

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

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

Board Members Absent: None.

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

1. Call meeting to order

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

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

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

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

None.

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

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

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

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

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

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

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

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

6. Visitors and Concerned Citizens

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

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

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Kevin Beattie mentioned that the winter surge of COVID-19 has levelled off nation-wide and locally, but that there are approximately 100 new known infections per day state-

wide. Signups for vaccination of those 65 years of age and older started that day he noted, and also that the Johnson & Johnson vaccine is coming online.

8. Transfer Station/Solid Waste Management

a. Updates

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

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

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

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

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

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

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

Kevin Beattie stated that he understood the Derry Woods Road property to be permitted locally as a gravel pit and is likely to need a zoning permit for the existing and proposed

use of the land, and inquired as to whether the Zoning Administrator had been consulted. Fishman indicated that she had asked Zoning Administrator Will Goodwin to connect with Hunter Kaltsas; Kaltsas stated that he had yet to be contacted.

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

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

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

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

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

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

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

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

c. Ratify emergency purchase of hydraulic cylinder for the backhoe

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

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

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

d. Discuss facility closure for Town Meeting

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

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

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

9. Roads and Bridges

a. Updates

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

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

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

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

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

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

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

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

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

10. Old Business

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

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

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

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

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

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

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

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

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

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

c. Platt Elevation Project – Discuss project status

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

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

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

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

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

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

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

d. Discuss Town Meeting article on policing services

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

11. New Business

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

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

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

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

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

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

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

12. Adjourn

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

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

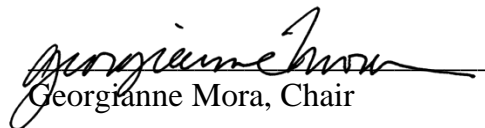
Respectfully Submitted,



Shane P. O'Keefe
Town Administrator

Approved March 15, 2021.

LONDONDERRY SELECTBOARD



Georgianne Mora, Chair