

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, April 6, 2020
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Emergency Management Director Kevin Beattie, Town Clerk Kelly Pajala, Road Foreman Joshua Dryden, Recycling Coordinator Esther Fishman, Conservation Commission Chair Irwin Kuperberg. Others – Charlie Sneath, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:00 PM.

She noted that in response the Governor Scott’s January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his “Stay Home, Stay Safe” executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on April 4, 2020, and still available on the Town’s website, provided information on how the public could participate in the meeting. She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves, as did the other participants.

2. Additions or deletions to the agenda

It was noted that Kelly Pajala had requested that the Board consider closing Town parks due to the spreading COVID-19 virus.

Tom Cavanagh moved to add to the Town Officials Business section of the agenda a discussion by the Parks Board on closure of Town Parks, seconded by Vincent Annunziata, passed unanimously.

3. Minutes Approval – Meeting of March 16, 2020

Taylor Prouty moved to approve the minutes of the Selectboard meeting of March 16, 2020, seconded by Tom Cavanagh, passed unanimously.

4. Selectboard Pay Orders

Pay orders were reviewed and signed by the Board members.

Taylor Prouty moved to approve the pay orders for payroll and accounts payable, to be e-signed after the meeting, seconded by Vincent Annunziata, passed unanimously.

5. Announcements/Correspondence

Correspondence included in the Board’s meeting package was as follows:

- A notice issued on 4/1/2020 by the Vermont Department of Environmental Conservation (DEC) on precautions to take when visiting solid waste facilities, such as the Transfer Station.
- A 3/4/2020 notice of the proposed Vermont Dam Safety Rules from the DEC, indicating that there is a public comment period ongoing. O’Keefe noted that these rules will impact Londonderry.
- A copy of the Town’s letter of interest, filed on 3/31/2020, in the Northern Borders Regional Commission Economic and Infrastructure Development Grant Program, prepared by Planning Commission Chair Sharon Crossman, which was authorized at the previous meeting.
- A copy of the Windham Region Broadband Study survey response summary, issued on 4/6/2020.

Tina Labeau mentioned that the Towns is now accepting credit card payments on the Town website for dog registration and recycling fees. Mora mentioned that it was very easy to use.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

It was agreed to adjust the order of the agenda on a number of matters to accommodate schedules.

a. Solid Waste Coordinator - Compliance with regulations on disposal of food scraps

Esther Fishman spoke to the Board about the food scrap ban scheduled to become effective 7/1/2020. She noted that it is still scheduled to take effect but that there may be some testimony before the Legislature from Casella seeking to move it out to 2021 at least, and to suspend until December of this year the landfill ban on recyclables due to market difficulties.

The company is also seeking to allow for grants from the solid waste management fund, which funds municipal hazardous waste collections, to be made available for the private sector as well as public sector.

She also asked that the meeting agenda going forward reflect Solid Waste Management instead of just Transfer Station.

b. Town Clerk – Delay applicability of dog registration late fee [20 V.S.A. §3581(a)]

Labeau spoke briefly on this request from the Town Clerk to allow for waivers of the late registration fee due to difficulties residents are experiencing both with funds and the closure of the Town Office.

Taylor Prouty moved to move to waive the applicability of the collection of the dog or wolf hybrid registration late fee specified under 17 VSA section 3581(a) until July 1, 2020, seconded by Vincent Annunziata, passed unanimously.

c. Parks Board – Closure of Town parks

The Board discussed closure of Memorial Park and Pingree Park due to the need to help prevent the spread of COVID-19. Closure of gates to the Town parks and posting of signage was briefly discussed.

Vincent Annunziata moved to close all Town parks to the public until the Governor lifts the STAY HOME, STAY SAFE order or issues new orders regarding social distancing that allow for safe use of the parks, seconded by Taylor Prouty, passed unanimously.

11. New Business

a. Feral Swine monitoring on Town property

The Board agreed to move up consideration this smatter, which was scheduled for later in the meeting, as the Emergency Management Director was delayed.

There has been a request from the USDA to conduct research on three Town properties for the possible presence of feral swine in the area. Whether there would be baiting or camera trapping was discussed. The properties are as follows:

- Transfer Station land, Parcel 103010.100, 40 acres (on map 2)
- Middletown Road land (name?), Parcel 062024.100, 25 acres (on map 14)
- Shamburg Property, Parcel 073008.000, 101.7 acres (on map 14)

Kuperberg asked to have the USDA coordinate with the Conservation Commission, with him as a contact.

Tom Cavanagh stated that there should be no baiting at the Transfer Station due to existing unwelcome bear activity.

It was agreed that the methods and manner in which the research would take place needs to be clarified before the Board can act on this request. O’Keefe will contact the USDA representative to get this information in time for the next Board meeting.

7. Town Officials Business

d. Emergency Management Director – COVID-19 response updates

Kevin Beattie briefed the Selectboard on COVID-19 response matters. He noted the effort to procure 10 gallons of hand sanitizer has been delayed but he’s still working on it. And many in the area are making protective masks for first line responders, and efforts are underway to coordinate distribution to those needing them.

He noted an increase in calls received regarding people continuing to move into the area. He said he has looked into a few of these cases. His observation on compliance with the recommendation to wear masks in public is roughly 50-50, and he’s working hard to get the word out on this important step to prevent further viral spread.

He noted that there is a burn ban now in effect, and the Forest Fire Warden is no longer issuing burn permits. It was noted that, in addition to the weather changing, it was important to ensure that emergency personnel were not being overtaxed or in unnecessary contact with others. Manchester and Chester are also banning burning at this time.

On closure of the parks, Beattie asked about signage for park closure.

He posed a question on what the Board members think about putting up signage at local stores on the need for the public to wear masks, subject to approval of the property owner. All Board members agreed that it was a very good idea, particularly at the grocery store.

8. Transfer Station

a. Updates

Cavanagh gave an update on the Transfer Station. He noted that all is well at the facility, with staff practicing good health and safety procedures, and mentioned that he had made a water tank for hand washing. He thanked the Vermont Butcher Shop for providing gloves to the facility for use by the staff. He suggested to visitors that they bring your own marker to mark your own punch cards.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of March 2020:

Salt – 119 tons	Sand – 231 yards	Vehicle Fuel – 1,285 gallons
Heating fuel (gallons):	Town Garage 100, Town Office 100, Town Office Generator 15, Transfer Station 0, Town Hall 0	

He noted that the 2008 truck has a leak in the oil pan and is going for repairs early next week, and the 2020 vehicle goes in for electrical warranty repairs after its return.

He said that staff is practicing good health and safety protections, such as not sharing equipment, and wiping things down with disinfectant, trying to clean things often. Staff is trying to stay separate, and has flexed hours and days as appropriate.

He is getting a price on a new garage door at the Town Office shed after one of the trucks backed into it. The estimated cost is \$4,386. Labeau mentioned several budget lines where funds for this project could come from. O’Keefe suggested filing an insurance claim for this damage, but it was suggested that an insurance claim would not allow for a new type of overhead door being proposed. This expense was approved in the pay order earlier in the meeting.

Older vehicle damage to the salt shed was briefly discussed. Prouty will look at the damage and see if there is an immediate repair needs and report back to the Board.

b. Award contract for Derry Woods Road Culvert Project

O’Keefe noted that the Town had gone out to bid for this box culvert project and received initial bids as follows:

- Hunter Excavating, Inc. - \$274,033
- Neil H. Daniels, Inc., dba Daniels Construction - \$296,983
- G & N Excavation, Inc. - \$351,150
- Champlain Construction Company, Inc. - \$358,455
- Kubricky Construction Corporation - \$432,447

He noted that due to the possibility of unstable subsurface conditions it was recommended by the Town’s engineer to seek supplemental bids from the two low bidders for a squash culvert alternative, which were received as follows:

- Hunter Excavating, Inc. - \$259,995
- Neil H. Daniels, Inc., dba Daniels Construction - \$286,983

Road Foreman Dryden and Road Commissioner Prouty recommended accepting the low bid from Hunter Excavating, Inc., and stated that the company has a good reputation for high quality work.

Taylor Prouty moved to accept the bid from Hunter Excavating in the amount of \$259,995 for the Derry Woods Road Culvert project (RFP #2020-01), to authorize a 5% contingency allowance, and to authorize the Town Administrator to execute all necessary documents to employ the contractor, including a construction contract after review by the Town Attorney, seconded by Tom Cavanagh, passed unanimously.

O’Keefe will notify the bidders and work with the Town Attorney on the contract. This project is partly funded through a \$175,000 VTrans Structures Program grant.

c. Annual VTrans Certification of Compliance with Town Road & Bridge Standards and network Inventory

This is an annual approval required by VTrans.

Taylor Prouty moved to approve the VTrans certification of Town Road and Bridge Standards and Network Inventory, seconded by Tom Cavanagh, passed unanimously.

d. Annual Town Highway Financial Plan certification [19 V.S.A. §306(j)]

This is also an annual approval required by VTrans.

Taylor Prouty moved to adopt and authorize the Selectboard Chair to execute the annual financial plan for Town highways pursuant to 10 VSA Section 306(j), seconded by Vincent Annunziata, passed unanimously.

e. Consider application(s) for excess vehicle weight permits [23 V.S.A. §1400a]

The Board reviewed and considered several overweight vehicle permit applications. O’Keefe recommended the Board authorize him to execute the permits due to difficulties with processing them remotely.

Tom Cavanagh moved to approve excess weight permits for the following companies and authorize the Town Administrator to sign the application forms on behalf of the Town: St. Pierre, Inc.; P & L Trucking, Inc.; G.W. Tatro Construction, Inc.; Miller Construction, Inc.; and Crandall Logging, LLC, seconded by Vincent Annunziata, passed unanimously.

10. Old Business

a. Town Office generator – Discussion on connection to Town garage

O’Keefe brought to the Board’s attention estimates of cost related to the permitting and installation of connecting the Town garage to the Town Office generator, noting that the cost of permitting fees would be over \$1,000, and the estimate for cable, conduit and installation is between \$6,000 and \$7,000 even with the Town Crew doing the trenching work, for a total cost of approximately \$10,000.

Prouty noted that this installation cost is not off base in his experience. Mora added that it was important to note that the existing generator was designed for more load and that it is problematic to continue without adding load to it. Labeau added that the Town would save about \$140 per month on phone and internet service by way of connecting the facilities, which could help pay for the project over 6 years.

It was agreed that it was a good investment over time to have the Town Garage connected to the generator. O’Keefe noted that he will work with the Town’s electrician on putting the project out to bid and will bring it back to the Board for consideration. He also noted that he may have to come back to the Board for approval of any cost overrun for the wetlands permitting if there is any.

11. New Business

b. Feral Swine monitoring on Town property

This matter was discussed earlier in the meeting.

c. Discuss budget matters

Mora brought up this matter due potential financial impacts on residents and businesses due to efforts to avoid the spread of COVID-19, and while taxes are not due until October, she wants the Town to be prepared to cut the budget, or make other financial arrangements. Labeau shared a preliminary set of budget cuts for FY2020 totaling about \$200,000, including elimination of paving.

Prouty mentioned that some State-funded projects that the Town is working on are on hold due at this time due to executive actions.

Kelly Pajala noted that the date for filing homestead exemptions has been pushed out and staff will be months behind schedule due to this. This will likely impact the schedule for sending out tax bills.

She added that the municipal tax year will be significantly impacted, and deadlines will be changed, as will State revenues, so it's going to be hard to do much financial planning with all the uncertainty.

She asked that all departments and Board members look at budgets for potential reductions. Labeau will send out her first budget cut out.

Prouty floated the idea of an alternate grievance process for tax payment timeframe.

Pajala and Labeau noted that the tax payment deadline won't change, but due to the homestead exemption timeframe change there will be several rounds of tax billing. The Board may have the option of waiving delinquent penalties but not the interest on delinquent taxes, and should consider this in the future. Pajala stated that there may be some guidance from the State or statutory changes to deal with these issues.

Mora stated that the Town should be prepared to take extreme measures to address the issues facing it now, as this is a once in a lifetime set of circumstances it is facing.

Fleming offered to be of assistance to Labeau due to his proximity to the Town Office.

d. Executive Session - Possible disciplinary or dismissal action against a public officer or employee, per 1 V.S.A. §313(a)(4)

Upon request of Esther Fishman it was agreed by the Chair to amend the agenda by reversing the order of the scheduled executive sessions.

Taylor Prouty moved to enter executive session to discuss possible dismissal action against a public employee pursuant to Title 1, Section 313(a)(4), to include Shane O'Keefe and Esther Fishman, seconded by Tom Cavanagh, passed unanimously.

The Board entered in executive session at 7:22 PM.

The Board came out of executive session at 7:26 PM.

Taylor Prouty moved to dismiss Daniel Nowokunski, a part-time probationary employee, from Town employment effective immediately, and authorize the Selectboard Chair and Town Administrator to execute a letter indicating the Board's decision in this matter, seconded by Vincent Annunziata, passed unanimously.

e. Executive Session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. §313 (a)(1)(E)

Taylor Prouty moved to find that premature general public knowledge of pending civil litigation or a prosecution, to which the public body is a party will clearly place the Town or person involved at a substantial disadvantage, seconded by Tom Cavanagh, passed unanimously.

Taylor Prouty moved to enter executive session to discuss pending civil litigation to which the Selectboard is a party pursuant to Title 1, Section 313((a)(1)(E), seconded by Vincent Annunziata, passed unanimously.

O'Keefe was invited to attend the executive session The Board entered in executive session at 7:30 PM.

The Board came out of executive session at 7:38 PM.

Taylor Prouty moved to Participate in mediation in the case of the combined cases of 1) In Re 70 Winhall Station Road, Vermont Woodchips Real Estate Holdings, LLC and 2) Vermont Woodchips, Inc. et al NOV, up to 1/3 the cost of that mediation, not to exceed \$750, seconded by Vincent Annunziata, passed unanimously.

12. Adjourn

Mora raised with the Board the many years of dedicated service that Joan Dayton has provided to the Town as Collector of Delinquent Taxes, and it was the consensus of the Board that Mora should send her a letter of appreciation on behalf of the Board.

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

The meeting adjourned at 7:44 PM. The next regular meeting of the Selectboard is scheduled for April 20, 2020.

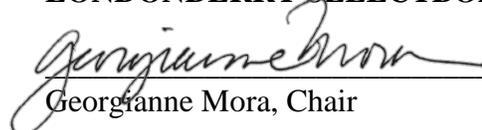
Respectfully Submitted,



Shane P. O'Keefe
Town Administrator

Approved April 20, 2020.

LONDONDERRY SELECTBOARD



Georgianne Mora, Chair