

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, December 16, 2019
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: James Ameden, Georgianne Mora, Taylor Prouty, Thomas Cavanagh, and Robert Forbes.

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, and Emergency management Director Kevin Beattie. Others – Daniel Nowokunski (Transfer Station applicant).

1. Call meeting to order

Selectboard Chair Jim Ameden called the meeting to order at 6:30 PM.

2. Additions or deletions to the agenda

O’Keefe requested that the Board add to the agenda the consideration of an engineering contract agreement for the community water/wastewater study.

Taylor Prouty moved to add the consideration of an engineering contract for the community water/wastewater study to the Old Business section of the agenda, seconded by George Mora, passed unanimously.

3. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Taylor Prouty moved that the Board enter executive session to discuss the employment of a Town employee, pursuant to Title 1, Section 313(a)(3)a, seconded by Bob Forbes, passed unanimously.

Daniel Nowokunski was invited to attend the executive session. The Board entered executive session at 6:35 PM.

The Board came out of executive session at 6:47 PM.

1. Minutes Approval – Meeting of December 2, 2019 (continued to December 9, 2019)

George Mora moved to approve the minutes of the Selectboard meeting of December 2, 2019, continued to December 9, 2019, seconded by Taylor Prouty, passed unanimously.

2. Selectboard Pay Orders

Pay orders were reviewed and signed by the Board members.

3. Announcements/Correspondence

Kevin Beattie mentioned that on January 9, 2020 there would be meeting regarding the Emerald Ash Borer infestation, to be held at 6:00 PM at the Town Hall, and the public is invited to attend. It is intended to inform the community how to deal with the issue, and will be conducted by the Department of Forests, Parks and Recreation with assistance from the Londonderry Conservation Commission.

Related to this, he mentioned that he has inventoried, prioritized and mapped about half the roads in town, comprising about 25 of 50 miles, and estimates that a little under 400 trees threaten to fall in the Town right-of-way in the community. These do not include those threatening power lines, as it is assumed that Green Mountain Power will handle these.

4. Visitors and Concerned Citizens

None.

5. Town Officials Business

a. Selectboard member George Mora – Report on Dam Safety workshop

George Mora again briefed the Board on a recent training she attended on dam safety, and Kevin Beattie mentioned he had reviewed the new regulations being developed by the State of Vermont that go into effect in 2020 and 2022. It was noted by Kevin that the impoundment of the mill pond dam was approximately 650,000 gallons, which exceeds the 500,000-gallon threshold for State jurisdiction. Mora mentioned that the Town must develop a schedule of inspection, and repair the spillway, and of greatest concern to her, the State has the authority to order a dam owner to repair or remove a dam if considered dangerous. Beattie added that the State can require an engineering study and possible to have the dam drained.

The condition of State-owned dams at Lowell Lake and Gale Meadows Pond were briefly discussed.

Beattie mentioned that an emergency action plan is necessary, and how to fund such an effort was discussed. He mentioned that there is no grant funding available for dam studies, but the State may have a revolving loan fund for this type of work. Ameden mentioned that VTrans structures grant could possibly fund this effort due to the potential impact on nearby roads.

Forbes mentioned that there is likely to be good files on the maintenance work done in the past. O'Keefe and Labeau will review Town records for any helpful documents or other reports that can be helpful in researching the dam and complying with the new regulations, and report back at the next regular meeting.

b. Town Treasurer – Discussion on local options tax

Labeau reviewed with the Board information assembled regarding establishing a local options tax. She calculated that a 1% tax on meals and rooms and retail sales could raise approximately \$114,000 of income to the Town. This amounts to approximately one penny on the tax rate Labeau added. If liquor were to be included there would even be more

revenue, but it was noted that the State does not provided data where there are so few liquor permittees.

It was noted that local property taxes can be reduced by virtue of having non-resident visitors contribute through these local option taxes. A chart indicating how other communities that have adopted the tax are spending the proceeds, such as reducing property taxes or funding capital projects, was reviewed. Ameden stated that he felt that the best use of the tax venue would be to reduce property taxes, and other Board members agreed.

The applicability of these taxes to on-line sales and short-term stays was discussed.

The wording of a possible Town meeting warning article was briefly discussed. Labeau and O'Keefe will work on an article for review at the next regular meeting that provides that funds raised will be used to reduce taxes.

Kevin Beattie left the meeting at 7:30 PM

c. Town Treasurer – 2021 Budget Review – Appropriations for community organizations

Labeau presented to the Board the latest listing of appropriations for community organizations, noting that we had received financials from all of them and reports from most. She mentioned that there were no requests from the West River Montessori School or the Windham County Humane Society. Neither Pingree Park or the Phoenix Fire Company #6 are requesting funds this year. And the Save the Bromley Tower appropriation falls off the list. There is a new request from the Londonderry Historical Society, minor increases requested from Neighborhood Connections, the Current, and the Londonderry 4th of July, and a decrease to the request from Southeast Vermont Watershed Alliance was noted.

George Mora moved to approve all of the current appropriations requests on the list for inclusion in the warning for Town Meeting, seconded by Bob Forbes, passed unanimously.

6. Transfer Station

a. Updates

Tom Cavanagh moved that the Board hire Daniel Nowokunski to fill a part-time Transfer Station attendant position on Sundays at a rate of \$15.00/hour, effective this coming Sunday, seconded by George Mora, passed unanimously.

7. Roads and Bridges

a. Updates

Ameden mentioned that we've used a lot of salt and need to minimize salt usage going forward. With the new truck there are some adjustments needed and all trucks need to be properly calibrated. Cooperative weather conditions would help as well

He mentioned that there was a minor accident between a Town truck and a pickup truck.

Cobble Ridge Road, with no damage to the Town truck. Ameden mentioned that the State Police handled the police report for the accident and Labeau noted that our insurance company has been contacted.

Prouty mentioned a concerned citizen brought up questions about the road classifications and road maintenance on Beattie Road, off of Winhall Hollow Road, and that the Board may hear from them.

b. Consider request to improve and maintain portion of Under the Mountain Road (TH36) and Legal Trail #2

Willoughby Britton and Jared Lindahl were present to discuss a written request they had submitted to improve the Class 4 portion of Under the Mountain Road and the legal trail extending beyond it into Jamaica. Their request includes a scope of road improvement work outlined by Wes Ameden of Ameden Construction LLC of Jamaica.

Jim Ameden noted that Road Foreman Josh Dryden has contacted the VTrans District Office and understands that the Town can allow this to happen, but we need to have an agreement on file regarding improvement, use and maintenance of the road, and clarity on continued ownership by and accessibility to the public. He stated that the proposed work exceeds some of the Town road standards and does not meet others, but what is being proposed is a significant improvement with high standards.

O'Keefe suggested that the agreement should address maintenance standards that ensure that public safety and access is maintained.

There was discussion about proper ditching and culverts.

Lindahl mentioned that he has not contacted other property owners on the Class 4 Town highway. Mora suggested contacting them to inform them of the improvement plans, and Ameden noted the need to maintain access for them throughout the road reconstruction process.

It was agreed that the requesters would pay the cost of the Town Attorney's drafting of an agreement. It was noted that Town Attorney Bob Fisher is also representing Britton and Lindahl in their property transaction. It was assumed that Attorney Fisher could handle the agreement for both parties, but O'Keefe will contact him to discuss conflict of interest matters. Alternate attorneys were discussed.

George Mora moved to approve the request from Willoughby Britton and Jared Lindahl to improve a section of Class 4 Town Highway and Legal Trail as proposed subject to Board approval of an agreement drafted by the Town Attorney, seconded by Bob Forbes, passed unanimously.

Ameden mentioned that the proposed work, other than the fact that it would not be paved, exceeds the Town specifications.

Lindahl mentioned that his timeframe for construction depends on closing on the property. Right-of-way width was discussed, and it was noted that is normally about 50 feet. Lindahl mentioned that a 12-foot road width was proposed. Installation of power poles was discussed.

O’Keefe will do some research on the legal right-of-way width.

Britton and Lindahl left at 7:55 PM.

8. Old Business

a. TOPP Phase II – Review asbestos remediation estimate

O’Keefe mentioned that he had not heard back from State Department of Health’s asbestos program regarding his questions on the validity of the bid he had received on remediation. He noted that there is no rush to handle this part of the project, but it must be done before any other renovation work is commenced. The renovation project will have to be better defined in order to determine the extent of the remediation work. He will seek other bids once that takes place.

b. TOPP Phase II – Discuss project timeframe

O’Keefe noted that the working group on the Town Office renovations recently met with the architect and, while good progress has been made to date, the feeling of the committee was that in order to make the deadlines for the March 2020 Town Meeting Warning we would need to rush the design and estimating phases in a way that could make for an inferior project. It was suggested that the Town push out the bond vote to another date, such as the August 2020 primary election, to allow for more careful project and related cost development.

He mentioned that there could be more meetings with the architect, which could increase slightly the overall preliminary design cost.

There was general agreement that delaying the bond vote made sense at this time in order to better develop the project. O’Keefe mentioned that there would not likely be a loss of a construction season by virtue of this delay.

c. Septic fields – Discuss closeout testing

Following up from the previous meeting, O’Keefe noted that he had requested approval from the ANR-DEC to postpone required PFAS sampling until spring 2020, but was turned down. And while the 12/31/2019 sampling deadline was waived, the test results submittal deadline of 2/29/2020 was not. He has time though to seek cost estimates and will come back to the Board with proposals at the first meeting in January. He noted that the \$3,000 budget for sampling had been spent down to about \$275 from earlier testing, and the entire septage field budget had about \$1,000 for this sampling work.

O’Keefe reminded the Board that he had forwarded to them a copy of the site closeout letter that had been submitted to the State, which may see the State permit closed out subject to the

PFAS testing. He noted that there would be no ongoing obligations after the closeout as far as he knew.

Prouty brought up the possibilities for future use of the land. O’Keefe noted that it’s probably only good for mulch hay agriculturally, but that he had met with the Town’s Energy Committee about the potential for use of the fields as a solar farm given its adjacency to high-energy power lines. Bruce Frauman, representing the Energy Committee, stated that the Committee is very interested in the site for this purpose and will get back to the Board after the Committee has contacted and discussed the site with energy companies.

d. Water/Wastewater study – Consider engineering contract

Recalling the Board’s recent selection of the Dufresne Group to conduct a community water/wastewater study, O’Keefe noted that that day he had received a proposed contract for the study, which is funded by the Vermont ANR-DEC, and that the State has asked that the contract be executed by year-end. He noted that the State has signed off on the contract, which is a boiler plate professional agreement that it uses for all such projects, and the scope of work was developed by the Town’s project committee working with the consultant. The project will cost \$32,000 and will be paid for by the State, with the Town reimbursing the State only if an implementation project develops out of the effort.

There was discussion about whether this work would result in a policing effort if violations are found, and it was agreed that this was a solutions-oriented effort that would help solve problems that may arise.

Bob Forbes moved to authorize the Town Administrator to sign the water/wastewater study contract agreement on behalf of the Town, seconded by Bob Forbes, passed unanimously.

9. New Business

a. Consider request to improve and maintain portion of Under the Mountain Road (TH36) and Legal Trail #2

This matter was discussed earlier in the meeting.

b. Discuss Windham Broadband Project (Kick-off meeting on 1/16/2020)

The Board reviewed an email from the Windham Regional Commission regarding a regional broadband utility district. Mora described the proposed Southern Vermont Communications Union District, and the invitation to the Board to attend the project kick-off meeting was discussed. It was mentioned that a community survey would be needed at some point, and a local project leader would need to be recruited. Mora will reach out to a citizen she believes might be interested.

Mora and O’Keefe noted that they would be attending, and O’Keefe asked other Board members interested in attending to let him know so he can RSVP later in the week.

c. Consider employee compensation matter

The Board reviewed a proposed employment contract amendment for Town Administrator Shane O’Keefe that provides for an annual salary increase to \$58,000, and an increase in the Town’s contribution to his retirement plan from 5% to 8.62%. The Board discussed the agreement

Taylor Prouty moved to approve the employment agreement amendment, seconded by Bob Forbes, passed unanimously.

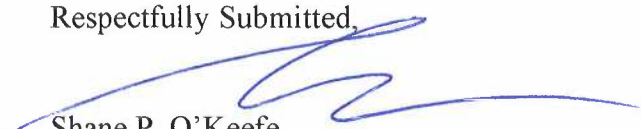
10. Adjourn

Bob Forbes moved to adjourn the meeting, seconded by George Mora, passed unanimously.

The meeting adjourned at 8:30 PM.

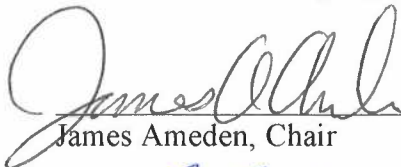
The next regular meeting of the Selectboard is scheduled for January 6, 2020.

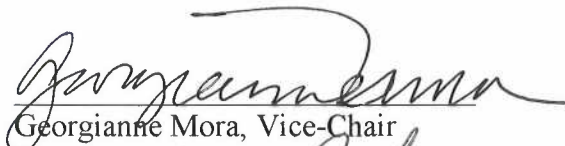
Respectfully Submitted,


Shane P. O’Keefe
Town Administrator

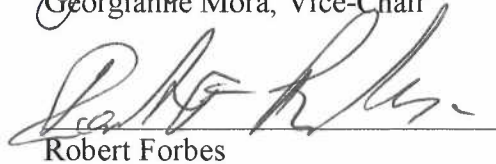
Approved January 6, 2020.

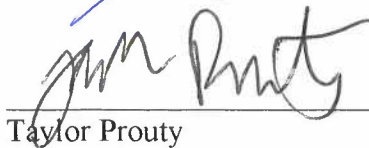
LONDONDERRY SELECTBOARD


James Ameden, Chair


Georgianne Mora, Vice-Chair


Thomas Cavanagh


Robert Forbes


Taylor Prouty

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