

**Town of Londonderry, Vermont**  
**Selectboard**  
**Meeting Minutes**  
**Monday, November 15, 2021**  
**Twitchell Building - 100 Old School Street, South Londonderry, VT**

**Board Members Present:** Vincent Annunziata, Taylor Prouty and James Fleming.

**Board Members Absent:** Thomas Cavanagh and Melissa Brown.

**Others in Attendance:** Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Planning Commission Chair Sharon Crossman, and Solid Waste Manager Esther Fishman. Others – One Londonderry Representative Elsie Smith, and Bruce Frauman (GNAT).

**1. Call meeting to order**

Vincent Annunziata, acting as Chair due to the absence of Tom Cavanagh, called the meeting to order at 6:00 PM.

**2. Additions or deletions to the agenda**

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

Elsie Smith requested that the Board consider approving a letter of support for a recreation grant being sought by One Londonderry through the Okemo Valley Regional Chamber of Commerce.

*Taylor Prouty moved to add the consideration of a letter of request for a recreation grant as item 6.a of the Visitors and Concerned citizens part of the agenda, seconded by Jim Fleming. The motion passed unanimously.*

**3. Minutes Approval – Meeting(s) of 11/1/2021**

*Jim Fleming moved to approve the minutes of the Selectboard meeting of November 1, 2021, seconded by Taylor Prouty. 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**

Tina Labeau spoke briefly about a letter received from property owner Alan Schmidt, that is in the Board’s meeting packet regarding removal of his property from the current use program.

O’Keefe mentioned that the Planning Commission has voted to move its regular meetings from 5:00 to 3:00 PM on the 2<sup>nd</sup> Monday of each month, and that One Londonderry was not doing its monthly report that evening.

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

- A letter, dated 11/11/2021, from Georgianne Mora resigning her position as Deputy Health Officer.

- A 10/29/2021 letter from the Windham County Sheriff indicating the department's FY2023 service contract rates will be increasing from \$41.00/hour to \$48.50/hour. It was mentioned that this is a significant increase, but that rates did not increase the previous year
- Regarding the PFAS contamination of the former septage fields, a letter from Vermont DEC's Residuals Management & Emerging Contaminants Program of 11/10/2021 accepting the Town consultant's sampling results and requesting a post closure corrective action plan. He added that the consultant, Waite-Heindel, will provide the Town with a proposal for the action plan for consideration by the Board at a future meeting, and that there will be an ongoing twice-per-year sampling obligation for the foreseeable future.
- A 10/26/2021 letter from the Preservation Trust of Vermont forwarding the Town \$10,000 for the Town Hall restoration project.
- A letter from VTrans, dated 11/3/2021, noting that the Town's application for funding for the replacement of culvert #12 on Spring Hill Road under the Municipal Highway & Stormwater Mitigation Program was not approved.
- An article from the 11/7/2021 Bennington Banner on the recent votes at the special Town Meeting.
- A filing with the Vermont Superior Court on the Vermont Woodchips zoning cases asking for a continuation of the trial start until May 2022.
- Emails from 11/3/2021 regarding the continued interest of the Phoenix Fire Company #6 in using the Town's diesel fuel at the Town Garage.
- A letter dated 11/5/2021 from property owner Alan Schmidt regarding his payment under protest of taxes due to removal from current use tax status.

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

### **a. One Londonderry – Request for letter of support for recreation grant**

Elsie Smith spoke about One Londonderry working with the Okemo Valley Regional Chamber of Commerce on a regional Vermont Outdoor Recreation Communities (VORAC) grant, which in Londonderry is proposed to fund a trails brochure, map and signage, and for some preliminary mapping of the Shamberg property. She noted that the project budget for Londonderry is \$7,500 and that the Chamber would front the funds for the reimbursement grant, and requested that the Board provide a letter of support. She provided the Board with a draft a letter to consider.

*Taylor Prouty moved to authorize the acting Chair to sign a letter of support for the VORAC grant application, seconded by Vincent Annunziata. The motion passed unanimously.*

Smith left the meeting at 6:12 PM.

## **7. Town Officials Business**

### **a. Town Treasurer – Year-to-date budget review**

Labeau noted that she did not have the information for the Board, and it was agreed to pass over this agenda item.

**b. Planning Commission – Monthly update**

Sharon Crossman provided updates as follows:

- On the North Village Main Street Study and Master Plan project, round two of public meetings with the project consultant, following those held on October 7<sup>th</sup>, are planned for November 18<sup>th</sup>. The first meetings, one held virtually via Zoom software and the other in-person at the offices on Neighborhood Connections, introduced the consultants, Stevens & Associates, to the community and people heard about how they would be working up redevelopment scenarios. The second round of meetings would be held at 3:30 PM and 6:30 PM in the same manner as the first, and the consultants will go over graphic scenarios that they have developed, including maps of potential future plans that address the opportunities and constraints of the study area. The meetings will be video recorded. The consultants would then narrow down and refine plans to a small number of alternatives that are acceptable and desirable to the community, which would be presented to the public in December. She added that the consultants are on schedule.
- The Water-Wastewater project is still in process, with Health Officer Rich Phelan handling ongoing water testing. The project will be concluded by the end of the year.
- On the proposed zoning bylaw overhaul, we have lost contact with the Town's consultant, she mentioned, and O'Keefe will try to reach her to help conclude the project.
- The first phase of the Town Hall restoration project is complete, she reported, and the work done was eligible for the Town to draw down the \$10,000 Preservation Trust of Vermont (PTV) grant that derived from unspent funds from a previous PTV grant from some years ago. She added that by closing out that old grant the Town may now be eligible for a new PTV grant for up to \$200,000.
- The Commission will schedule its regular meetings, held on the 2<sup>nd</sup> Monday of the month, to begin at 3:30 PM due to early darkness in winter.

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

**a. Updates**

Esther Fishman mentioned that the first budget meeting for solid waste management services is the following week, and there will be budget changes due to the new solid waste handling contracts and hazardous waste disposal will be increasing, she noted.

**b. Request for Transfer Station fee waiver – South Londonderry Free Library**

Fishman explained the application, which she said was reasonable, but she questioned the amount of trash reported as being generated by the facility (one medium-sized bag) and will meet with Library staff to go over this provide information on waste disposal, as it is assumed that much of what is generated would be paper. Annunziata noted that it is likely that tissues, paper towels and the like may be the bulk of the trash.

*Jim Fleming moved to approve the request to waive transfer station fees for the South Londonderry Free Library, which shall be limited to trash from general operations, seconded by Taylor Prouty. The motion passed unanimously.*

## 9. Roads and Bridges

### a. Updates

Prouty mentioned that new Road Crew member Austin Morse started that day and that the crew is out salting due to weather conditions.

### b. Approve Letter of Intent - FY2022 Municipal Roads Grants-in-Aid Equipment Program

O’Keefe described this program, whereby the Town can be reimbursed for 80% of the cost of equipment that will support Municipal Roads General Permit implementation, and Road Foreman Josh Dryden suggested that the Town request funding for a plate compactor for culvert installation. The grant guidelines indicated an estimated cost of \$4,000 for this item, which would require an \$800 contribution from the Town. It was noted that the Town at present must rent this item when necessary. Also considered was a haybale shredder.

He also mentioned that if this grant had become available earlier in the year the Town could have paid for the blower attachment to the new tractor, which cost \$5,500.

There was discussion about road improvement projects and the option in some instances to hire a contractor to do the work.

*Taylor Prouty moved to seek funding through the VTrans FY2022 Grant-in-Aid Equipment Program for a Plate Compactor, and authorize the Selectboard Chair to execute the required Letter of Intent on behalf of the Town, and the Town Administrator to execute any necessary grant-related documents thereafter, seconded by Jim Fleming. The motion passed unanimously.*

### c. Authorize letter of support for FY2022 Transportation Alternatives Grant – Spring Hill Road

O’Keefe again mentioned that the Town’s application for funding for the replacement of culvert #12 on Spring Hill Road under the Municipal Highway & Stormwater Mitigation Program was not approved. He reminded the Board members that the original project was an in-kind culvert replacement for which the Town had received a \$175,000 VTrans Structures grant, but after further review by the Town’s engineer, it was determined that a bridge would be necessary due to site constraints, costing approximately \$500,000.

He briefed the Board on the VTrans Transportation Alternatives Program, which could help the Town to afford this stormwater management project. The culvert size, location and condition create significant restrictions during high water events causing streambank erosion, highway runoff and debris blockage on a consistent basis, which negatively impacts downstream water quality. He noted that the application process requires a letter of support from the Board and from the Windham Regional Commission.

The Board requested public comment and questions on the proposed project. None was received.

*Jim Fleming moved to authorize the Selectboard Chair or Vice Chair to sign a letter of support for the Town’s application for maximum funding under the FY2022 Transportation Alternatives Program for the replacement of culvert #12 on Spring Hill Road at Eddy Brook, which shall reference local matching funds and commit to future*

*maintenance responsibility for the proposed new bridge, seconded by Taylor Prouty. The motion passed unanimously.*

**d. Discuss disposal of surplus Town vehicles & equipment**

O’Keefe mentioned that the online auction for surplus vehicles, equipment and materials wraps up at the end of the week, and the Town has the option of rejecting bids if deemed too low, and O’Keefe asked the Board if there were any items for which a minimum final bid should be established. He added that the total amount of bids so far is \$8,261, and estimated that the total would be over \$10,000 when over.

It was noted that some items, while presently having low bid values, will cost the Town money to dispose of them, so even low bids would be acceptable, and the need to clear the cold storage barn for other purposes was value to the Highway Department. There was discussion about the history of the fire truck, which at that time stood with a bid of \$860. O’Keefe stated that the Town had spent approximately \$700 to get the fire truck road worthy, so it is hoped that the Town would get at least that amount. It was acknowledged that in all likelihood bids would come in close to the ending of the auction. O’Keefe recommended not establishing a minimum on any of the sale items.

It was the consensus of the Board not to set any minimum sale prices, and O’Keefe stated that he would therefor accept all bids on behalf of the Town after the auction closes.

**10. Old Business**

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

The Board briefly discussed a request for \$10,000 of ARPA funding from Mike and Tammy’s Main Street Market and Deli, and it was noted that the business was open throughout the pandemic and provided an important service to the community.

O’Keefe mentioned that all ARPA requests so far and program resources are available to the Board on the Town’s shared drive. He suggested that the Board should begin to think about what process the Board wishes to go through for solicitation, evaluation and decision - making with regard to ARPA funds.

Prouty expressed his hope that the Board would continue to get requests such as this from Mike and Tammy’s, and Annunziata mentioned that he has encouraged others to look into eligibility for this funding. There was discussion about getting the word out to the community.

**b. Review bids and award contract for Pingree Park & Town Hall winter maintenance services**

O’Keefe provided the two bids received in response to the Invitation to Bid for this service, which is for a 2-year contract. Bids were received from two local vendors as follows:

Bidder #1	Location	Winter 2021-22	Winter 2022-23
Dryden’s Outdoor, Inc.	Pingree Park	\$1,200/season	\$1,300/season
	Town Hall	\$50/event	\$60/event

Bidder #2	Location	Winter 2021-22	Winter 2022-23
Alberti Landscape & Constr.	Pingree Park	\$3,360/year	\$3,528/year
	Town Hall	\$40/event	\$42/event

O’Keefe noted that the Parks Board recommended hiring Dryden’s Outdoor, Inc.

*Jim Fleming moved to 1) accept the bid from Dryden’s Outdoor, Inc. for winter plowing and sanding of Pingree Park and the Town Hall and 2) authorize the Town Administrator to enter into a contract agreement for these services on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.*

**c. Town Office Renovation Project – Discuss bond vote**

O’Keefe brought up the bond vote for renovations of the Town Office, which was last put on hold on 12/7/2020 due to COVID-19 pandemic concerns, and stated that if the Board wished to pursue the bond at the annual Town Meeting in March, the time to begin consideration is now due to bond sequence requirements. He mentioned that the Planning Commission, given its history of advancing this project, discussed this at its most recent meeting and recommended proceeding with the bond vote.

O’Keefe noted the great amount of uncertainty and volatility with the construction industry that remains, and that the Town’s engineering consultant, while not having completed a revised project budget, estimates construction costs would escalate by 50%. He added that the original estimate for construction was \$825,000, and with professional costs the project was originally pegged at approximately \$950,000. But the project cost is likely in the range of \$1.3 million at this time, he added, but that there are some elements of the project that can be paid from other sources such as grants to bring the bonding amount in at a lower figure.

It was the consensus of the Board to wait until the entire Board was together to make this decision. O’Keefe was asked to determine how long after a bond vote, if successful, the Town must exercise the bond.

The Board discussed the possibility of using existing building reserve funds to address some immediate building repair and cleanup needs.

**d. Platt Elevation Project – 3rd Extension of Memorandum of Understanding**

O’Keefe distributed to the Board a letter received that day from Tom Platt requesting an extension of the Memorandum of Understanding (MOU) to April 30, 2022, noting several unfinished items for the building elevation project at 2152 North Main Street. O’Keefe pointed out that several of the items were not covered by the State-funded project and not included in the approved scope of work. He added the existing MOU expires at the end of the month, as does the construction contract, and noted that the Town to date has expended approximately \$104,000.

The State of Vermont had a target completion date of 11/30/2021 for the project, O’Keefe mentioned, but with so many fits and starts, having much to do with pandemic-related impacts with the construction industry, the project will clearly extend past that date. He noted difficulties working with the contractor. Fleming mentioned that the Platts have found a new electrician.

The work needed to finish the project was discussed, which included work not part of the approved work scope. It was generally agreed that using non-approved work to justify a long extension was invalid, and that a shorter timeframe was more appropriate for the contractor to address project-required work. O’Keefe recommended that an extension to February 28, 2022 would be appropriate.

He mentioned that the property owners were likely to seek an increase in the overall project scope of work and overall project cost. He added that there may be a future project extension if these increases are approved.

*Taylor Prouty moved to extend the effective end date of the March 2, 2020 Amended Memorandum of Understanding between the Town and Thomas and Judith Platt related to the Platt’s property at 2152 North Main Street, from November 30, 2021 to February 28, 2022, and to authorize the Town Administrator or Selectboard Chair to execute an acknowledgement on the document on behalf of the Town. The Board previously approved an extension on October 4, 2021, seconded by Vincent Annunziata. The motion passed unanimously.*

**e. Platt Elevation Project – 3rd Extension of Construction Contract**

O’Keefe mentioned that the Town just received a bill for over \$7,000, but not everything specified in the invoice is an eligible cost.

*Taylor Prouty moved to extend the term of the May 10, 2021 Contract for Services between the Town and Derry Downtown Limited for the elevation of the building located at 2152 North Main Street to February 28, 2022, and to authorize the Town Administrator to execute any formal documents on behalf of the Town related to this action. The Board previously approved an extension on October 4, 2021, seconded by Jim Fleming. The motion passed unanimously.*

**f. Consider amendment to contract for Williams Dam Study**

O’Keefe noted that the contract with consultant engineer DuBois & King, Inc., as authorized by the Board on 10/4/2021, was been signed. After further discussion with the consultant and those assisting O’Keefe with the project, it is considered best practice to conduct soil and silt testing to determine if there are hazardous materials present, which would greatly affect the cost of one or more of the alternatives. He recommended increasing the project budget from \$45,000 to the \$50,000 approved by the Voters to accommodate this work, which is approximately \$1,500 per sample.

O’Keefe mentioned that the ANR-DEC River Coordinator Todd Menees has volunteered to assist the Town with the project.

*Jim Fleming moved, with regard to the Town’s service contract with DuBois & King to provide consultant services for the Williams Dam Study, to authorize the Town Administrator to execute an amendment that expands the scope of work to include silt and soil sampling, and increases the overall project budget to a maximum of \$50,000, the amount authorized by the Voters at the 2021 Annual Town Meeting, seconded by Taylor Prouty. The motion passed unanimously.*

## 11. New Business

### a. Approve preventive maintenance agreement for Town Office generator

The Board reviewed the proposed preventive maintenance contact for the Town Office generator with Brook Field Service for next year, which is quoted at \$560 for a single visit or \$907 for two visits. With the generator 3 years old at this time, it was generally agreed that for the first 5 years or so once/year service was appropriate and to consider twice/year service thereafter. O’Keefe noted that service takes place in the late fall each year, and that the unit tests each Monday morning.

*Taylor Prouty moved to accept the preventative maintenance agreement from Brook Field Service for annual service of the Town Office generator one time per year, and authorize the Town Administrator to execute the agreement on behalf of the Board, seconded by Jim Fleming. The motion passed unanimously.*

### b. Request by Chester Snowmobile Club for use of Town property for snowmobile trails

The Board reviewed the annual request from the Chester Snowmobile Club to use a small portion of the shoulder of Lowell Lake Road for snowmobiling.

*Jim Fleming moved to approve the request from the Chester Snowmobile Club to use a portion of Lowell Lake Road for snowmobiling between December 15, 2021 and April 15, 2022, and authorize the Town Administrator to execute a Vermont Association of Snow Travelers, Inc. landowner permission form on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.*

## 12. Adjourn

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

The meeting adjourned at 7:24 PM. The next regular meeting of the Selectboard is scheduled for December 6, 2021.

Respectfully Submitted,

Shane P. O’Keefe  
Town Administrator

*Approved December 6, 2021.*

**LONDONDERRY SELECTBOARD**

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Thomas Cavanagh, Chair