane P. O’Keefe
Town Administrator

Approved January 4, 2021.

LONDONDERRY SELECTBOARD


Georgianne Mora, Chair