

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, March 15, 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, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, and Planning Commissioner Chair Sharon Crossman. Others – Deerfield Valley and Southern Vermont Communications Union Districts representative Jeff Such, Town Attorney Robert Fisher (7:25 PM), and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:03 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

George Mora moved that the executive session scheduled as item 10.c., be moved to after the New Business section of the meeting, seconded by Taylor Prouty, passed unanimously.

3. Minutes Approval – Meeting(s) of 3/1/2021

Tom Cavanagh moved to approve the minutes of the Selectboard meeting of March 1, 2021, 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

Mora mentioned that the Facebook community forum is back up and running, with Rick McDonough having taken over administration.

Mora stated that she will not be seeking another term on the Selectboard, primarily due to work conflicts. She said that serving on the Board has been rewarding but that she must step away at this point, but may run again in the future. Prouty said that he appreciates her professionalism and all she has done for the Town, and he hopes that others will step up.

O’Keefe noted that he was informed that Katherine Stone has resigned from her position on the Conservation Commission, which he noted expires in May anyway. And he reminded the Board that there are still vacancies on the Energy Committee, Development Review Board and Planning Commission, which are being advertised.

He noted that the mediation on the Contos tax sale case was scheduled for the following day and that he, Mora and Cavanagh would be involved with that in addition to Town Attorney Bob Fisher and the attorney assigned by VLCT.

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

- Emails back and forth between Vermont State Police Barracks Commander Anthony French and him, where French indicated that the VSP will not be able to provide contracted services in the coming year, and O’Keefe let him know that the Town is hoping to contract with the Windham County Sheriff’s Office subject to Town Meeting approval.
- The final Town audit for fiscal year 2020, which he noted was not added to the agenda as it was essentially the same as the draft reviewed by the Board back in October.

Kelly Pajala noted that there was a vacancy on the Parks Board that needed advertising as Nadine Van Houten has stepped down.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Mora noted that she had heard from Emergency Management Director Kevin Beattie that there were no updates at this time.

b. Deerfield Valley CUD & Southern Vermont CUD Representatives – Periodic Update

Jeff Such, the Town’s representative to the Southern Vermont Communications Union District (SVCUD), and alternate representative to the Deerfield Valley Communications Union District (DVCUD), gave an update to the Board on the activities of each of the Districts. He noted that he is now the chair of the SVCUD.

He noted that with the recent passing of the federal stimulus package there may be funds for broadband infrastructure buildout, accessibility and education connectivity, but it is uncertain how it applies to the CUDs.

The DVCUD is nearing submission phase of the Request for Proposals process to attract a private sector partner to design and buildout the fiber network to all 21 towns in the CUD, including Londonderry.

He spoke to the issues with Bennington County and its future for buildout. He reported that, absent federal or State funds coming to the area for this effort, it will be difficult to provide broadband service to those in the community without existing broadband service anytime soon. Specific to Londonderry, he stated that the town is near the end of the buildout line due to geography and the fact that community is relatively well-served with broadband as defined by the FCC.

To help address this, an informal working group with fellow mountain towns has been established, he reported, to supplement the work of the CUDs and work with the CUDs on prioritization. And like Londonderry, Winhall has decided to join both CUDs, he said, and Weston is also considering this. The group will look to fill in the gaps to address broadband needs, and as the CUDs are dedicated to fiber buildout, the group is considering other new and emerging technologies,

He reported that only 13% of households have had their broadband connectivity addressed since the beginning of the COVID-19 pandemic.

There was further discussion about the working group as being advantageous to Londonderry and surrounding towns, and all involved have a goal of establishing solid “future-proof” internet. He reported that there are bills in the legislature that could be helpful to the efforts.

c. Planning Commission – Monthly update

Sharon Crossman stated that the 3rd and final One Londonderry session with the Vermont Council of Rural Development (VCRD) would be held the following evening, primarily to form community groups to address issues brought up at the previous meeting. She described future efforts of the groups to be formed. Crossman added that there are many openings in working groups and other activities for One Londonderry effort, and they are an open door for new faces and voices. Pajala asked if the working groups are being formed as part of Town Government or groups apart from government, to which Crossman responded they would be community volunteer groups. Mora noted that VCRD would be conferring with the Vermont League of Cities and Towns (VLCT) about the structure of the working groups moving forward, and Crossman noted that she had received a written note from VLCT on the question posed by Pajala, and the matter is expected to be discussed further the following evening. It’s important, she noted, that there be clarity and that, while not yet decided, groups would neither be part of a Town board nor have too many Town board members in the groups. Crossman stated that she’d distribute the VLCT opinion on the matter.

She mentioned that a meeting had taken place with engineer Chris Cole with regard to efforts to restore the Town Hall with funds authorized at the previous Board meeting, and she clarified that the \$10,000 of unused funds from the Preservation Trust of Vermont must be spent by August 1, 2021. She expects preliminary steps to take place in March and April, followed by construction in May through July, and into August if needed.

Work scheduled would be a combination of needs, with priorities being to protect the building and life safety issues.

Regarding the North Village master plan, funded through a Municipal Planning Grant, she reported that O’Keefe is working on the Request for Proposals and she hopes to be interviewing consultants in the next month or so.

Closeout efforts for the previous Municipal Planning Grant, for the proposed new Zoning Bylaw, is in process, she reported. And noted that the Commission is still waiting on the final draft from the consultant, which will then undergo public comment, legal review by the Town Attorney, followed by public hearings. She noted that it is still months until that will be wrapped up.

Crossman noted that the wastewater/water supply study is ongoing and expects there to be another project meeting with the consultant in the next few weeks.

She spoke of Dwight Johnson not seeking reappointment to the Commission due to some community efforts to which he is devoted, which will result in a vacancy needing to be filled. She said that there may be another vacancy coming up as well.

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

Tina Labeau noted that the Town budget is on-track barring unforeseen circumstances, except for salt and backhoe repairs. She mentioned that a lot of delinquent tax revenue has been received in the past few weeks.

Following up on the last meeting and the discussion about the salt budget, Mora confirmed with Labeau that what we have budget for next year will be sufficient provided the supplier submits invoices before the end of the fiscal year. Labeau noted that invoices have come in and there are no more deliveries scheduled for the year.

e. Delinquent Tax Collector – Discuss upcoming Tax Sale & appoint Town representative

The Board reviewed the list of 11 properties scheduled for tax sale on April 22, 2021, and Labeau noted that one of them had dropped off the list that day. She added that the sale would be held at the Town Office and could be held outside in the parking lot depending on attendance, and hopefully a number of sales will drop off the list before then. The need to appoint someone to bid on behalf of the Town was discussed, and Jim Fleming volunteered to handle this responsibility.

O’Keefe cautioned that the Town should not bid on any property with the potential to contain hazardous materials, as the Town does not want to inherit a cleanup responsibility. Pajala raised whether the Town can avoid ownership if no one else bids on a property, and suggested this should be clarified before the sale.

George Mora moved to appoint Jim Fleming as the Town’s representative for the upcoming delinquent tax sale on April 22nd at 10:00 AM, seconded by Tom Cavanagh, passed unanimously.

f. Acknowledgement of extension of terms of Town officials & officers [Act 1(H.48) of 2021]

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 May 1, 2021, and as provided for under State Legislative Act 1 of 2021, all elected Town officers shall serve their terms until the Town Meeting elections, and furthermore all appointed officials shall retain their appointments until the Selectboard meets following the Town Meeting, seconded by Vincent Annunziata, passed unanimously.

Crossman inquired whether there would be a candidates night this year, and Mora mentioned it would have to be a remotely held meeting but there has been very little interest in this in the past few years. Cavanagh suggested announcing the vacancies on the Facebook community forum, and it generally agreed that candidates could then make statements on the forum their own.

Cavanagh announced that he would be running again for the Selectboard.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that the backhoe repair has been made at a cost of \$4,251.71.

9. Roads and Bridges

a. Updates

Prouty said that there was nothing to report due to the break in the weather. Mora noted that the Road Crew was putting down quite a bit of gravel on West River Street to get ahead of mud season as the road has taken a beating this year. Prouty mentioned that there would be other locations in need of gravel due to mud season.

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

This is an annual approval required by VTrans.

Tom Cavanagh moved to approve the annual VTrans certification of Town Road and Bridge Standards and Network Inventory, seconded by Taylor Prouty, passed unanimously.

c. Discuss VTrans FY2022 Structures Grant application

O’Keefe note that this is the same project as applied for last year, and there is a better chance of its approval this year. He added that if the application is successful this project -- replacement of culvert #12 on Spring Hill Road at Eddy Brook -- would be constructed during the summer of 2022 under the FY2023 budget.

Taylor Prouty moved to authorize the Town Administrator to submit an application for funding under the VTrans Municipal Highway Grant program for replacement of culvert #12 on Spring Hill Road approve the annual VTrans certification of Town Road and Bridge Standards and Network Inventory, seconded by Tom Cavanagh, 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 Beacon Sales Acquisition, Fabian Earth Moving, Inc., St. Pierre, Inc., Connecticut Valley Trucking, Inc., and David Chaves Excavating, Inc., and authorize the Town Administrator to execute the permits on behalf of the Town, seconded by Tom Cavanagh, passed unanimously.

There was some question about the application and insurance for Beacon Sales, and O’Keefe will request additional information before he issues the permit for that company.

10. Old Business

a. Review proposed FY2022 Budget

Labeau presented the proposed budget, noting that there haven’t been changes from the previous version. The budget shows non-tax revenues of \$737,962 and expenses of \$2,082,259.84, resulting in the amount to be raised by taxes of \$1,344,298 before adding in appropriations and other expenses subject to Town Meeting approval, which represents a 1% tax increase. Budgeted expenses are down from the previous year, but once all appropriations and other voted expenses are added in taxes would be up by 2%.

O’Keefe raised the matter of funding the replenishment of the unassigned fund balance, which is needed for unforeseen circumstances, and suggested that it be discussed. He stated that the fund balance is recommended to be no less than the equivalent of two months of operating expenses and it is quite a bit less than that, and noted a \$280,000 shortfall. He suggested addressing this over a several year period by either budgeting a surplus or by including a Town Meeting article specifically raising the funds.

Labeau noted that the budget was gone over very closely this year and made expenditure cuts that normally would not be made, and that this is not the year to address this. Mora agreed that this is not a good year but mentioned that having this deficit leaves the Town in a dicey place, and suggested adding into the budget a small amount and including a separate article to give the Voters something to consider.

Labeau stated that it was her opinion that it was not fiscally responsible to address this this year. O’Keefe suggested there is never a good year to address a financial matter such as this and mentioned that one unforeseen circumstance could blow the budget. Labeau stated that the Town could borrow money if necessary.

Prouty suggested the possibility of including a Town Meeting article for consideration that at least brings awareness to the citizens even if voted down. Cavanagh, Annunziata and Fleming all agreed that this was not the year to address this, but there was general agreement for mentioning it at the Town Meeting so that people are aware. Mora stated that at the Town Meeting when she outlines the budget and the work done to meet the goal of keeping the budget low, she will bring awareness of this issue to the Voters.

O’Keefe noted that to the extent that we underspend this fiscal year and bring additional funds, we could have some impact on the unassigned fund balance. There was discussion about available reserve funds and borrowing capabilities, and the possibility of federal relief funding becoming available. O’Keefe noted that the Town can only borrow without Voter approval for highway expenses or for notes of less than a year.

It was agreed to keep the budget as presented.

Tom Cavanagh moved to approve the proposed FY 2022 budget subject to Town Meeting approval, seconded by Vincent Annunziata, passed unanimously.

b. Discuss annual Town Meeting & 2021 Town Meeting Warning [17 VSA 2641 & 2642]

Mora spoke to the Board’s previous decision to postpone the Town Meeting to May 1st in the hope of preserving the traditional in-person meeting and floor vote, and noted that the alternative is an Australian ballot vote preceded by an informational meeting. She noted that the original conditions and justifications that lead to the rescheduling still stood, and she supported going forward with the floor voting to do Democracy together. All other Board members agreed with this sentiment.

Pajala noted that that day was the deadline for petitions and that none were received.

George Mora moved to proceed with the plan to hold a floor meeting for the 2021 Town Meeting on May 1st at Pingree Park, seconded by Tom Cavanagh, passed unanimously.

Whether there would be rain date was discussed, and Pajala mentioned looking in to possibly getting an event tent for the Town Meeting, and Cavanagh mentioned some tents owned locally that could potentially be used. Pajala noted that the Town can be creative in its solutions for this.

The Board reviewed the latest draft of the Town Meeting warning, which included an article seeking approval of \$45,000 for a police services contract with the Windham County Sheriff’s Office, and removes the article that sought to raise funds to install radar speed signs. Labeau confirmed that the appropriations add up to the proper amounts.

Annunziata raised the idea of voting for Town Officers to later in the meeting. Pajala clarified that until newly elected officers are sworn in they haven’t started their term, so incumbents can remain to discuss Town Meeting matters.

George Mora moved to approve the Warning as presented for the 2021 Town Meeting, seconded by Tom Cavanagh, passed unanimously.

Cavanagh brought up issuing the Town Report early and Labeau said she’d try to make this happen. Logistics of signing the Warning was discussed.

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)

This matter was addressed later in the meeting.

11. New Business

a. Allow for Town employee use of Town Meeting Day holiday as a floating holiday

Mora mentioned that this was discussed at the previous meeting, that the Road Crew could take a floating holiday. O’Keefe suggested that others who worked that day be included, and Pajala and Labeau stated that they didn’t feel it applied to them.

Taylor Prouty moved, due to the rescheduling of the annual Town Meeting this year, to waive the provision of the Town’s Personnel Policy establishing Town Meeting Day as a paid holiday for the Road Crew and Town Administrator and instead provide these employees with a floating holiday to be used before June 30, 2021, seconded by Vincent Annunziata, passed unanimously.

b. Planning Commission Board annual appointments

The Board briefly discussed Planning Commission appointments, and reviewed an application submitted by Sharon Crossman. It was again noted that Commissioner Dwight Johnson would not be seeking reappointment.

Vincent Annunziata moved to reappoint Sharon Crossman to the Planning Commission for a three-year term ending 3/31/2024, seconded by Tom Cavanagh, passed unanimously.

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

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

Vincent Annunziata 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 Tom Cavanagh, passed unanimously.

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

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

Jim Fleming 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 VT Route 11, seconded by Vincent Annunziata, passed unanimously.

d. 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, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning pending litigation in the matters involving Vermont Woodchips Real Estate Holdings LLC and Vermont Woodchips, Inc. will clearly place the Town of Londonderry at a substantial disadvantage, seconded by Vincent Annunziata, passed unanimously.

Taylor Prouty moved to enter executive session to engage in attorney-client communications and discuss pending litigation in the matters involving Vermont Woodchips Real Estate Holdings LLC and Vermont Woodchips, Inc., to which the Board is a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E) and Section 313(a)(1)(F), and invite Town Attorney Bob Fisher and Town Administrator Shane O’Keefe to attend, seconded by Tom Cavanagh, passed unanimously.

The Board entered in executive session at 7:35 PM. The Board came out of executive session at 7:46 PM. No decisions or announcements were made.

12. Adjourn

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

The meeting adjourned at 7:47 PM. The next regular meeting of the Selectboard is scheduled for April 5, 2021.

Respectfully Submitted,



Shane P. O’Keefe
Town Administrator

Approved April 5, 2021.

LONDONDERRY SELECTBOARD



Georgianne Mora, Chair