

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 15, 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 (6:08 PM, via telephone).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie. Others – Residents Andrew Rackear, Peter Pagnucco, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:03 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 29, 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

Taylor Prouty stated that he would like to include a brief announcement during the meeting.

Kelly Pajala asked to include on the agenda the nomination of a new Parks Board member to fill a vacancy. It was agreed to add this matter to Town Officials Business section of the agenda as item 7.c.

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

Kevin Beattie requested a brief discussion about dogs. It was agreed to add this matter to Town Officials Business section of the agenda as item 7.d.

3. Minutes Approval – Meeting of June 1, 2020

Tom Cavanagh moved to approve the minutes of the Selectboard meeting of June 1, 2020, seconded by Taylor Prouty, passed unanimously.

4. Selectboard Pay Orders

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

Tom Cavanagh moved to approve the pay orders for payroll and accounts payable, seconded by Jim Fleming, passed unanimously.

5. Announcements/Correspondence

O’Keefe noted that the Planning Commission would be meeting at 1:00 PM the following day in a remote meeting to review and discuss the first draft of the proposed new Zoning Bylaw, and anyone interested can participate.

Bruce Frauman noted that the Community Resilience Organization has arranged for printing of additional 500 copies of the recently distributed resource notification card and has made them available at the post offices and Neighborhood Connections.

Tina Labeau mentioned that the waiver of the dog license late fee expires on July 1st, so people are encouraged to license their dogs as soon as possible.

George Mora noted that there remains a vacancy in the Town Health Officer position, which she by default is now filling. She has reached out to people to step up to take on this position without success, and will continue to try and get the word out on its availability.

She also mentioned that there was a break-in at a local store recently and that people should be aware in case this is not a one-time incident.

Taylor Prouty read the following:

“I don’t intend to spark debate or even try to gain unanimous support. I simply want to educate myself, listen, and acknowledge the request of a resolution: To join cities and towns across the state to condemn brutality that has occurred in recent weeks; to recognize this as a defining moment in history and as such, be compelled to speak with unified voices to help our community strive for peace, healing and equal justice for all”.

He noted that the resolution had been forward to Board members and he felt it should be shared.

Mora stated that she did not feel that the Selectboard should be speaking on behalf of the entire town, because she is not sure that it does, and that she was reluctant to politicize the Selectboard and take on political issues. This position was echoed by Cavanagh, Fleming and Annunziata, who added that the Board should be concentrating on Town issues and not necessarily national issues.

Peter Pagnucco stated that he felt that this is a social justice issue and not a political issue, and that this is a great opportunity for all civic leaders to stand up and address an important issue that effects everyone in the state and country. He added that there are people who have been hurting for a long time, and we ought to use our voice to address something as simple as racial justice for everyone. He said that being silent is part of the problem, and the only way to make lasting change is for those with a platform to say something.

Annunziata expressed concern about the Board having to opine on all future national issues, and that Selectboards have no real control over matters such as this and this is not the job of the Board. Cavanagh felt that an issue such as this should be addressed at a Town Meeting and not with the Board.

Pagnucco left the meeting at 6:23 PM.

6. Visitors and Concerned Citizens

None.

7. 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 mountain towns virtual Emergency Operations Center (EOC) is still activated, and the State EOC is partially activated as it's been for a few weeks. He reported that is little activity at this time and not much COVID-19 response work right now, but they are in a wait-and-see mode and will react as appropriate to changing conditions.

Locally supplies are good, he reported, though hand sanitizer may be in short supply due to opening of churches, and some other organizations. The EOC is suggesting that the Town of Weston make the next purchase of hand sanitizer.

He noted that the state-wide State of Emergency has been extended to July 15th. Beattie stated that there is a shelter planning effort underway as provision of shelter for another emergency during the existing pandemic emergency would likely prove challenging. A meeting is coming up on this sponsored by Community Partners, which is subgroup of Neighborhood Connections, and it will involve the Principal of the Flood Brook School.

Food distribution is scheduled for Wednesday, June 17th in the Dover area instead of the Londonderry area, which will be part of the federally-funded Farms-to-Families program. Beattie noted that there might be some funding problems with that program. Food insecurity continues to be an issue locally and nationally.

He stated that the Farmers Market is going smoothly, and that the Governor has announced that campgrounds will soon be opening completely. Availability of restrooms at the campgrounds was discussed.

Kelly Pajala spoke to State of Vermont efforts to address food insecurity, such as funding the Vermont Food Bank, summer distribution of food through local organizations, and Meals-on-Wheels, and food for those in State-supported housing. She added that for any family whose circumstances have changed markedly due to the pandemic, there are lots of stable food distribution programs other than the drive up/pick up points, and where people can buy their own food, and people should apply for these resource benefits through the State of Vermont. Frauman suggested that people can call 2-2-2 for assistance on this.

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

Tina Labeau briefly went over the year-to-date budget figures with the Board, noting that they had the had been distributed to the Board members. She noted that she still had more to do to wrap up the year and she'll have a clearer picture by the next meeting. She mentioned that we'll probably have a little deficit, some of which has to do with grant reimbursements not having come in yet.

c. Parks Board - Nomination of new Parks Board member

Pajala mentioned that Patrick Mora has resigned from the Parks Board some time ago and the Parks Board has recommended the appointment of Elizabeth Labeau to fill the vacancy. She also noted that there are 2020 appointments that need to be made. It was agreed that she and O'Keefe would work on the formalization of terms of all Parks Board members for the next meeting.

George Mora moved to appoint Elizabeth Labeau as the newest member of the Parks Board, seconded by Tom Cavanagh, passed unanimously.

d. Town Constable – Discussion on dogs

Beattie noted that there has been a rash of dogs running uncontrolled on the West River Trail, which have been causing problems, in particular dogs attacking other dogs. He also questioned his role as Town Constable insofar as dogs are concerned.

He recommended that the Town put out a notice to the public reminding everyone of the Town's Dog Ordinance and its requirement that dogs be under control, particularly on public lands. It's been a continuing problem he noted and that such a notice could prove helpful.

The definition of “under control” was discussed. The Ordinance requires that dogs be controlled by being in a vehicle, on a leash of not more than 8 feet in length, or “at heel” beside a competent person and obedient to that person’s commands”.

Pajala noted that there have 3 to 4 dog bites on humans since the beginning of March 2020, which is a much larger number than usual. One in a year is normal she mentioned.

Mora stated that the Board needs to raise awareness via social media reminders and an email blast to get the word out.

Pajala noted that the Town does have an Animal Control Officer who could be used to get the word out to the public.

Pajala, O’Keefe and Beattie will coordinate to write up the public notice and get it to Mora for finalization and distribution.

Frauman noted that the retraining dogs is also good for dogs to prevent injury.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that we are now taking returnables now, and that the take-it-or-leave-it shed is closed until there are restrictions that can be enforced by the workers at the facility.

9. Roads and Bridges

a. Updates

Prouty updated the Board on the trail upgrade project at the end of Under the Mountain Road project, noting that in response to a complaint from a neighbor he and O’Keefe had met with neighbors, that some of the project is now on hold, that the Jamaica property owners have been advised that they should hire an engineer to address erosion control, and that some engineering feedback has already been developed. Town review of the engineering work was briefly mentioned, which can include feedback from neighbors, and any significant changes would need to come back to the Board.

b. Access Permit 2020-04 – 1303 Goodaleville RD, Parcel #051018.000 (Perri)

O’Keefe noted that this application is for a second, and possibly third, access on this property, and the Zoning Bylaw requires Development Review Board approval for any lot with more than one access.

Prouty noted that this looks to be an application only for field access. Mora stated that the project design plans need clarification, and would need to meet Town road standards. It was agreed that this could be handled at the DRB level. The proposed access is on an incline.

Taylor Prouty moved to approve access permit application No. 2020-04, submitted by Michele Perri for parcel #051018.000 at 1303 Goodaleville Road, subject to approval by

the Development Review Board pursuant to Zoning Bylaw Section 402(B), and conformance with Town road standards, seconded by Jim Fleming, passed unanimously.

c. Maintenance of Gale Meadows Road

Prouty brought up ongoing issues of classification, ownership and maintenance of this road (TH#44). He noted that he was able to review older records and found an agreement showing that the Town gave up a section of road, and it was rebuilt by the State of Vermont. He said it is still a Town Highway, that maps show it going all the way to the dam, but that there is paperwork showing it's not a Town road going all the way, and may be 867 feet back from the dam. There has never been any winter maintenance he added, but some maintenance has gone out some distance.

Prouty suggested that if Town forces are going to continue grading the road as required, we might as well grade the entire way since staff has to go all the way in order to turn around. He also suggested adjusting the official Town Highway to reflect

Beattie suggested that the Town Highway maps are incorrect and should be adjusted, as the Town portion is more like 597 feet. Prouty noted that there may be documentation from 1966 in the files that would allow for this adjustment.

Mora felt that the issues at hand are whether to grade the entire length of the road, and how to update the highway map. It was agreed that the full road can be graded, and that O'Keefe, with the assistance of Labeau or Beattie, would find out the legal status of the road and how to update the maps.

d. Tree removal of Thompsonburg Road

Prouty noted that a landowner on the northeast end of Thompsonburg Road had requested removal of two pine trees in poor condition within the Town Highway right-of-way. Because of their precarious location it was determined that the Road Crew should not attempt to remove them. He said the he had spoken with a tree removal company about it and an early estimate to completely remove the trees was \$2,250 if the Road Crew could take care of traffic control to keep down the cost.

Tree Warden Kevin Beattie confirmed that one of the trees can be considered to be a hazard tree, while the other is healthy but should come down anyway. Mora noted that the VTrans Thompsonburg Road safety audit noted that some trees should be removed along the road, which may have been on the list.

Prouty will work on getting cost proposals with O'Keefe and come back to a future meeting for discussion.

e. Review proposed invitation to bid for winter sand

A proposed invitation to Bid for winter sand was reviewed, which requires some additional information as to minimum usage and delivery requirements. Prouty noted that the initial delivery should happen as early as possible so that it is as dry as possible.

Taylor Prouty moved to I move to approve the Invitation to Bid for FY2021 winter sand and authorize the Town Administrator to take all necessary steps to solicit bids for review by the Board, seconded by Tom Cavanagh, passed unanimously.

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

The Board reviewed an application for an overweight vehicle permit.

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: United Natural Foods, Inc., seconded by Vincent Annunziata, passed unanimously.

10. Old Business

a. Discuss Town ordinance prohibiting burning of trash

The Board briefly reviewed and discussed a boilerplate trash burning ordinance put out by the Vermont Department of Environmental Conservation. The Board also reviewed an ordinance from the Town of Chester which is a bit more expansive, including illegal dumping and open fires.

Mora stated that any ordinance should include language in the ordinance should prohibit burning of trash by any means, not just open burning.

Vincent Annunziata moved to direct the Town Administrator to work with the Town Attorney to draft a new Town Ordinance regulating the burning of trash for consideration by the Board, seconded by Taylor Prouty, passed unanimously.

b. Discuss heating oil delivery for Town facilities

Following up the discussion at the previous meeting, the Board reviewed information on the current practice of bulk purchasing of oil and subsequent delivery by the Road Crew to different Town facilities versus contracting with a fuel oil delivery service. Information provided by O’Keefe and Labeau showed that the Town used an average of 3,555 gallons of heating fuel over the past two years. Comparing prices in January only of this year showed a difference in price of \$0.35/gallon, which would make for a savings of \$1,230 per year through the bulk purchase/Town delivery option. O’Keefe noted that there is a lot of time and energy spent by the Town forces doing this work, but this cost difference is significant. Prouty brought up the potential liability of Town forces doing this work and the potential high cost to the Town of this practice. O’Keefe noted that Town forces could be injured on the job doing this work or could cause an expensive spill of fuel. Mora added that the Road Crew has other priorities in the winter.

Labeau noted that Josh Dryden mentioned there may be an issue with the nozzle size of the fill locations. Mora suggested figuring this detail out before a decision is made. O’Keefe said that he would look into other oil delivery costs in 2019 for a more representative comparison. This matter will be discussed again at a future meeting.

11. New Business

a. Consider FY2021 policing contract with Vermont State Police

O’Keefe explained that the proposed new contract for the period July 2020 to June 2021 reflects the reduction in the Town police budget from \$15,000 to \$5,000, and hourly rate had dropped slightly.

O’Keefe briefly left the meeting due to technical difficulties

Taylor Prouty moved to approve the contract for policing services with the Vermont State Police for the period July 1, 2020 to June 30, 2021, for approximately 1.3 hours per week at a rate of \$74.77 per hour, not to exceed \$5,000.00, and authorize the Town Administrator to execute the agreement on behalf of the Town, seconded by Vincent Annunziata, passed unanimously.

b. Resolution seeking federal funding due to COVID-19 pandemic

Beattie noted that this resolution was provided to all Towns in the state by the Vermont League of Cities and Towns seeking direct federal funding to all communities.

O’Keefe returned to the meeting and provided additional information on the resolution.

George Mora moved move, in response to impacts from the COVID-19 pandemic emergency, to adopt a resolution seeking direct financial assistance from the federal government for all municipalities to reopen and rebuild local economies, and authorize the Selectboard Chair to sign the resolution on behalf of the Board, seconded by Taylor Prouty, passed unanimously.

Broadband Communications Union District

Pajala brought up recent efforts to advance the proposed Windham Communications Union District (CUD). She noted that there is some federal money to begin to build out the system, and to take advantage of this the Town must be part of a CUD, which does not require a Town Meeting vote if joining an existing CUD. She recommended that the Town join a CUD soon to take advantage of the opportunity, reported that some of the internet providers are also getting federal funding for expansion.

Mora noted that the Board has already voted to participate in the Windham Region Broadband Project back in January. A formal vote to join the CUD is all that is needed at this time, which should be put on the agenda for the next meeting. It was noted that the Windham Region Broadband Project is recommending that towns join the Deerfield Valley CUD.

12. Adjourn

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

The meeting adjourned at 7:54 PM. The next regular meeting of the Selectboard is scheduled for July 6, 2020.

Respectfully Submitted,



Shane P. O'Keefe
Town Administrator

Approved June 29, 2020.

LONDONDERRY SELECTBOARD


Georgianne Mora, Chair