

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 13, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty, Melissa Brown and James Fleming.

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Road Foreman Joshua Dryden (6:20 PM), Town Health Officer Richard Phelan and Planning Commission Chair Sharon Crossman (6:17 PM), Others – Residents Ian Jensen and Gail Mann, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda

[1 VSA 312(d)(3)(A)]

O’Keefe noted that the representative from the Chamber of Commerce would be attending the next regular Board meeting.

Vincent Annunziata moved to move to delete from the agenda New Business item 11.a, a discussion with Okemo Valley Regional Chamber of Commerce representative, seconded by Taylor Prouty. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 8/30/2021

Vincent Annunziata moved to approve the minutes of the Selectboard meeting of August 30, 2021, seconded by Jim Fleming. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Tina Labeau mentioned that the Town Clerk’s Office and Town Treasurer’s office would be closed on September 23rd and 24th for training.

Kelly Pajala stated that property taxes are due on October 1st.

Sharon Crossman noted that with regard to the ongoing North Village Main Street Study and Master Plan the consultant, Stevens & Associates of Brattleboro, has made some progress and will present information to the public and receive input on Thursday, October 7th from 2:30 PM to 8:30 PM at Neighborhood Connections. She stressed the importance of community participation and that further public notice would be provided.

O’Keefe stated that a press release was issued today regarding the cancellation of the September 17th special Town Meeting due to lack of statutory newspaper notice.

On the Septage Fields Solar Array, he said that the Town received the draft long-term lease agreement, which has been forwarded to Town Attorney Bob Fisher for review, and it is hoped to be discussed at the October 4th meeting. He added that he received word that the projects’ petition application for a certificate of public good has been deemed administratively complete by the Public Utility Commission

O’Keefe mentioned that the Town received four proposals from engineering consultants for the Williams Dam study, which are now being reviewed and he looks to have a recommendation in time for the October 4th meeting.

The sewage drain replacement plumbing in the basement at the Town Office was completed the previous Friday, he mentioned.

He also noted that the previous week he had received the draft report on PFAS monitoring from Waite-Heindel Environmental Management, the Town’s septage fields hydrogeologists, stating that PFAS was detected in the new groundwater monitoring well as well as one of the original wells, and that additional ongoing annual monitoring of all 4 wells is recommended. He said that he would work with the State to see if there is a way to reduce the number or frequency of the sampling in order to keep down ongoing costs.

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

- The August activity report from the Windham County Sheriff’s Office.
- Results from the recent radar speed cart placed on Main Street, showing the average vehicular traffic speed of 33 miles/hour.
- A copy of an administrative amendment to Act 250 permit #2W1213-A, changing the name of the operator of one of the Rowes Road mining facilities from Weston Island Logging, Inc. to Hunter Excavating.

There was discussion about policing activity and Tom Cavanagh read the following figures:

- 51 traffic warnings were issued
- 16 traffic tickets written with fines totaling \$12,657
- 6 arrests

It was noted that police activity involves more than just traffic enforcement. Cavanagh requested that the monthly policing reports be posted the Town’s website.

6. Visitors and Concerned Citizens

Rich Phelan noted that local emergency response providers are seeking members. He also noted that the Champion Fire Company #5 is planning on some Halloween activity for the community.

7. Town Officials Business

a. Town Administrator – Report on meeting with Windham County Sheriff’s Office

O’Keefe stated that Cavanagh, Brown and he had met on September 7th with Jamaica Selectboard member Andy Coyne and Sheriff Anderson, Captain Samataro and Sargent Belville, and he reported as follows:

- The Sheriff remarked how surprised he and his staff are with how consistently busy they are in Londonderry.
- Officer Belville is spending half his time in each community and is looking to shift to some weekend hours as the ski season picks up.
- The biggest problem they are seeing is excessive vehicular speeds, but they expect that their presence will help to slow down speeders in the coming months.
- They are writing tickets under the Town ordinance to maximize local fine revenues.
- The radar speed sign was removed from Main Street last week and after traveling to another town over the next week or two will be back in town elsewhere.
- They will do traffic engineering studies for the Town within their contract hours if requested, and in the fall they will be acquiring pole-mounted radar counters (with no driver feedback capability) which will allow for traffic counting, speed measurement and class counts, even in the winter.
- With regard to dogs, they will support the Town’s Animal Control Officer, depending on resources, and they in fact have a contract with Newfane, Windham, Putney and Westminster to provide Animal Control Officer services.
- The Sheriff was informed of the impending vote on cannabis legalization

Brown mentioned that the Sheriff stated that there is enough activity to easily support 40 hours per week and that his office has the capacity to provide more hours to the Town if desired. There was discussion about revenue from fines, and it was noted that it is difficult to pin down and predict this due to a great many factors.

O’Keefe was asked to inquire about establishing weekend patrols soon.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that new tires for the loader were needed, and would cost approximately \$2,400 to be mounted a foam-filled. He said that they are looking for an extra set of rims for the tires.

He mentioned that Grow Compost was been sold to Casella Waste Services, and that Esther Fishman is looking into the contract and how this affects the Town. He will report back to the Board on this.

b. Request for Transfer Station fee waiver – The Collaborative

Following up on the previous meeting, Cavanagh noted that The Collaborative has provided information on the proposed items for disposal, which included a large canvas tent and possibly some office furniture in the future.

The Board discussed the request for fee waiver and a recent Board decision regarding a similar request the Kinhaven School was raised, as was the fact that The Collaborative already disposes of its regular trash at the Flood Brook School.

Taylor Prouty moved to approve the request to waive transfer station fees for The Collaborative, which shall be limited to occasional larger items, seconded by Vincent Annunziata. The motion passed unanimously.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of August 2021:

Salt – 0 tons Sand – 0 yards
Fuel (gallons): Vehicles – 481 , Town Office Generator – 0, Transfer Station – 80

Regarding various repairs needed on the grader, Dryden said he received a quote of \$5,433.68 for work to be completed at the Town Garage, and the high cost of delivery to the facility was discussed. Tires are to be replaced during the coming week he added.

He mentioned that speed limit signs may be difficult to get but he has made an order for signs and posts. He also spoke of his plans for signage and barriers for the bridge out on Brophy Lane.

Dryden mentioned that that Under the Mountain Road project funded through the Grants-in-Aid program is completed and he is working on project closeout.

The need for increased recruitment for the vacant Road Crew position was discussed. It was agreed that O’Keefe will readvertise the position, including some more expensive advertising options.

b. Access Permit 2021-05 – Under the Mountain Road, Parcel 036013.000 (Caracciolo)

Dryden briefly discussed this application, noting that it is pretty straight forward but that some brush cutting is needed. Contractor Ian Jensen was in attendance to discuss the project if needed.

Taylor Prouty moved to approve access permit application No. 2021-05, submitted by Ian Jensen for property owners David and Lisa Caracciolo for parcel #036013.000, located on Under the Mountain Road, with a new address of 949 Under the Mountain Road, seconded by Jim Fleming. The motion passed unanimously.

c. Discuss posting of Town highway speed limits

Following up from the previous meeting, the Board spoke with Dryden about which gravel roads should be prioritized for speed limit signs. He suggested Under the Mountain Road,

Riley Road, Haven Hill Road, Barker Road, and Sherwood Forest as the busiest, and there was much discussion about various roads and numbers of signs needed.

O’Keefe mentioned that Vermont Local Roads advised that speed limit signs should be located every two minutes of travel, and that signs should be posted at intersections with roads having a different speed limit. He recommended connecting with the Windham County Sheriff’s Office on how best to locate signs to ensure successful enforcement. Dryden stated that a sign and post together costs roughly \$80-\$100.

Melissa Brown moved to post 35 mile per hour speed limits signs on all Town gravel roads this fall, as the budget allows, seconded by Vincent Annunziata. The motion passed unanimously.

d. Review draft amendments to the Traffic & Parking Ordinance

The Board reviewed possible amendments to the Traffic and Parking ordinance, primarily to establish speed limits on paved roads. O’Keefe presented speed limits for the following Town highways that were recommended by the Windham Regional Commission based on engineering studies done for each:

- Landgrove Road
- Winhall Hollow Road
- Hells Peak Road
- Springhill Road
- Winhall Station Road
- Goodaleville Road

He mentioned that he had driven each to confirm whether the WRC recommendations were appropriate and had developed some changes, which were reviewed by a Windham County Sheriff’s Deputy.

After discussion on specific features of various roads, and possibly establishing a consistent lower speed limit at the approaches to State highways, it was agreed that Board members would drive the roads to further assess the recommended speed limits and discuss this further at the next regular meeting.

e. Ratify 8/30/2021 decision to accept financing terms for new tractor and equipment

The matter of financing the new tractor and associated roadside equipment was added to the agenda at the previous regular meeting and therefore required ratification per the Board’s Rules of Procedure.

Jim Fleming moved to ratify the Board’s August 30, 2021 decision to accept the financing proposal from North Star Leasing Company for the new tractor and associated equipment, and to authorize the Town Treasurer or the Town Administrator to execute this and any subsequent documents to secure the funding, seconded by Taylor Prouty. The motion passed unanimously.

Scheduling of delivery of the equipment was discussed, including delays with heavy equipment and vehicle delivery due to market conditions.

10. Old Business

a. Discuss upcoming Special Town Meeting

Cavanagh explained that the warning for special Town Meeting scheduled for September 17th was not advertised in the Town's newspaper of record, the *Vermont Journal*, more than 5 days in advance of the meeting, so a new meeting would need to be rewarned. He apologized for the mistake, noting that it is not often that the Town holds special Town Meetings, and noted that a new informational hearing would be required before a new vote.

Pajala suggested running the new warning in the *Vermont Journal* twice, and Cavanagh suggested doing so soon after September 17th and then again a week or so before the new special Town Meeting. Pajala suggested several dates for both the Town Meeting and the informational hearing.

Cavanagh suggested that the article to establishing the Constable as an appointed position be removed from the warning as it can only be voted on at an annual meeting.

Pajala mentioned that the Board of Civil Authority would meet on September 15th. She also requested that future press releases on election-related matters come from the Town Clerk's office.

Jim Fleming moved to approve and sign the Warning for the special Town Meeting, to be held by Australian ballot, on October 20, 2021, with an informational hearing on October 13, 2021, seconded by Vincent Annunziata.

Fleming read aloud the articles as follows:

- Article 1: Shall the town authorize cannabis retailers in town pursuant to 7 V.S.A. § 863?
- Article 2: Shall the town authorize integrated licensees in town pursuant to 7 V.S.A. § 863?
- Article 3: Shall the town authorize the assessment of a one percent (1%) local option tax on sales, pursuant to 24 V.S.A. § 138, the proceeds of which shall be applied as General Fund revenue to reduce the municipal property tax rate?

The motion passed unanimously.

b. Discuss use of funds from the American Rescue Plan Act (ARPA)

Cavanagh mentioned that guidance on expenditures of local funds received under the American Rescue Plan Act (ARPA) is still coming out from the federal and state governments, and the Vermont League of Cities and Towns (VLCT) is assisting communities with this as well. There are many restrictions on spending he added.

He mentioned that ARPA has four broad criteria outlining eligible uses:

1. to respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality;
2. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;

3. for the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and,
4. to make necessary investments in water, sewer, or broadband infrastructure.

Funds can be used for housing and childcare, he mentioned. Funds for an emergency operations center at the Town Office would be eligible, as would an in-ground community wastewater system.

The Town will receive the following funds under ARPA:

Municipal Allocations	2021*	2022	Total
Municipal funds	86,681.46	86,681.46	173,362.92
County Funds	160,840.72	160,840.72	321,681.46
Totals	247,522.19	247,522.19	<u>495,044.38</u>

NOTE: Funds must be obligated by 12/31/2024, and unexpended funds are not subject to recapture or return to the federal government until 12/31/2026.

* Already received by Town

Funding must be obligated by 12/31/2024, and unexpended funds are not subject to recapture or return to the federal government until 12/31/2026.

There was discussion about supporting affordable housing with the funds, and Crossman stated that this is a critical need in the community and suggested that the Town consider using the funds to contribute to private investment in housing. Gail Mann suggested using the funds to leverage other available funds to support housing.

Prouty suggested that other Boards and commissions review funding opportunities and make proposals for consideration by the Board. Cavanagh suggested inviting local not-for profit organizations to participate as well. O’Keefe suggested possibly holding a public hearing on this and inviting the Windham Regional Commission to participate. Brown suggested looking at organizations in the area that could benefit under the spending guidelines and bring them together.

Pajala noted that the Collaborative and the West River Montessori School are considering infant and toddler care, which is sorely lacking in the area, and helping these organizations would have a positive impact. Cavanagh noted that communities with shared needs can work together a pool their funds to increase funding opportunities, and that the Town should actively reach out to them.

It was noted that infrastructure spending is not eligible under ARPA, but that infrastructure funding may be available under other legislation now in the works. O’Keefe mentioned that the Board had allocated \$7,000 of ARPA funds for a paving study recently and that that allocation will have to be reversed given the new understanding of ARPA limits. He suggested that the project should still go forward, and budgeted paving funds can handle the expenditure. There was no objection to this.

It was agreed to reach out to The Collaborative, the West River Montessori School and Neighborhood Connections to let them know that the Board will be discussing this matter on

an ongoing basis at upcoming regular meetings and that they should participate. O’Keefe offered to make contact with them.

Crossman reminded the Board that VLCT provides a service that will help vet projects for eligibility.

11. New Business

a. Annual appointments – Development Review Board

The Board reviewed an application submitted by Esther Fishman for reappointment to the Development Review Board (DRB). Her term expires at the end of the month. O’Keefe mentioned that DRB member Terry Hill has decided not to apply for the appointment, and thanked her for her service to the Town over the years.

Taylor Prouty moved to reappoint Esther Fishman as a regular member of the Development Review Board for a 3-year term extending to September 30, 2024, seconded by Vincent Annunziata. The motion passed unanimously.

12. Adjourn

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

The meeting adjourned at 7:37 PM. The next regular meeting of the Selectboard is scheduled for October 4, 2021.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved October 4, 2021.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair