

**Town of Londonderry, Vermont**  
**Selectboard**  
**Meeting Minutes**  
**Monday, January 20, 2020**  
**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 Town Clerk Kelly Pajala. Others – Emmett Dunbar, Mark Heberts, and Bruce Frauman (GNAT).

**1. Call meeting to order**

Selectboard Chair Jim Ameden called the meeting to order at 7:00 PM.

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

None.

**3. Minutes Approval – Meeting of January 6, 2020**

*George Mora moved to approve the minutes of the Selectboard meeting of January 6, 2020, seconded by Taylor Prouty, passed unanimously.*

**4. Selectboard Pay Orders**

Pay orders were reviewed and signed by the Board members.

**5. Announcements/Correspondence**

Correspondence included in the meeting package was as follows:

- The Town’s response to the suit by Emanuel Contos regarding tax deeding of property at 104 Tallwood Circle, filed by Town Attorney Bob Fisher on 1/10/2020.
- Corrected 2019 Equalization Study Results issued by the Vermont Department of Taxes, dated 12/20/2019. The only change was the Education Grand List amount.
- A copy of the Development Review Board Rules of Procedure and Conflict of Interest Policy, adopted on 1/15/2015.

O’Keefe noted the following upcoming meetings:

- Jan 27 - 6:00 PM Public Meeting on the community Water/Wastewater study

Ameden noted that the Town has issued a press release asking those plowing and shoveling driveways not to put snow in the roadway as its against State law and makes plowing difficult for the Town Road Crew.

Kelly Pajala stated that early and absentee voting for the presidential primary has begun.

## 6. Visitors and Concerned Citizens

Emmett Dunbar spoke to the Board about a petitioned Town Meeting article that he had turned in, and asked if the Board had seen it and when it would make a decision on it. Moving the discussion of the Town Meeting Warning up in the agenda was briefly discussed.

*Taylor Prouty moved to adjust the agenda to address item 10.b. (Town Meeting Warning) to Item 6.a., seconded by Bob Forbes, passed unanimously.*

### a. Approve Town Meeting Warning

[17 VSA 2641 & 2642]

The Board reviewed the proposed Warning for March 3, 2020 as drafted, which already had included the petitioned article. It was noted that there were enough signatures for the Board to consider inclusion of the proposed article. Ameden read aloud the petitioned article:

“We the residents of Londonderry, Vermont, want the opportunity to develop legal cannabis related businesses, and to form a healthy, safe locally based marketplace within Londonderry for cannabis goods and services”.

Ameden inquired whether the matter covered by the petitioned article could be raised under the last Town Meeting article, which allows for other business, instead of a separate article. Dunbar stated that it would be a non-binding article and that he wished to have it printed and delivered to everyone’s homes, as it’s “politics for politics for politics” and education awareness. He handed out information on Senate Bill 54, which is pending cannabis regulation legislation. He discussed some of the details of the bill as it presently stands, and also some potential benefits to the agricultural and tourism business sectors, and economic development in general.

Rep. Pajala spoke to the status and some details of S.54 as it presently stands, noting that it is very much subject to change. George Mora noted that the Board had spoken about cannabis regulation in the past, and Tom Cavanagh recalled that the Board wished to take a wait and see attitude at the time. O’Keefe pointed out that it was his understanding that because the article does not pertain to Town business per se, the Board is not required to include it on the Town Meeting warning.

Dunbar stated that the petition shows that people in the community are interested in and supportive of the matter, and there will be more people signing the petition. He added that he had shown the petition language to an attorney.

Bob Forbes stated the possible votes on this matter at Town Meeting are “for”, “against” and “pass over”, and the article as written will elicit a good discussion. Ameden said the Moderator should explain the petition for the Town Meeting audience.

The positive economic development impacts of Magic Mountain were also discussed.

Dunbar left the meeting at 7:30 PM.

Proposed Article 17, regarding the \$3,000 proposed capital reserve fund for emerald ash borer infestation, was also discussed. As the money for this would come from the unassigned fund balance and the proposed \$3,000 already in the FY2021 budget could be dropped

*George Mora moved to approve the Town Meeting Warning as provided to the Board, seconded by Taylor Prouty, passed unanimously.*

## 7. Town Officials Business

### a. Board of Listers – Annual certificate of no appeals/suits [32 VSA 4155]

*Taylor Prouty moved that the Board sign the Certificate of No Appeal or Suit Pending, seconded by Tom Cavanagh, passed unanimously.*

### b. Town Treasurer – 2021 Budget Review

Labeau presented to the Board the proposed final budget for review and discussion. She mentioned that she had made all changes agreed to at the previous Board meeting, and had added in the final County tax, which was up a bit, and mentioned that the budget generated a total municipal tax rate of \$0.40385/\$100, including all appropriations. This is a two-cent increase over the present rate, and amounts to roughly \$25 for a home valued at \$100,000.

The decision to remove the \$3,000 emerald ash borer funding from the budget would make a minor change.

Following up on the previous meeting discussion, O’Keefe presented the Board with calculations on various alternatives for his office, including changes to the Assistant’s hours, splitting the Town Administrator and Zoning Administrator positions, and eliminating the Assistant position altogether. The Assistant is presently budgeted for 15 hours per week. The Board reviewed and discussed the various options, and it was the consensus that incremental change would be the best way to proceed with this matter.

*Bob Forbes moved to add 5 hours per week to the Assistant to the Town Administrator position, seconded by Tom Cavanagh, passed 4-0-1, with Taylor Prouty abstaining.*

This change relates to the 2021 budget and amounts to an increase of roughly \$4,000. The two changes to the budget presented were 1) removing \$3,000 for the emerald ash borer infestation efforts due to the separate Town Meeting article, and 2) adding 5 hours per week to the Assistant to the Town Administrator position.

*George Mora moved to approve the proposed FY 2021 budget as presented with the two changes discussed, seconded by Taylor Prouty, passed unanimously.*

### c. Town Treasurer – Year-to-date budget review

Labeau reviewed with the Board the year-to-date-budget, noting that at the half-way point of the budget year expenditures were roughly at 50%. Some items come early in the year so appear to be overspent. She noted that we were doing OK with salt and sand expenditures,

and informed the Board that she had developed the spreadsheet, discussed at the previous meeting, on these expenditures with a tie-in to weather conditions.

There were no questions on the budget.

## **8. Transfer Station**

### **a. Updates**

None.

## **9. Roads and Bridges**

### **a. Updates**

Ameden noted that all seems to be going well, with the Road Crew fine and few equipment repairs. One of the trucks had to be towed out of a ditch but there was no damage to the vehicle.

### **b. Discuss Road Crew uniforms**

Labeau noted that we're not getting good service from the uniform supplier, and the Road Crew is interested in purchasing their own uniforms, for which the Town would offer a stipend. The Board had no objection to this. Labeau will investigate whether the Town remains under contract with the vendor before any decisions are made on this matter, and this should be discussed at the next regular meeting.

### **c. Annual VTrans Certificate of Highway Mileage [19 VSA 305(b)]**

This is a document that must be signed each year. It was noted that there were no changes to Town road mileage this past year.

*Taylor Prouty moved to sign the annual VTrans certificate of highway mileage, indicating no changes from the previous year, seconded by Tom Cavanagh, passed unanimously.*

### **d. Discuss special weight limits for highways and bridges [23 VSA 1400b & 1400c]**

O'Keefe explained that by February 10 each year the Town must declare to VTrans whether it wished to establish special weight limits on Town highways.

Ameden explained that we allow for local business to conduct their operations on local roads by contacting him or the Road Foreman. O'Keefe noted that for each overweight permit issued a notice on contacting them is attached.

*George Mora moved to move to pass over this matter, seconded by Taylor Prouty, passed unanimously.*

**e. Consider application(s) for excess vehicle weight permits [23 VSA 1400a]**

The Board reviewed an overweight permit application, and it was noted that the applicable fee was paid and insurance certificate received.

*Bob Forbes moved to move to approve the excess weight permit for Newport Sand & Gravel Co., Inc. / Carroll Concrete Co., Inc., seconded by Taylor Prouty, passed unanimously.*

Mark Heberts left the meeting at 8:30 PM.

**f. Conflict of Interest waiver for Town Attorney to draw up agreement on request to improve and maintain portion of Under the Mountain Road (TH36) and Legal Trail #2**

This matter was discussed at the meeting of 12/16/2019. O’Keefe noted that Fisher & Fisher had drafted this waiver agreement as the firm represents both the Town and the individuals wishing to improve and maintain a portion of Under the Mountain Road and a legal trail for a new home in Jamaica.

A draft of the proposed agreement has already been received and distributed to Ameden and Road Foreman Josh Dryden, and O’Keefe said he had some suggested changes that he would work on with the Town Attorney. The matter should be on the next regular meeting agenda.

*George Mora moved to authorize the Selectboard Chair to execute a waiver of conflict of interest regarding the hiring of Fisher & Fisher Law Offices to draw up an agreement to improve and maintain a portion of Under the Mountain Road and a legal trail, seconded by Taylor Prouty, passed unanimously.*

O’Keefe will forward the signed document to Town Attorney Bob Fisher.

**10. Old Business**

**a. Consider participation in the WRC Regional Broadband initiative**

There was a brief discussion of the Board’s 10/22/2019 letter of support to the Windham Regional Commission in this matter. Mora mentioned that she had attended the recent Windham Region a Broadband Project meeting sponsored by WRC. She mentioned that Toby Fitch attended with her and he has agreed to be the Town’s point of contact if appointed. His role will simply be to be that contact and may have to attend some meetings.

She said that what WRC is looking to do is form one, maybe two, communications union districts (CUD), and has received funding from Vermont Department of Public Service to do a feasibility study on this, which will include various surveys. ECFiber and ValleyNet will conduct the study for WRC and create a business plan. The Town will need to assist with some of the survey work.

Forbes noted that broadband availability is a huge economic development issue for the community.

Mora noted that some communities are including forming such a CUD in their Town Meeting Warning, but it was not necessary for Londonderry to do this at this time.

*Taylor Prouty moved to resolve that the Town of Londonderry intends to participate in the Windham Region Broadband Project and designates Toby Fitch as the Town’s point of contact for this effort, seconded by George Mora, passed unanimously.*

O’Keefe will inform the WRC of the Board’s vote.

**b. Approve Town Meeting Warning [17 VSA 2641 & 2642]**

This matter was addressed earlier in the meeting.

**c. Septic fields – Consider proposals for PFAS sampling**

O’Keefe spoke about how while the Town was in the process of closing out the septage fields’ State certification, the ANR-DEC Residuals Management & Emerging Contaminants Program directed the Town to conduct per- and polyfluoroalkyl substances (PFAS) testing in order to provide data for consideration by the Vermont Legislature. An attempt to be excluded from this requirement was rejected.

He provided the Board with the four proposals for PFAS sampling as follows:

- **Endyne, Inc.**, Williston, VT \$4,385
- **Otter Creek Engineering**, Rutland, VT \$4,850
- **Harper Environmental**, Bridgewater Corners, VT \$4,855
- **KAS Environmental Science & Engineering**, Williston, VT \$5,115

O’Keefe noted that the cost of this work is unbudgeted, and that the figures presented were estimates only and could vary depending on site conditions. Snow plowing to the testing locations was discussed.

*Taylor Prouty moved to accept the cost estimate from Endyne, Inc. for the PFAS sampling and testing for the Septage fields in the amount of \$4,385, and to authorize the Town Administrator to sign any documents necessary to secure the services of the selected consultant for this effort, seconded by George Mora, passed unanimously.*

**11. New Business**

**a. Town Office generator – connection to Town garage**

O’Keefe noted that he had been informed by the Town Office generator contractor that we could experience significant damage to the Town Office generator engine if it continues to operate under such a light load. It is over-designed for its current use and was originally sized to also serve the Town Garage, and he said that he wanted to start the conversation with the Board on making that connection. Apparently running under such a light load causes inefficient burning of the diesel fuel, causing “wet stacking”.

Options discussed are to erect poles and run cable overhead, or to bury cable in conduit through or around the wetlands between the two structures.

There was general interest in pursuing underground service, and adding several conduits for future use was discussed as being a good idea. O’Keefe will contact the State of Vermont ANR-DEC to see about the feasibility of running conduit for the connection through the wetlands. He will also look at the cost of running the conduit and report back to the Board in the next month or so.

The idea of looking for another generator maintenance contractor was discussed.

**12. Adjourn**

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

The meeting adjourned at 8:28 PM.

The next regular meeting of the Selectboard is scheduled for February 3, 2020.

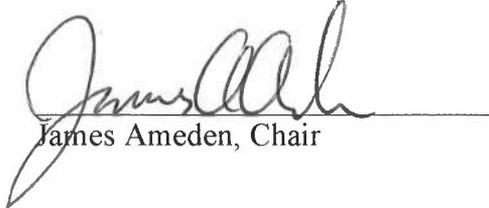
Respectfully Submitted,



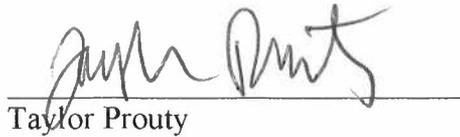
Shane P. O’Keefe  
Town Administrator

*Approved February 3, 2020.*

**LONDONDERRY SELECTBOARD**

  
James Ameden, Chair  
Georgianne Mora, Vice-Chair

Thomas Cavanagh

  
Robert Forbes  
Taylor Prouty

\* \* \*