

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 24, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, Melissa Brown, 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, Town Health Officer Richard Phelan, Animal Control Officer Pat Salo, Planning Commission Chair Sharon Crossman, Energy Committee members Will Reed (Chair), Bruce Frauman and Larry Gubb. Others – Ralph Meima of Green Lantern Solar, Mark Fisher of the West River Farmers Market Board of Directors.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:02 PM.

He 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.

He 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

O’Keefe recommended adjusting the agenda to hear from the Animal Control Officer before the year-to-date budget report.

Taylor Prouty moved to adjust the Town Officials Business section of the agenda to hear first from the Animal Control Officer, seconded by Tom Cavanagh. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 5/10/2021

Vincent Annunziata moved to approve the minutes of the Selectboard meeting of May 10, 2021, seconded by Melissa Brown. The motion passed unanimously.

4. Selectboard Pay Orders

Jim Fleming moved to approve the pay orders for payroll and accounts payable, seconded by Taylor Prouty. The motion passed unanimously.

5. Announcements/Correspondence

Shane O’Keefe mentioned that the kickoff meeting for Tom and Judy Platt’s post office building elevation project has taken place and that he had received a proposed construction schedule. He also noted that he has extended the deadline for submission of bids for the Town Hall restoration project to June 2 due to feedback from the three contractors who attended the mandatory pre-bid meeting regarding availability of subcontractors.

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

- The final report on the One Londonderry initiative.
- An amended discovery and dispute resolution stipulation regarding the case of Emanuel Contos v. Town of Londonderry.
- Revised Overweight Vehicle Notice to be included with Excess Vehicle Weight Permits that requests compliance with speed limits.

Tina Labeau mentioned that the Town Clerk and Treasurer’s offices would be closed June 21 - 25, but other office staff would be available.

6. Visitors and Concerned Citizens

Rich Phelan mentioned that next Monday is Memorial Day and noted that we all should take the time to stop and think about the ultimate sacrifice 1,354,664 men and women in the armed services have given to make this world a safer place for someone else; not just on Memorial Day, but every day.

He also asked about when the Board would once again have in-person meeting. Cavanagh mentioned it would be discussed later by the Board.

7. Town Officials Business

a. Animal Control Officer – Update on recent dog matters, and discuss revising the Dog Ordinance

Pat Salo spoke to the Board about resolution of recent dog concerns in the vicinity of magic Circle.

With regard to the existing Dog Ordinance, he stated that the existing ordinance was adequate for his needs. O’Keefe noted that the Vermont League of Cities and Towns has a model ordinance for towns to use.

Melissa Brown inquired about relooking at all Town ordinances and policies periodically.

Cavanagh recommended reviewing the VLCT model at a future meeting and seeing if there are changes that should be made.

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

Tina Labeau reviewed the year-to-date budget with the Board. She mentioned that were pretty much on track so far and with two months left in the year she predicts a surplus. She offered for Board members to forward questions whenever they like, and Brown asked to schedule a time to discuss the budget with Labeau.

c. Planning Commission – Monthly update

Sharon Crossman mentioned that the Commission is still seeking another member. Regarding projects she noted as follows:

- Regarding the Town Hall restoration project there was a pre-bid meeting earlier in the month, and the time for submitting proposals has been extended into June due to a shortage of contractors and subcontractors.
- The water-wastewater project is still underway and noted that there is better potential for system sites in the south village. One site in particular needs better information on soils and property acquisition.
- On the American Rescue Plan Act, she thanked Pajala for keeping people abreast of public meetings on the program and looks forward to additional information.
- The Town received four proposals for the north village master planning project, and a proposal review team reviewed three of them and conducted interviews. This was discussed later in the meeting.

d. Energy Committee – Consider solar array project on former Town septage field

Energy Committee member Larry Gubb discussed the committee's efforts to develop a solar array at the former septage fields behind the Transfer Station, and spoke to some of the challenges to do this, particularly the timeframe necessary to take advantage of better financial incentives.

Ralph Meima of Green Lantern Solar, the solar developer that has been working with the Committee, discussed the proposal he had submitted, which called for the company to handle all aspects of permitting and installing the 500 kW array and paying to the Town an annual rental fee with annual adjustments, with an alternative for a single up-front payment to the Town.

Meima stated that the upper field is a very good site for solar development, but because of the tight time frame an application and notice is required by July 1st in order to receive a Certificate of Public Good by September 1st.

There was discussion about the provisions of the proposal, including rental amounts as well as solar taxes. Frauman noted that this is likely the only reasonable use of the property, and the income can offset other site and off-site Town expenses.

In response to a question from Prouty, Meima confirmed that removal of the array at the end of the useful life of the facility would be both a permit and lease condition. O'Keefe noted that a lease agreement had been received that day but had yet to be reviewed. He added that normally the town would conduct a public solicitation for this sort of development, but that time did not allow for that. He noted that the Town Attorney was familiar with this same lease agreement for another community, and recommended that the Board task the Energy Committee with negotiating further with GLS on the agreement on behalf of the Board.

Meima clarified that after September 1st the net metering credit from 13.5 to 11.5 cents per kilowatt hour, which may make projects of this type unfeasible. He also described the proposal and the lease agreement, and also the schedule for various responsibilities. He

stated that while the acceptance of a proposal would need to in place to proceed further, but the lease would not be required until September.

Discussion about other communities with solar array was discussed. Public input on the project was also discussed.

The various financial benefits of the project were discussed, including the Town as an off-taker or net metering customer from this or another array facility.

O’Keefe noted that a “joint letter of support” would be needed from the Board and the Windham Regional Commission to qualify as a preferred site before the Public Utility Commission.

Will Reed expressed strong support for the project despite the expedited nature of it and encouraged the Board to accept the proposal.

Taylor Prouty moved to accept, in concept, a proposal from Green Lantern Solar to construct and operate a 500 kilowatt solar array on the northerly of the two former septage fields located on parcel 103010.000, subject to further negotiation of provisions of the offer by the Energy Committee, and subject to final approval of any agreements by the Board, seconded by Melissa Brown. The motion passed unanimously.

e. Selectboard – adopt Rules of procedure

Following up on the discussion from the previous meeting, O’Keefe mentioned that the structure of the Rules did not easily provide for a way to ensure that motions were made at the beginning of a specific agenda matter, and suggested that some topics may not be best served with a motion to begin discussion. Beattie noted that the way the Chair has been asking for discussion before calling a vote was satisfied his issue raised at the previous meeting.

Brown suggested in the future that new Board members receive a copy of the Rules of procedure, and also that agendas contain information about whether there is to be an action, or just discussion. Prouty pointed out the agenda includes careful wording about what is being proposed for each agenda item.

O’Keefe suggested that the Board could post the meeting packet on the Town website so that the public has access to the meeting information at the same time as the Board. It was agreed that this was a good way to proceed going forward, and that the posted agenda would include a notation that further information is available on the Town’s website.

Vincent Annunziata moved to adopt the Selectboard Rules of Procedure, seconded by Taylor Prouty. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that Dana Griswold has given notice of resignation for the Sunday part-time position effective June 27 due to other work commitments, so recruit for a replacement should begin.

He also noted that we may have found a company to pick up bottles, cans, and plastic containers, and he’ll report back this.

9. Roads and Bridges

a. Updates

None.

b. Review bids and award contract for FY2022 Winter sand

It was noted that only one response was received in response to the Town's Invitation to Bid, from Hunter Excavating, and the cost is higher than the previous year.

	<u>FY 2021</u>	<u>FY2022</u>
- 4,000 yards (delivered)	\$14.50/cy (\$58,000)	\$17.00 (\$68,000)
- 4,000 yards (picked up)	\$14.00/cy (\$56,000)	\$18.00 (\$72,000)

Labeau noted there is \$45,000 in the FY2022 budget for sand, and Prouty mentioned that there will be sand left. Increased costs are likely due to uncertainties with fuel prices, which are higher than this time last year.

Taylor Prouty moved to accept the bid from Hunter Excavation for FY2022 supply of winter sand, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, seconded by Jim Fleming.

O'Keefe noted that he would use a previously approved contract.

The motion passed unanimously.

10. Old Business

a. Consider rescission of 7/15/2020 Emergency Health Order requiring wearing of protective face masks

Given recent changes to the State of Vermont emergency orders on COVID-19, the Board discussed whether to lift the emergency order requiring face masks. Cavanagh noted that vaccinated people are no longer required to wear a mask indoors or outdoors. Beattie confirmed this and supported rescinding the order, but noted that there is some discord out there and that businesses still have their choice to require masks, and there is good reason for them to do that. He added the Governor is close to removing all restrictions due to the high vaccination rates

It was agreed that local businesses need support with whatever choices they make as to continued mask wearing requirements.

Vincent Annunziata moved to rescind the emergency health order requiring wearing of protective facemasks, as adopted on July 15, 2020, seconded by Taylor Prouty. The motion passed unanimously.

Cavanagh asked that the public be polite and respectful of all businesses in town on whichever way they go with this.

b. Discuss illegal footbridge on Brophy Lane (TH26)

Cavanagh spoke about his and Prouty's meeting with representatives of the National Forest Service and their interest in having an illegally constructed bridge within the Town's right-of-way removed. Prouty gave some background on the bridge, noting that was built roughly a

year and a half ago, and that the NFS has concerns about it and access to its property. It was noted that the bridge is not safe. O’Keefe suggested that if the bridge is removed proper signage ensuring that drivers know there is no crossing at the location be erected. Town Road Crew handling the bridge removal and placement of physical barriers was also discussed.

Taylor Prouty moved to direct the Road Crew to remove the bridge at the end of Brophy Lane and to install conforming signage for the vehicular end of the road, seconded by Vincent Annunziata. The motion passed unanimously.

c. Award contract for north village main street study and master plan

Crossman described the solicitation process for this effort, which is funded by a Municipal Planning Grant. She noted that there was an interview committee made up of two Planning Commissioners, a Selectboard member, a community volunteer involved in the One Londonderry effort, and the Town Administrator which made recommendations to the Planning Commission. Submissions were received as follows:

- Stevens & Associates, Brattleboro, VT \$21,750
- PlaceSence, Hartford, VT \$24,200
- Fairweather Consulting, New Paltz, NY \$24,200
- Lisa Davis Associates, Killington, VT \$23,500 (withdrawn early in review process)

She stated that both the review committee and the Commission agreed that Stevens & Associates met and exceeded all of the components of the selection and evaluation criteria within the maximum project budget. Crossman added that Stevens & Associates emphasized community engagement and expertise with implementation efforts.

Taylor Prouty moved to accept the proposal from Stevens & Associates to provide consultant services for the North Village Main Street Study and Master Plan, which is funded by a Municipal Planning Grant awarded by the Vermont Department of Housing and Community Development, and to authorize the Town Administrator to execute all necessary documents to employ this consultant, including a service contract after review by the Town Attorney, seconded by Jim Fleming. The motion passed 4-0-1, with Vincent Annunziata abstaining.

Crossman thanked the Board and encouraged everyone on the community to actively participate and provide input for this important project.

d. Award contract for resurfacing Pingree Park tennis court

Parks Board Chair Kelly Pajala noted that the Parks Board has reviewed the one bid received for the resurfacing and relining (for both tennis and pickleball) from Advantage Tennis in the amount of \$13,200, and is requesting that the Selectboard accept it. She noted that the bid is \$3,200 more the budgeted amount of the project but that there are two possible ways to address this: one is to possibly raise funds from pickleball players who will now have pickleball lines painted, and the other is to tap existing year funds to cover the 25% deposit amount. She added that the FY2021 budget for parks maintenance has a significant surplus due to COVID-19 closures.

Pajala clarified that the proposal will not include fixing the fence, but hat could be handled separately. She added that is has been about 6-7 years since repairs were last made, costing

somewhere between \$8,000 and \$10,000. It was noted that the cost of repair work such as this is very expensive at this time and competing contractors are too busy to bid the project.

Melissa Brown moved to move to accept the bid from Advantage Tennis Inc. for repair and resurfacing of the tennis court at Pingree Park, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, seconded by Vincent Annunziata. The motion passed unanimously.

e. Consider contract with the Windham County Sheriff's Office for FY22 policing services

The need for some changes to the proposed contract as suggested by the Town Attorney was discussed, and that this can be handled at an upcoming meeting pending the outcome of discussions with the Sherriff.

O'Keefe mentioned that the contract allows for the Town to adjust the priorities to be addressed by the Sherriff's Department in the community as necessary. Community contacts are specified in the contract, and at present the Selectboard and the Town Administrator are listed. Cavanagh volunteered to be the Selectboard lead on this, and both Annunziata and Fleming said that they could be backups. O'Keefe mentioned that payment schedules need to be addressed due to fiscal year matters.

It was agreed to address this matter further at the next meeting.

f. Discuss special Town Meeting on retail cannabis and local option tax

Pajala confirmed that there was agreement to address this again after the rescheduled Town Meeting. She noted that there are two things that could influence the date of a special Town Meeting. The Board of Civil Authority must conduct a purge of the Voter checklist, but this can't be done within 90 days of an election. And Bill S.25 provides that if the Town does not hold a vote on cannabis sales by a certain date in 2023, then the Town will by default be considered to have opted in to cannabis sales. She also discussed votes on retail cannabis and/or integrated cannabis licensees.

Pajala clarified that the rule-making process is underway but is delayed and is therefore not complete, leaving many questions unanswered. She suggested having more than one informational session, and mentioned that the Town Meeting would have to take place after August 9th. She also clarified that this year, due to pandemic-related statute changes towns can vote on other questions by Australian ballot as appropriate.

Consideration of a local option tax was also discussed. It was noted that except for some license fees similar to liquor permits, the only way the Town can benefit financially from cannabis sales is through the establishment of a local sales tax. Cavanagh suggested this take place at the same Australian ballot vote so that the connection can be made clear.

Pajala mentioned that because the vote would be by Australian ballot the Board can decide to mail ballots to everyone, and early voting would also be available. She and the Board discussed various options for a Town Meeting date.

Jim Fleming moved to hold a special Town Meeting, to be held by Australian Ballot, on September 17, 2021, seconded by Taylor Prouty. The motion passed unanimously.

11. New Business

a. Itinerant Vendor Permit Application – West River Farmers Market

Mark Fisher of the West River Farmers Market presented the proposal for this year's market at Williams Park, noting that while some pandemic restrictions have been lifted and the event is outdoors, they plan on having a single entrance, requiring masks, encouraging physical distancing, and not providing on-site eating facilities. He added that the mask requirement would not be enforced.

Beattie suggested that the Town only require that the WRFM complies with any State mandates for farmers markets regarding COVID-19. Annunziata suggested that the permit can be approved without Town conditions, and just leave compliance with State guidelines up to the organization.

Vincent Annunziata moved to approve Itinerant Vendor Permit #2021-01 submitted by the West River Farmers Market for 2021, seconded by Jim Fleming. The motion passed unanimously.

b. Annual appointments – Conservation Commission

The Board reviewed an application for reappointment to the Conservation Commission from Steve Swinburne.

Taylor Prouty moved to reappoint Stephen Swinburne to the Conservation Commission for a 3-year term ending May 31, 2024, seconded by Melissa Brown. The motion passed unanimously.

12. Adjourn

Vincent Annunziata moved to adjourn the meeting, seconded by Jim Fleming. The motion passed unanimously.

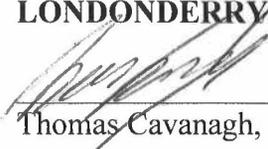
The meeting adjourned at 8:41 PM. The next regular meeting of the Selectboard is scheduled for June 7, 2021.

Respectfully Submitted,


Shane P. O'Keefe
Town Administrator

Approved June 7, 2021.

LONDONDERRY SELECTBOARD


Thomas Cavanagh, Chair