

**Town of Londonderry, Vermont**  
**Selectboard**  
**Meeting Minutes**  
**Monday, November 1, 2021**  
**Twitchell Building - 100 Old School Street, South Londonderry, VT**

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

**Board Members Absent:** Taylor Prouty.

**Others in Attendance:** Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, and Road Foreman Josh Dryden. Others – Bruce Frauman (GNAT).

**1. Call meeting to order**

Selectboard Chair Tom Cavanagh called the meeting to order at 6:01 PM.

**2. Additions or deletions to the agenda** [1 VSA 312(d)(3)(A)]

O’Keefe noted that the long-term lease for the solar array project is still in process and is not ready for Board action, and recommended removing this matter from the agenda.

*Vincent Annunziata moved to delete from the Old Business part of the agenda, the consideration of a long-term lease for the solar array project on the former septage fields, seconded by Jim Fleming. The motion passed unanimously.*

**3. Minutes Approval – Meeting(s) of 10/18/2021**

*Vincent Annunziata moved to approve the minutes of the Selectboard meeting of October 18, 2021, seconded by Melissa Brown.*

Brown inquired about the Board not waiving the zoning permit application fee for One Londonderry, and Cavanagh explained that the Board did not want to set a precedent.

*The motion passed unanimously.*

**4. Selectboard Pay Orders**

*Vincent Annunziata moved to approve the pay orders for payroll and accounts payable, seconded by Jim Fleming.*

O’Keefe noted that one of the payables involved the Platt elevation project, and that he proposed to hold the payment until such time as he has confirmation from the Town’s engineer that all required work has been done. Fleming inquired about how long it would take the engineer to do this, and O’Keefe stated that he had yet to be informed by the contractor that the requested work was finished. O’Keefe added that after this payment the Town will have spent about \$104,000 of the contracted \$122,000, and there is a strong likelihood that there will have to be a budget adjustment request with the State of Vermont for unanticipated conditions.

*The motion passed unanimously*

## **5. Announcements/Correspondence**

O’Keefe noted that an invitation to bid for plowing and sanding of both Pingree Park and the Town Hall has been issued and it is anticipated that responses will be considered at the next regular meeting after Parks Board review.

He added that he and Dryden met earlier that day with a representative of Auctions International to inventory items in the cold storage shed for online auction sale, and it was mentioned that the Town should do well with the auction given the type and quality of the items for sale. Apart from the auction, O’Keefe suggested that the Town consider the sale of the many old road signs that are no longer usable. It was mentioned that the auction was scheduled to be open on the following Wednesday and that notice of it would be posted to the Town website and emailed to contacts.

O’Keefe mentioned a meeting scheduled with FEMA on reimbursement for damage done by the July 29th storm, but noted that only projects with damage of at least \$3,320 are eligible for funding.

He mentioned that there are two vacancies on the Energy Committee, and one for an alternate position on the Development Review Board, which are being advertised and those interested should submit an application to the Board. Will Read from the Energy Committee has expressed an interest in continuing to help out with the solar array project, but has not sought reappointment to the Committee.

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

- A notice from the Deerfield Valley Communications Union District of a public hearing on the District’s 2021 annual report and 2022 budget, which is scheduled for November 10th at the Wardsboro Town Office and by videoconference. The report and budget were also attached.
- Letters of thanks for Town appropriations from Valley Cares, SEVCA, the Mountain Valley Health Council, and the Grace Cottage Foundation.
- A notice from BDCC and SeVEDS about the acceptance of project submissions for inclusion in the Southern Vermont Comprehensive Economic Development Strategy (CEDS) program for 2022. Also included is a list of the 2021 projects both submitted and approved. He added that it is not project funding program.

## **6. Visitors and Concerned Citizens**

None.

## **7. Town Officials Business**

### **a. Town Treasurer – Review 2021 Town Audit**

Tina Labeau spoke to the audit and invited questions from the Board. She mentioned that there was a sizable surplus due mainly to COVID-19, and the fund balance was therefore up. O’Keefe added that the unassigned fund balance went from about \$112,000 in FY2020 to \$370,000, which is approaching where it should be, which is the equivalent of two months of budgeted expenditures.

Labeau invited Board members to contact her with any questions on the audit. It was mentioned that the budget adjustments approved by the Board in December 2020 were not included in the audit but would be reflected in the next Town Report.

## **8. Transfer Station/Solid Waste Management**

### **a. Updates**

Labeau mentioned that new Transfer Station stickers for 2022 have been ordered. Brown suggested the Board consider adjusting sticker rates to address rising costs. The color of the stickers was briefly discussed.

## **9. Roads and Bridges**

### **a. Updates**

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

Salt – 0 tons                      Sand – 0 yards

Fuel (gallons): Vehicles – 337.6, Town Office Generator – 0, Transfer Station – 0

He mentioned that the new mower is out on the roads doing a nice job, and described which roads have been addressed. Grading in preparation for winter is also in process, he added.

Cavanagh mentioned that Austin Morse had accepted the Road Crew position previously offered by the Board, and should start work in two weeks after completing employment documents and pre-employment testing.

## **10. Old Business**

### **a. Discussion of use of funds from the American Rescue Plan Act (ARPA)**

O’Keefe spoke to the Board about his communications with other communities and it appears that Londonderry is in a similar situation as other towns, who are at the earliest stage of decision-making on ARPA funding. He mentioned that he has reached out to the Vermont League of Cities and Towns to see if its ARPA coordinator has any input on the efforts of other communities, and that the Windham Regional Commission is looking into hiring a project manager to potentially help its towns with ARPA projects.

The Board briefly discussed a request for \$50,000 of funding from Neighborhood Connections.

### **b. Consider request from Phoenix Fire Company #6 to refuel vehicles at the Town Garage**

Following up from the discussion at the previous meeting, O’Keefe mentioned that had inquired of the Vermont Department of Motor Vehicles and with the Town’s insurer, the VLCT-PACIF, about whether the Town can sell vehicle fuel to the local emergency response organizations. Questions asked and answered by the DMV are as follows:

- Can the Town sell vehicle fuel to the organization?

*Answer; No the town can not sell diesel fuel unless the town is licensed as a Dealer or Distributor. Dealers cannot sell tax exempt fuel, only distributors may exempt fuel tax to a customer with a valid exemption certificate.*

- If so, would the Town be required to collect (and submit to the State of Vermont) the applicable fuel tax?

*Answer; if the town obtains a distributor license, then tax would be due unless the customer provides a valid exemption certificate.*

- If allowed to sell vehicle fuel, would the Town need to get a diesel fuel distributor license?

*Answer; To sell fuel the town would have to be licensed. In order to sell fuel exempt from the diesel tax, the town would have to be licensed as a distributor.*

*More importantly, the town should determine if the emergency response organization has a diesel fuel exemption certificate, and if not, would the organization qualify for an exemption certificate?*

O’Keefe noted that the applicable fuel tax statute [23 V.S.A. 3003] indicates that the only not-for-profit organizations that can receive an exemption certificate of this type is a public transit system.

The response from VLCT-PACIF was:

*From an insurance perspective, the biggest risk would be damage to municipal facilities (from a vehicle) and fuel spills. As such, if this type of arrangement were deemed legal and the tax issues worked out with the state, we would advise that the town establish an agreement with the non-profit entity that includes hold harmless and indemnification language to protect the town from damages. In addition, the town would want to obtain a certificate of insurance that names the town as additional insured on the general liability policy and assurance that such policy would cover any spills of fuel that were caused by the entity at the town location.*

There was some discussion on these concerns and others, and of possible solutions to assist the department. Cavanagh stated that he would contact the Fire Chief and mention that the Town cannot assist with fuel sales at this time.

## **11. New Business**

### **a. Discuss Windham Regional Commission project management services**

The Board reviewed an email from the Windham Regional Commission seeking Town input on WRC’s exploration of the possibility of hiring a project manager to expand its capacity to assist towns with their project management needs. WRC cited an increase in requests to manage transportation and hazard mitigation projects, and more recently have had towns ask for assistance with the management of American Rescue Plan Act (ARPA) funded projects and FEMA-funded projects. It mentioned that support would follow a fee-for-service model, similar to what they do when towns ask it to serve as municipal project manager on transportation projects. The correspondence posed the following questions, and the Board’s general responses are indicated in bold:

1. Would you like to have access to project management support through the Windham Regional Commission? **Yes**
2. Do you anticipate needing project management assistance within the next year? **Maybe**
3. Do you anticipate needing project management assistance within 2-4 years? **Most likely**
4. If you answered yes to questions 1 and/or 2 above, how many and what types of projects do you have in mind? You don't have to go into great detail. **Not certain at this time, but all types of projects listed in the WRC email are potential projects for the Town.**

O'Keefe suggested that this has great potential for Londonderry as there is a strong likelihood that the Town will need these services. Various types of projects that could be addressed by WRC were discussed. According to the email there is no obligation to use the project manager service if it's created. Annunziata stated that it would be a good resource if needed. O'Keefe will respond to WRC on behalf of the Town and copy Board members on the response.

#### **b. Discuss FY2023 budget goals**

The Board discussed budget preparation process and reviewed a draft schedule prepared by Labeau. She noted that some scheduled matters are set in stone due to the Town Meeting process, such as Board approval of the budget by 1/17/2022 in order to accommodate the printing of the Town Report, but that other meeting dates are open to rescheduling as needed.

Board members volunteered to participate in budget discussion as follows:

- Cavanagh – Solid waste, Highways and Administration
- Annunziata – Parks Board
- Brown – Conservation Commission, Beautification Committee and Emergency Management
- Fleming – Planning Commission, Development Review Board and Zoning Administration
- While not present, Prouty is assumed to work on the Highway Department budget.

After departmental budgets are assembled, Labeau suggested the Board meet and go over the budget line-by-line. She mentioned that petitioned articles are due by January 13<sup>th</sup>. Pajala brought up several options for the Beautification Committee's desire to seek funding for new "Welcome to Londonderry" signs.

Labeau stated that she would have a preliminary budget available by the following Monday for distribution.

Pajala remarked that the FY2021 budget is not a representative year for the sake of budget comparison with the upcoming budget due to COVID-19 impacts, particularly for the Parks Board.

O'Keefe asked if Board members had direction for departments on limits to expenditure increases, or if they wanted departments to base budgets depending on needs, and the consensus was to go with the latter.

## **12. Adjourn**

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

The meeting adjourned at 6:43 PM. The next regular meeting of the Selectboard is scheduled for November 15, 2021.

Respectfully Submitted,

Shane P. O’Keefe  
Town Administrator

*Approved November 15, 2021.*

**LONDONDERRY SELECTBOARD**

---

Thomas Cavanagh, Chair