

**Town of Londonderry, Vermont**  
**Selectboard**  
**Meeting Minutes**  
**Monday, May 4, 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, Recycling Coordinator Esther Fishman, Conservation Commission Chair Irwin Kuperberg, Road Foreman Josh Dryden and Road Crew member Jarrett Sanderson. Others – Seth McLaughlin, Bruce Frauman (GNAT).

**1. Call meeting to order**

Selectboard Chair George Mora called the meeting to order at 6:04 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 May 1, 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.

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

Tom Cavanagh asked to have a discussion on when to reopen the Transfer Station on Sundays. He also asked to add to the agenda a matter regarding stumps being dumped at the Transfer Station.

*Tom Cavanagh moved to add to the Transfer Station/Solid Waste Management section of the agenda the following: the reopening of the Transfer Station on Sundays (as #9.b.) and use of the stump dump (as #9.c.), seconded by Vincent Annunziata, 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 to enter executive session to consider the employment of a Town employee, pursuant to Title 1, Section 313(a)(3), with Seth McLaughlin, Esther Fishman and Shane O’Keefe in attendance, seconded by Tom Cavanagh, passed unanimously.*

The Board entered in executive session at 6:14 PM, and came out of executive session at 6:26 PM.

*Tom Cavanagh moved to hire Seth McLaughlin to fill a part-time Transfer Station attendant position on Sundays at a rate of \$16.00/hour, effective immediately with the scheduling to be determined, seconded by Taylor Prouty, passed unanimously.*

The Board members welcomed McLaughlin aboard, and Cavanagh noted he would coordinate with him the following day.

**4. Minutes Approval – Meeting of April 20, 2020**

*Taylor Prouty moved to approve the minutes of the Selectboard meeting of April 20, 2020, seconded by Jim Fleming, passed unanimously.*

**5. Selectboard Pay Orders**

Pay orders were reviewed by the Board members. There would be single-source signing by the Board members.

*Taylor Prouty moved to approve the pay orders for payroll and accounts payable, seconded by Jim Fleming, passed unanimously.*

McLaughlin left the meeting at 7:16 PM.

**6. Announcements/Correspondence**

Sharon Crossman, on behalf of the Farmers Market Board, announced that the Farmers Market is scheduled to open on May23rd under an operations plan subject to any applicable guidelines, and will have a Vendors License application for consideration at the next Selectboard meeting.

Tina Labeau noted that WRC Representative Denis Pinkernell had conveyed to her information about lack of response in Windham County to the US Census, and the need to get the word out to those who have not responded. There was discussion about giving a reminder notice, and Labeau noted that she would post information on the Town website, the Forum, and do an email blast.

O’Keefe noted that the amendment to the Town’s Traffic & Parking Ordinance, passed by the Board on 3/16/2020, which establishing speed limits on Middletown Road, will go into effect on

5/15/2020 as there was no petition filed with the 44-day appeal period after its adoption. He recommended that speed limit signs be put up that day.

Correspondence included in the Board's meeting packet was as follows:

- A 4/15/2020 letter of thanks from the Chester Snowmobile Club for use of Town roads for snowmobile activity.

Also, he noted that the Town received a note from Neighborhood Connections forwarding thanks from Marcy Gekosky and Elizabeth & Andrew Thompson to Town staff and elected officials for keeping things running under tough conditions.

## **7. Visitors and Concerned Citizens**

None.

## **8. Town Officials Business**

### **a. Emergency Management Director – COVID-19 response updates**

Emergency Management Director (EMD) Kevin Beattie briefed the Board on the COVID-19 pandemic and the declared state of emergency. He noted that the four-town virtual Emergency Operations Center is still active, dealing with local matters.

He mentioned that the COVID-19 infection numbers are trending very well in Vermont, but the proximity of the nearby hotspots of New York and Massachusetts was a concern according to the Governor. He stated that we as a community need to stay vigilant and it's still important to follow stay-at-home orders, use masks in public places, and for those coming from elsewhere to quarantine.

He noted that the Governor has incrementally allowed for opening up some outdoor business and outdoor activities. And that business will continue to open up.

Local supplies for the Town and emergency responders are in good shape he noted. There are no food shortages locally, but there may be shortages of all kinds of meats in the future based on national conditions. The real problem with food is affordability as people's incomes have taken a severe hit. There have been state-wide distributions of food by the Vermont National Guard for the Vermont Food Bank, with huge numbers of takers: approximately 120,000 meals in Rutland, 98,000 meals in Springfield, and 80,000 meals in Bennington. Some food distributions will be in the near future in the Londonderry area, targeting Bromley and Magic Mountains.

Beattie said he could not at that time provide an update on the town-wide mailing.

On recreational activities, he stated that he observed a lot of large gatherings of people in various places, including Williams Park, and was concerned that he did not see much social distancing or much use of masks. He reported that Lowell Lake is very busy, with 33 cars in

the lot, and there were 7 cars at the West River trailhead, and 4 cars at the campground entrance. He said it's a state-wide concern as we get into better weather. Fishman noted that she witnessed people distancing from one another at Lowell Lake. Beattie said he spoke with State and federal recreation representatives and reported on site limitations and available information on opening dates.

He asked for Selectboard feedback and approval to post signs at the Lowell Lake, the West River trailhead, Williams Park and the Winhall Brook Campground that provides State guidance on safe public assembly. Annunziata recommended that the sign be broken up into a number of smaller signs to create greater effectiveness. Mora suggested signs of 11" X 17", and Fleming suggested creating a few extra in case others are needed now or in the future. It was the consensus of the Board that posting this signage was a very good idea, and that Beattie should be given leeway to handle this effort.

Beattie mentioned the potential for a surge of people to the area may lead to a surge in COVID-19 cases, as could the interest in locals to get out of their homes.

There was a brief discussion about the operations of the farmers market.

**b. Emergency Management Director – Discussion & update on Hazard Mitigation Plan**

Beattie mentioned that the Town's Hazardous Mitigation Plan needs to be updated every five years and is a bit overdue at this time. He noted that Londonderry is one of six towns to receive grant funds for this effort and will receive approximately \$7,500 to hire a consultant. He noted that the process can be pretty involved for local officials with a number of meetings. He mentioned that there is a 25% match for the Town, which can take the form of in-kind efforts by staff.

He stated that the Town needs to put the consultant work out to bid at this time, and O'Keefe said that he would be happy to handle the bid process. Beattie will send to O'Keefe the required bid format.

**c. Emergency Management Director – Incident Command Delegation of Authority**

Beattie noted that this is an annual assignment, that give the two local fire chiefs incident command authority during emergency responses.

*Taylor Prouty moved to appoint the Phoenix Fire Chief as Incident Commander for the Phoenix Fire Department coverage area, and the Champion Fire Chief as Incident Commander for the Champion Fire Department coverage area, for the period of May 1, 2020 to April 30, 2021, and delegate to these individuals the authority to perform the following functions in their respective coverage areas:*

- *Ensure incident safety*
- *Provide overall leadership and accountability at the incident scene*
- *Set the incident objectives, strategies, and priorities*
- *Delegate authority to others,*

***And further authorize the Selectboard Chair to execute declaration documents for these appointments on behalf of the Board, seconded by Tom Cavanagh, passed unanimously.***

Beattie noted that the Town is in the FEMA pipeline for funding for the COVID-19 response.

## **9. Transfer Station/Solid Waste Management**

### **a. Updates**

Esther Fishman gave an update on Legislative actions related solid waste collection, and noted that all aspects of the 2012 Solid Waste Bill are still scheduled to go into effect, including food scrap collection on July 1st, but if markets remain poor haulers would like to be able to put recyclables into the landfill.

Cavanagh mentioned that safety procedures are going well. A new facemask will be required for the new employee, as will VOSHA training.

### **b. Reopening of Transfer Station on Sundays**

Cavanagh mentioned that he and Fishman had spoken about reopening on Sundays and recommend doing so on May 17th particularly now that we'll have a full crew. Training of the new employee was discussed.

*Taylor Prouty moved to reopen the Transfer Station on May 17<sup>th</sup> barring any executive orders from the Governor, seconded by Tom Cavanagh, passed unanimously.*

Fishman reminded the Board that the Governor's executive orders have not required any closures, and that the Town has been allowed to adjust hours without State approval.

### **c. Use of the Stump Dump**

Cavanagh mentioned that he understands that the Town of Weston wants to bring to the Transfer Station's stump dump approximately 100 stumps over the next three weeks, and we normally only get about 20-30 per year. He suggested that we ask Weston to provide its own loader to push back the stumps, and figured it would be 10+ loads of stumps delivered. Dryden warned of the likelihood of sinkholes at the site.

It was agreed that O'Keefe would write a letter to the Town of Weston on the need to provide the loader. O'Keefe will work with Cavanagh on the text of a letter and sign on behalf of the Town.

Fishman left the meeting at 7:16 PM.

## **10. Roads and Bridges**

Mora suggested to adjust the agenda to conduct at this time the executive session scheduled for later in the meeting.

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

*Tom Cavanagh moved to enter executive session to discuss possible disciplinary action against a public employee pursuant to Title 1, Section 313(a)(4), to include Josh Dryden and Jarrett Sanderson, seconded by Vincent Annunziata, passed unanimously.*

The Board entered in executive session at 7:18 PM, and came out of executive session at 7:39 PM. No decisions or action was taken by the Board.

**b. Updates**

Prouty mentioned that he and Dryden had met with Wesley Ameden and over the phone with the property owner seeking to improve the class 4 portion of Under the Mountain Road and the connecting legal trail into Jamaica, which was approved by the Board on 12/16/2019, and some of the work would be starting soon.

He noted that Fuller Sand & Gravel, Inc. would be restarting its paving work from last season, with grinding taking place soon. Dryden clarified that the grinding would be taking place the next day and paving would begin the following week. Dryden noted that he was unsure of the money available at this time and hoped to go as far as possible on Landgrove Road, and use all of the money left over in the paving budget for that. Labeau noted that unspent paving funds do not roll over into the next fiscal year.

Beattie suggested paving Mansfield Road. Prouty mentioned that he and Dryden would come to the next Board meeting with a list of roads for paving in the next fiscal year. He also suggested pricing out larger projects and smaller ones as well in case additional funds became available.

O’Keefe noted that the Board on 5/23/2019 voted to “accept the bid from Fuller Sand & Gravel, Inc. for paving services for work limited to Landgrove Road and Cobble Ridge Road, to fit within the budget appropriation as appropriate”. The bridge road was completed for \$5,700, so there is \$154,300 available. Dryden said that the contractor’s costs are lower at this time and he said he’s come in with lower prices. It was agreed that there is a bit more than \$154,000 for paving this fiscal year, to be used for Landgrove Road.

**c. Award contract for equipment/supply of calcium chloride**

Prouty noted that there were no other viable bidders to provide a comparison bid for the supply of chloride storage equipment. The proposed contractor would be supplying all new equipment. Dryden mentioned other nearby communities use the same supplier. He also mentioned that he may have someone interested in taking the old equipment.

O’Keefe questioned whether the Town would use the 12,500 gallons of liquid chloride per year as required by the three-year lease-purchase agreement. Dryden noted that the Town O’Keefe questioned whether the Town would use the 12,500 gallons of liquid chloride per year as required by the three-year lease-purchase agreement. Dryden noted that the Town used only 3,000 gallons last year, but the Town was not using the proper amount per mile.

He said that increased use can help save the road integrity, and that he did not believe the Town would be required to buy liquid that it did not need.

*Taylor Prouty moved to 1) determine that Innovative Surface Solutions, Inc. is the only possible source for equipment and supplies for liquid calcium chloride for road surface treatment, and is hereby approved as a sole source vendor for that equipment, and 2) authorize the Town Administrator to execute the 3-year equipment rental agreement on behalf of the Town, which includes a minimum annual supply purchase of 12,500 gallons, and 3) authorize an initial purchase of 4,300 gallons at \$1.04/gallon, seconded by Vincent Annunziata, passed unanimously.*

## 11. Old Business

### a. Septage fields – Consider proposal for PFAS work plan and groundwater sampling

O’Keefe recounted the recent history of the Town’s requirement to test for per- and poly-fluorinated substances, known as “PFAS”, at the former septage fields, and noted that the Town had recently been informed that samples taken in January revealed high concentrations in the groundwater at one of the test wells. A letter from the Vermont DEC requires the Town to retest the well and to develop a sampling plan to test water from all drinking water wells within ¼ mile, which appears to be just one. He presented a proposal from the firm of Waite-Heindel of Burlington, VT, whose subconsultant is Endyne, historically the Town’s sampling firm, in the amount of \$3,232. He noted that the original estimate was \$4,465 but was reduced by offering for Town forces to do some outreach and site verification, and a reduction in the reporting requirement.

O’Keefe noted that there is a chance for there to be additional work in the future depending on the results, but stated that the hydrogeologist at Waite-Heindel is optimistic that there will not be contamination at the lone drinking water well on Boynton Road due to its being on the other side of the West River. The matter of PFAS from other sources was discussed.

O’Keefe suggested that he would look into whether the Town can recover its costs for sampling through joining any efforts on the part of the State of Vermont to recover its costs.

Irwin Kuperberg asked that the Conservation Commission be kept abreast of this process as it manages the Truex property, of which the former septage fields is a part. O’Keefe added that the Energy Committee was looking at the property as a potential site for a solar array.

*Tom Cavanagh moved to 1) determine that the proposal for engineering and sampling work from Waite-Heindel related to PFAS remediation at the former septage fields, estimated to cost \$3,232, constitutes a professional service exempt from the Purchasing Policy’s bid process, and 2) accept the proposal as submitted, and 3) authorize the Town Administrator to sign any documents necessary for the hiring of the firm to conduct the necessary work, seconded by Taylor Prouty, passed unanimously.*

O’Keefe will coordinate with Cavanagh on site access for the consultant as well as verification of drinking water well locations. Beattie recommended that the consultant complies with any COVID-19 directives and requirements.

Dryden and Sanderson left the meeting at 8:13 PM.

**b. Resignation of Town Constable** [17 V.S.A. §2646(7) & 24 V.S.A. §961(a)]

Following up on the discussion at the previous meeting, Mora noted that Board received the resignation of Roger Sheehan as Constable, and that Kevin Beattie has volunteered to be appointed to fill the position.

*Taylor Prouty moved to accept the resignation of Roger Sheehan as Constable and direct the Town Administrator to post notice of the vacancy in conformance with 24 V.S.A. Section 961(a), seconded by Vincent Annunziata, passed unanimously.*

**12. New Business**

**a. Maintenance of Town properties**

Mora noted that deferment of maintenance at Town properties had been brought up at Town Meeting. Prouty pointed out several cases of issues that need to be addressed at several properties and wants to make sure that they don't go unattended. There seems to be a lack of mechanism for getting things fixed and repairs get overlooked. Cavanagh suggested a walk-through of different buildings and putting together an inventory of work needed.

Prouty considered whether Board members should take on maintenance and repairs, or whether a staff member should have this as a responsibility. Labeau noted that most work is done on an emergency basis by the Road Crew.

Sharon Crossman noted the grant-funded historic preservation efforts at the Town Hall and the ongoing Town Office project, and that an engineer has already conducted a needs assessment for the Town Hall and she mentioned some of the findings. O'Keefe noted that estimates of cost for the Town Office project just came in and he would bring them to the Board at the next meeting.

Prouty mentioned a proposal from O'Keefe to bring on a new person who is half-time maintenance and half-time Road Crew. O'Keefe spoke further about this model, noting that other towns do this, but that it would need further consideration due to cost. Prouty stated that he had discussed this with Dryden and a fourth person for the winter highway work would be helpful while that person would not be needed in the summer. Labeau mentioned that a variant of this model was in the budget a few back and was voted down. Beattie stated that he felt what is missing is a definition of who is responsible for overseeing maintenance, not just who's going to do the work, and that it should be a paid staff person.

Mora stated that she agreed that there should be a single responsible person, but the present is not the time to bring on another paid position and this calls for a creative solution. The Board members discussed the strong level volunteerism in the community that could be tapped.

No action was taken, but it was agreed that this matter should be placed on a future meeting agenda when there isn't quite so much taking place.

**b. Recruitment of Town Health Officer**

The Board received an email from incumbent Town Health Officer Irwin Kuperberg noting that he would not be seeking reappointment at the end of his term, which ends at the end of May.

O’Keefe noted this is a State of Vermont appointment based on a recommendation from the Board. Without a Town Health Officer the responsibility would likely become that of the Deputy Health Officer.

Kuperberg said that he’d help out as needed but could not commit to the three-year appointment. It was agreed to advertise the position availability, which O’Keefe would handle.

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

This matter was addressed earlier in the meeting

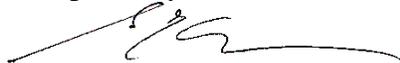
**13. Adjourn**

Jim Fleming spoke about signage along Old School Street.

*Tom Cavanagh moved to adjourn the meeting, seconded by Vincent Annunziata, passed unanimously.*

The meeting adjourned at 8:36 PM. The next regular meeting of the Selectboard is scheduled for May 4, 2020.

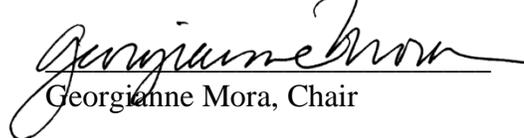
Respectfully Submitted,



Shane P. O’Keefe  
Town Administrator

*Approved May 18, 2020.*

**LONDONDERRY SELECTBOARD**



Georgianne Mora, Chair