

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, December 20, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Vincent Annunziata

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala Road Foreman Josh Dryden, Planning Commission Chair Sharon Crossman. Others – Resident Doug Friant, consulting engineers Christina Haskins and Everett Hammond (6:20 PM), and Bruce Frauman (GNAT).

1. Call meeting to order

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

2. Additions or deletions to the agenda

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

Taylor Prouty moved to delete from the Visitors and Concerned Citizens part of the agenda, the monthly update from One Londonderry, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to adjust the agenda by moving Old Business items 10.a. and 10.b., having to do with Water-Wastewater matters, to items 7.c. and 7.d. of the Town Officials Business part of the agenda, seconded by Melissa Brown. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 12/6/2021

Jim Fleming moved to approve the minutes of the Selectboard meeting of December 6, 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

Shane O’Keefe noted that he would be on vacation the following week, and spoke to the correspondence included in the Board’s meeting packet as follows:

- A notice from The Shopper regarding the Planning Commission’s request for community comments on the north village master planning effort.
- The final tally of the recent auction of surplus vehicles, equipment and materials, showing net proceeds were \$14,359.50.
- The Windham County Sheriff’s report for November.

- A Motion to Dismiss filed on 12/17/2021 by attorneys for Vermont Woodchips in the DRB appeal case.
- Notice dated 11/15/2021 from the Federal Aviation Administration of a request from the U.S. Airforce to establish a permanent military operations area in the vicinity of Londonderry to help with Massachusetts Air National Guard training, and seeks public input with regard to aeronautical impacts.
- The annual report from the Brattleboro Development Credit Corporation (BDCC) and the Southeastern Vermont Economic Development Strategies (SeVEDS)

Sharon Crossman mentioned that the Planning Commission is still taking comments and questions from the public through 12/22/2021 on draft scenarios proposed under the Main Street master planning project. Comments will be used to develop a draft consolidated plan that will be presented at the next public meeting, to be held remotely via Zoom software on 1/6/2022 from 6:30 PM to 8:00 PM.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

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

Tina Labeau presented the year-to-date budget through November, noting that the Town is on track and doing well income-wise, and offered that Board members could contact her at any time with questions on this.

b. Planning Commission – Monthly update

Crossman provided updates as follows:

- On the North Village Main Street Study and Master Plan project, she reiterated that the consultant will be incorporate public comments received at the October and November public meetings and from subsequent comments, and develop a final draft consolidated plans to be presented at the 1/6/2022 public meeting. She noted that the feedback form on the Commission's page on the Town website is not interactive. The final report will be available in late winter or early spring per the project schedule. Melissa Brown raised how best to get further public comment from those who may not understand the project. Crossman spoke to some of the draft scenarios and ways to respond to the public. On the roundabout alternative at the westerly intersection of VT Routes 11 and 100, Cavanagh mentioned that the 2020 road safety audit conducted by VTrans revealed it had a poor cost-benefit ratio and would cost approximately \$3 million, and that engineers have noted that there is not much that can be done to enhance the intersection.
- The water testing for the Water-Wastewater project is still in process, with some complete and some still to go.
- On the proposed zoning bylaw overhaul, final edits prepared by the consultant are being reviewed, and she hopes for a final review draft in the early part of the new year in preparation for the required public hearing process.

- On the Town Hall restoration project, she noted that an application was filed in the past week for a historic preservation grant from the Preservation Trust of Vermont (PTV). The funding request was for \$95,500, which would be matched by funds from the Town's buildings reserve fund of \$75,000, for a total project cost is estimated to \$170,500. Work for this phase of the restoration would primarily be for the following deferred maintenance items: replacing roofing slate and shingles as necessary, refurbishing the windows, and bolstering the balcony structure, which is presently closed off to the public for safety reasons. She said that the Commission will continue to look for other matching funds. There was discussion about whether there was a grant-required match, and Crossman stated that there was none of which she was aware. There was also discussion of the Commission's budget request for this project.
- The Commission has decided to hold its meetings remotely for the foreseeable future, with a physical location at the Town Office for those who wish to participate in person.

c. Review and discuss draft water-wastewater study

Engineer Chrissy Haskins of the Dufresne Group reviewed with the Board the 12/17/2021 draft of the Community Wastewater Feasibility Study of the two villages, and she noted that it should be considered a 60% draft. Due to pandemic-related delays on a subconsultant the cost estimate section is yet to be completed, and the State of Vermont will make recommendations that will need to be incorporated.

She described some of the critical needs for community wastewater systems, such as septic systems within well isolation distances, systems within floodplains, an instance of an illicit discharge into the West River, E. coli contamination of the West River in South Londonderry.

Haskins referred to some concept designs for larger decentralized wastewater systems that will need further development to determine feasibility. She noted that Pingree Park is listed in the report and that language will be added to reflect the Board's decision not to pursue this property in the study. She recommended keeping the site in the study to create a basis for funding for future evaluation if determined to be necessary.

There are recommended additional tasks and a need to extend the effort to find locations for smaller decentralized systems: obtain preliminary approvals from property owners, including the Town, for proposed site locations; research on deed restrictions such as spring rights; surveying well locations and isolation distances; soil condition verification; hydrogeologic analysis for the potential systems; and property right acquisitions. She noted an interest in additional community outreach to better inform the public about community wastewater systems and their need and benefits.

Some of these tasks would require an amendment to the engineering contract and some would be done by others, including the Windham Regional Commission and the Town Attorney.

O'Keefe acknowledged that the Board just received the draft report over the weekend and suggested that the Board discuss it further at the next regular meeting.

d. Authorize grant application for water-wastewater planning funds

Haskins stated that the additional work described in the study can be covered by planning funds under the Clean Water State Revolving Fund program, which now provides 100% forgivable loans for village wastewater projects of up to \$125,000, and the State of Vermont has suggested that the Town apply for this reimbursable amount for each village separately. This would cover further community outreach, detailed site evaluation, and property acquisition for each study area.

Crossman acknowledged that this is an unprecedented opportunity for this funding, and this project is a key piece of future community planning and initiatives, and the Planning Commission is supportive of this grant effort.

Melissa Brown moved to authorize submittal of applications for funding under the State of Vermont Revolving Loan Programs for community wastewater systems planning for both the north village and south village, and designate the Town Administrator as the authorized representative of the Town in connection with the project for the purpose of furnishing information, data and documents pertaining to the project as required by the State of Vermont, seconded by Taylor Prouty. The motion passed unanimously.

Crossman and Haskins left the meeting at 6:41 PM.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that 2022 stickers are available for sale. Labeau mentioned that the Transfer Station would be closed on 12/25/2021 and 1/1/2022.

Brown inquired if it's possible to keep the facility open late one evening each week, and Cavanagh mentioned that this was not safe due to insufficient lighting. Brown suggested revisiting this concept once the days grow longer.

9. Roads and Bridges

a. Updates

Josh Dryden mentioned that the red truck was back on the road, but that the rear steering on the excavator is in need of repair. He briefly mentioned recent winter road maintenance and project efforts. And mentioned that the fallen stop sign on Mountain Lake Road has been found and will be replaced soon.

b. Review and discuss RSMS study

Engineer Everett Hammond of Hammond Engineering gave a comprehensive overview of the first draft of the Road Surface Management Systems (RSMS) paved road analysis, dated 12/2021, noting that there are 22.72 miles of paved Town highways, with 12.57 being class II and 10.15 being class III. He described the methodology for the preparation of the study, including travelling all of the paved roads with Road Foreman Josh Dryden, and how the roads were analyzed, rated and the repair strategy assigned. He also factored in traffic volume in the repair prioritization, and went on to describe a proposed 15-year capital plan for road repairs and repaving.

It was noted that the Town increased its paving budget to \$200,000 last year, and the proposed capital plan recommends increasing that to at least \$220,000 in the coming year and increasing it by \$40,000 each year thereafter for 7 years, and then \$15,000 thereafter simply to keep up on the existing and emerging needs and roadway rehabilitation and reconstruction. The amount of increase can be reduced if the Town desires to pave only and not make roadway improvements. On determining which roads to address on the plan, it is not recommended to “address the worst first”, Hammond explained, but instead determine the most efficient way in which to spend available funds such as addressing roads before they deteriorate.

Hammond mentioned a rough rule of thumb being an expenditure of \$10,000 per mile per year for roads in fair condition. He noted that road repair costs are rising annually.

There was discussion about the impacts of trucks on Town roads, including paved roads, and Hammond recommended posting them for overweight vehicles in the spring each year. Prouty and Dryden noted that local truck businesses are mindful of the road conditions and generally work well with the Town.

Hammond described in detail the proposed capital plan and the various road repair and maintenance techniques and touched on specific projects. He recommended that the Town consider increasing the highway improvement Reserve fund contribution to \$230,000 in FY2023 to get a jump on the plan and reduce the increase the following year.

Hammond suggested that the plan be revisited and updated every three to five years to evaluate and address changing conditions.

Due to the Board having just received the draft study it will be on the agenda of the next regular meeting in case there are questions or comments.

The Board thanked Hammond for his presentation, and he left the meeting at 7:38 PM.

c. Access Permit 2021-09 – Under the Mountain Road, Parcel 036006.100 (Reilly)

Prouty described the project and noted that Dryden had met with the contractor.

Jim Fleming moved to approve access permit application No. 2021-09, submitted by Nathan Chaves on behalf of Mark Reilly for parcel #036006.100, located on the east side of Under the Mountain Road, seconded by Taylor Prouty. The motion passed unanimously.

d. Approve revised access permit application and fee

O’Keefe described some of the changes to the proposed new permit application: it allows for more accurate property information, it provides for property owner and applicant certification of accuracy, and provides authorization of Town access for inspection. It also recommends an application fee increase from \$25 for all permits to \$50 for driveway modifications and \$75 for new driveways. O’Keefe recommend the fee increase to better reflect the actual staff time spent on applications. The proposed fee increase was discussed, and fees charged from other communities were considered; it was agreed that the proposed fees were appropriate.

Melissa Brown moved to approve the new access permit application form as presented and require its use for new and modified Town Highway accesses beginning immediately, seconded by Taylor Prouty. The motion passed unanimously.

Dryden left the meeting at 7:45 PM.

10. Old Business

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

Shane O’Keefe noted that the Town had not received any new ARPA funding requests or inquiries since the last meeting, and no new program information has come from the Vermont League of Cities and Towns or other sources, and that final rules have yet to be issued. Labeau mentioned that the ARPA reporting portal has opened.

Brown suggested that beginning with the new year it can be expected that others will come forward with requests.

11. New Business

a. Consider requests for Town Meeting articles

O’Keefe noted that the Town has received three separate requests for the Selectboard to voluntarily include articles in the annual Town Meeting warning: 1) from Doug Friant to fund speed control efforts in lieu of a policing contract; 2) from Cynthia Gubb and Seth Bongartz for a non-binding vote on support of the proposed Manchester fieldhouse project; and 3) from the Beautification Committee to fund new “Welcome to Londonderry” signs.

Friant stated that he felt a better way to do address speed control is to install mechanical means to slow traffic such as radar speed signs, rumble strips and speed tables, and suggested that the Board include the following article: *“As an alternative to contracting with the Windham County Sheriff, shall the town vote to raise the sum \$30,000 to control speeding by installing mechanical means, such as radar signs, rumble strips, and speed tables, at the selectboard’s discretion?”*.

He provided information from the Federal Highway Administration of designs for speed tables. Friant stated that hiring the Windham County Sheriff Department to issue tickets to speeders was punitive and unethical in his view, and that there was a financial incentive to write tickets. He mentioned that 77% of the traffic stops resulted in a ticket. O’Keefe corrected Friant and stating that the Sheriff’s Office does not benefit financially from issuance of tickets. There was discussion about distribution of fines between the Town and the State of Vermont, and Labeau stated that the Town has received approximately \$10,000 so far this fiscal year.

Friant stated that the Sheriff’s department does not do community patrols and spends most of its time writing speeding tickets. He does not want Londonderry to become known as a speed trap.

Cavanagh noted that any mechanical devices within the State highway, where most of the speeding is occurring, would require State approval. Brown recalled that the Sheriff’s Office mentioned that they would have radar speed signs available for use in the community and she noted that they have not been in use of late. O’Keefe mentioned that speed tables and rumble strips need to be engineered and properly located, so there would be associated professional costs and warning signage costs for these initiatives if advanced. Prouty mentioned that over time as speeding becomes less frequent the Sheriff’s Office can concentrate more on community policing.

There was extensive discussion on the request and policing efforts in the community. There was general support of the article in some form as an addition to the article on the policing contract, not in lieu of it.

Melissa Brown moved to include in the 2022 Annual Town Meeting warning the following article: “Shall the town vote to raise the sum \$40,000 to control speeding by designing and installing mechanical means, such as radar signs, rumble strips, and speed tables, at the Selectboard’s discretion?”, seconded by Taylor Prouty. The motion passed unanimously.

The Board then considered the request to add to the warning the non-binding vote on support of the proposed Manchester fieldhouse project as discussed at the previous Board meeting. Brown noted that she had spoken to some families in the community and they’re very excited about the potential for the project, and that the Voters should be allowed to decide whether to signal the community’s support. Pajala suggested that a vote on the matter from the Board soon would allow the project leaders adequate time to gather signatures for a petitioned article.

Taylor stated that the recommended article is advisory in nature and non-binding, and therefore a relatively benign request.

Melissa Brown moved to include in the 2022 Annual Town Meeting warning the following requested article: “Shall the voters indicate support for the concept of a regional fieldhouse at the Dana Thompson Recreation Park in Manchester, with the understanding that towns would participate in its construction costs under a formula based on a combination of grand list, population and distance, in exchange for a special use status for those who live or own a second home in the town of Londonderry? This article is advisory in nature and does not bind the Town to further action.”, seconded by Taylor Prouty.

Brown raised the matter of how the project will address second homeowners in the membership formula, noting it will be an interesting thing to work out. Cavanagh noted that if the article passes it would likely be followed up with a bond vote at a subsequent Town Meeting.

The motion passed unanimously.

The Board then considered the request to add to the warning the funding of “Welcome to Londonderry” signs. O’Keefe noted that while \$11,680 of the \$13,680 was being requested from the Voters, he had been informed that the project already has commitments of \$3,000, so clarity on the request is needed. This was further discussed and the Beautification Committee must provide final figures to the Board.

There was discussion about property control of the sign locations, and there was question about whether easements are in place from the previous efforts to erect the signs. Friant stated that he believed that easements had not been obtained. Pajala stated that she could do a quick review the land records for the easements.

Friant had some suggestions on the sign materials to ensure durability.

O’Keefe will inquire of the Beautification Committee what the overall gross cost of the sign project is, whether fundraising is still going on, what the net project cost is that will be requested, and what the status of the property easements. The matter will be discussed at the next regular meeting.

b. Review and discuss proposed FY2023 Budget

Labeau suggested that given he late hour it might be best to pick a night for just the budget to be discussed, or to begin an upcoming meeting early for budget review. She mentioned that the deadline for the Town Report is as late as the first week of February. It was agreed by the Board to start the next regular meeting early to work on the budget.

O’Keefe suggested that the budget be adjusted to include funding for an individual to take minutes for various boards and commissions.

c. Discuss 2022 Town Meeting appropriations

The Board reviewed a list of appropriations as prepared by Labeau. She mentioned that she had one late request (Flood Brook Athletic Association) and several agencies have not submitted requests (Friends of the West River Trail, Londonderry Historical Society). Pajala noted that 78 signatures were required for petitions at this time.

The Board review each of the requests and organizations previously funded, and agreed upon the following list of appropriations for the Town Meeting warning:

Londonderry Conservation Fund	500
Champion Fire Company #5	20,000
Phoenix Fire Company #6	20,000
Londonderry Volunteer Rescue Squad	15,000
South Londonderry Library Association	10,000
Grace Cottage Foundation	750
Greater Northshire Access TV	2,000
Green Mountain RSVP	415
Green Up Vermont	100
Health Care & Rehabilitation Services	1,513
Mountain Valley Health Council	5,000
My Community Nurse program	2,500
Neighborhood Connections	6,000
Senior Solutions	950
SVEDS	5,307
SEVCA	1,700
Southeast Vermont Watershed Alliance	410
The Collaborative	1,000
Valley Cares	2,742
Visiting Nurse Assoc. of VT & NH	7,000
Vermont Rural Fire Protection	100
West River Montessori School	3,000
Windham County Youth Services	315
Women’s Freedom Center	800

O’Keefe noted that requests not on the previous Town Meeting article have been included as special stand-alone articles on the draft warning as follows:

American Red Cross	500
Londonderry 4th of July	1,500

d. Septage Fields Project – Consider PFAS post-closure corrective action plan and sampling

O’Keefe reminded the Board that Per-and Polyfluoroalkyl Substances (PFAS) had been detected at low levels in the groundwater at the former septage fields, and the State of Vermont has reviewed recent sampling results and notified the Town of the need to develop within 90 days a long-term sampling protocol for the PFAS, to include twice/year sampling and annual reporting for the foreseeable future. While there is no indication that the contamination will reach the West River, the Town will be required to sample the drinking water at the Riverside Condominiums on Boynton Road annually; a previous sample showed no contamination. He reviewed with the Board the consultant work plan and price proposal. O’Keefe noted that due to the ever-changing requirements for this contamination, the \$5,000 allocated to this work for FY2022 will be exceeded with this extra work.

There was discussion about cost reimbursement through the State of Vermont, and how to address these ongoing expenses. O’Keefe recommended accepting the proposal.

Taylor Prouty moved to accept the work plan and long-term groundwater monitoring for PFAS at the former septage field prepared by Waite-Heindel Environmental Management, to cost approximately \$3,800 in FY2022 and approximately \$5,700 per year thereafter, and authorize the Town Administrator to execute necessary documents to employ the consultant firm for this service on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

e. Consider adjustments to January 2022 Selectboard meeting schedule

Because the first regular meeting in January would immediately follow the new year and the second would land on Martin Luther King, Jr. Day, and because there are 5 Mondays in the month, O’Keefe recommended adjusting the schedule by pushing the meetings out a week. Cavanagh noted that Vincent Annunziata would likely agree to this due to his holiday work schedule.

O’Keefe suggested keeping track of COVID-19 trends and to consider the possibility of holding upcoming Board meetings primarily remotely.

Taylor Prouty moved to adjust the regular Selectboard meeting schedule for January 2022, to meet on January 10 at 5:00 PM and on January 24 at 6:00 PM, instead of January 3 and 17, seconded by Jim Fleming. 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 8:15 PM. The next regular meeting of the Selectboard is scheduled for January 10, 2022.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved January 10, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair