

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 17, 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, Town Clerk Kelly Pajala, Emergency Management Director and Constable Kevin Beattie, Animal Control Officer Pat Salo, and Solid Waste Coordinator Esther Fishman. Others – Residents Richard Phelan, Jeff Such, Jane Houston, Randy & Beverly Foster, property owners Adam & Lauren Walsh, and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:01 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 August 14, 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 o deletions to the agenda

Kelly Pajala requested that an appointment to the Deerfield Valley Communications Union District be added to the agenda

George Mora moved to add to the Town Officials Business section of the agenda the appointment of alternative representative to the Deerfield Valley Communications Union District Board of Governors, seconded by Taylor Prouty, passed unanimously.

3. Minutes Approval – Meetings of August 3, 2020

Taylor Prouty moved to approve the minutes of the Selectboard meeting of August 3, 2020, seconded by Vincent Annunziata, passed unanimously.

4. Selectboard Pay Orders

Taylor Prouty moved to approve the pay orders for payroll and accounts payable, seconded by Vincent Annunziata, passed unanimously.

O’Keefe noted that in the pay orders was an invoice from the sound engineering consultant for the Vermont Woodchips zoning matter, which will be reimbursed by the property owner.

5. Announcements/Correspondence

Mora mentioned that she and O’Keefe had met with State and contractor representatives of the VT Route 11 paving project, and she provided a detailed update on the project. It was noted that the wear course of the project will have to wait until next year due to pandemic-related delays.

O’Keefe noted correspondence included in the Board’s meeting packet was as follows:

- A letter, dated 8/14/2020, to property owners and residents of Derry Woods Road giving notice of the culvert replacement project, which kicks off this week. He noted that a pre-construction meeting was held last week to discuss the contractor’s proposal to install a temporary bypass roadway, which will save cost and project time. And he mentioned an upcoming meeting with the State’s River Management Engineer on permit revisions.
- Another letter, dated 8/12/2020, from O’Keefe to Taylor Farm owner Jonathan Wright on various land use and zoning compliance issues.
- An application, dated 8/11/2020, for Town Boards, Commission and Committees from new resident Richard Phelan, who has been attending recent Selectboard meetings, seeking appointment for several open positions.
- A letter of thanks, dated 8/5/2020, from Health Care & Rehabilitation Services of Southeastern Vermont for the Town’s annual contribution voted at Town Meeting

6. Visitors and Concerned Citizens

Randy and Beverly Foster spoke about a neighbor having acquired a livestock guardian dog to protect some livestock, and that the dog barks non-stop and disturbs their sleep, and that of neighbors. The Board received a copy of a letter from the dog owner, which noted that the dog is afraid of loud noise and should not be approached. It was noted that the dog had bolted the property upon hearing loud noises and was lost for some time.

The Fosters suggested that the dog’s barking constitutes a violation of the Town’s Dog Ordinance. Mora noted that the Town is looking into whether the property constitutes a farm as there are different laws that pertain to working dogs on working farms. Animal Control Officer Pat Salo had been involved and questions whether the property was an actual farm. Randy Foster noted that there may be deed restrictions preventing farm use of the property.

Adam Walsh also spoke about the lack of peaceful and quiet enjoyment of his home in the neighborhood because of the dog, and added his support for the Fosters. He said that he has contacted the property owner to resolve the issue amicably but is prepared to take legal action.

Mora stated that the Selectboard cannot remove the dog, but that the Animal Control Officer can likely issue a citation.

Beattie suggested that the Town should take a hard line on this and do something about it. O’Keefe mentioned a State law that prohibits municipalities from regulating certain farm dogs, and suggested that Salo seek a farm determination from the State of Vermont. Salo stated that he would visit with the property owner the following day and mention that they were in violation until such time that they are determined to be a farm. O’Keefe was asked to research the matter of farm designation. Salo stated that he’d report back to the Board as necessary.

The Fosters, the Walshes and Salo left the meeting at 5:34 PM.

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 mentioned that the Governor has extended the State of Emergency to September 15, 2020, and it is expected to be extended again thereafter. He noted that COVID-19 cases are creeping up a little, but is not a cause for concern but is being monitored.

There was a discussion of plans for area schools. Annunziata noted that there would be online instruction at first followed by a hybrid model.

Beattie reminded those travelling outside the area that they may need to quarantine for two weeks depending on where they travelled. Furthermore, he noted his concern for family and friend gatherings where people are not always following safety precautions, and reminded everyone to take the pandemic seriously.

b. Town Clerk – Approve Town Meeting minutes of March 3, 2020

The Board briefly review the Town Meeting minutes as prepared by Town Clerk Kelly Pajala. There was discussion about which Board members are to sign the minutes, such as those that were replaced at the meeting. Pajala noted that there has been a history of including in the minutes the signatures for Board members that put together the Town Meeting warning.

It was noted that the Town Meeting was the last time for many that people had been gathered together.

Vincent Annunziata moved to approve the minutes of the Annual Town Meeting of March 3, 2020, seconded by Tom Cavanagh, passed unanimously.

c. Appointment of Alternative Representative to the Deerfield Valley Communications Union District Board of Governors

The Board reviewed with Jeff Such his application for consideration for appointment as alternate representative. It was noted that he is very qualified to serve in the position and that a meeting of the District was coming up shortly.

George Mora moved to appoint Jeff Such as the Town's alternate representative to the Deerfield Valley Communications District Board of Governors, seconded by Tom Cavanagh, passed unanimously.

O'Keefe will provide notice of the appointment to the DVCUD, and Mora will notify the Town's representative, Ellen Seidman.

8. Transfer Station/Solid Waste Management

a. Updates

None.

b. Entryway signage at Transfer Station

Following up on the previous meeting, O'Keefe noted that he had not heard back from VTrans on questions he had posed as requested by the Board, but his research shows that the Town cannot put up a sign within the State right-of-way. He recommended that the Town seek to erect its own sign.

The need to cut back trees and brush in the vicinity of the gate was discussed.

Esther Fishman suggested moving forward with State sign first. It was agreed that Fishman will research the details on the State sign program and report back to the Board, that O'Keefe would seek a response from VTrans, and Labeau will look into posting a 9-1-1 street number sign.

c. Discussion of regional solid waste management program

Fishman gave an overview the community's solid waste management program. She noted that the Londonderry Solid Waste Group (LSWG) is called a Solid Waste Management Entity (or SWME) not a Solid Waste District as referred to in the Trash Burning Ordinance that was recently passed. There are different types of SW Entities in the state, including Districts, Alliances, Individual Towns, and our Group. A district is created by charter approved by the Vermont Legislature. It is governed by a Board of Supervisors and has the authority to assess taxes or surcharges on trash, adopt ordinances for all district member towns as well as other things.

One example of how the LSWG differs from a district, she added, is that in order for the Group to pass an ordinance applicable to all five towns, each town, individually has to pass the ordinance. That was the case when it was required that all haulers register and demonstrate that they were using a Variable Rate Pricing structure. To have the authority to register caretakers, some who are considered haulers by State definition, it was important to have each town pass the ordinance, she said.

In a nutshell: The LSWG has five member towns: Landgrove, Londonderry, Peru, Weston and Windham. Anyone from those towns can use the transfer station and any of the services or special collections offered like HHW and Electronics. The cost for solid waste management is shared by the five towns.

Fishman said that in addition to the day-to-day operations at the transfer station that Tom Cavanagh reports on each meeting, there are other things that go on behind the scenes like contracting and communicating with haulers, finding markets for recyclables, collecting data about what and how much of everything we collect at the transfer station, finding outlets for the banned items if we don't collect them there, keeping the attendants up to date on changes to the solid waste laws and EPR programs. The transfer station is part of the LSWG's Solid Waste Manager's focus.

The Solid Waste Manager also works to comply with Vermont solid waste laws. Some, but not all, of those requirements are:

A. Write a Solid Waste Implementation Plan (SWIP) every 5 years that complies with a Materials Management Plan written by the Vermont Department of Environmental Conservation approved by the Legislature which dictates what all solid waste entities in the state must do. Some examples are:

1. Report weights and types of collected trash and recyclables every quarter
2. Do outreach to every business and school in the 5 towns
3. Either collect or find collection locations for all of the materials required to be collected and kept from the landfill: mercury containing bulbs, paint, electronics, used oil, mercury thermostats
4. Contract for and hold hazardous waste collections or have a permanent facility
5. Have a web site presence with an A-Z list of how and where to dispose of many materials, have information about food rescue organizations, recycling at events, publicize special collections, post the SWIP
6. Establish parallel collections
7. Conduct surveys
8. Register Haulers/caretakers – anyone transporting trash/recyclables in exchange for payment
9. Hold two public meetings over the course of the SWIP
10. Report annually proving the group meets the requirements of the MMP attaching documents, i.e., per capita disposal and diversion rates, collection sites, which businesses and schools have been visited,
11. Calculate franchise tax and send copies to VT DEC.

B. Other things that happen:

1. Apply for grants and prove deliverables to collect the grant funds
2. Make sure the transfer station's certification is up to date (recert this year)
3. Meet with Representatives of the state at Recycling Coordinators, SW Managers, the HW Networks from around the state to stay informed about grant opportunities, changes in the law, group buys of Compost Containers
4. If the Group buys of Compost containers is through a grant, conduct compost workshops
5. Write and send Press releases

6. Communicate with our hauler. TAM had been the contracted hauler for almost 8 years, and last June Casella bought TAM.
7. The Solid Waste Manager is a member of the Vermont Product Stewardship Council that works with the Product Stewardship Institute. These organizations help craft legislation for EPR bills. Those bills help municipalities share the burden of paying for disposal of certain products with the manufacturers of those products. Some examples of those already passed in the state are for batteries, paint, electronics, mercury containing bulbs. At the moment we're working on packaging.
8. The Solid Waste Manager can and has testified in front of the VT House Committee on Natural Resources to represent the interests of small Solid Waste Entities like ours and to make sure Southern Vermont is taken into consideration for any solid waste legislation being planned.

Fishman noted that while the focus is usually on Transfer Station operations, it's important to note that a lot goes on in addition to the transfer station that makes up SW management.

d. Authorize submittal of application for facility recertification

Fishman spoke about an application being put together to recertify the Transfer Station facility.

Taylor Prouty moved to authorize the Recycling Coordinator to file an application for recertification for the Londonderry Transfer Station, and to execute all documents necessary for the application on behalf of the Town, seconded by Tom Cavanagh, passed unanimously.

9. Roads and Bridges

a. Updates

Taylor Prouty mentioned many inquiries about lack of roadside mowing. He mentioned that the roadside mower implement purchased for the excavator is not working well for the intended use, as it is more of a brush cutter than a grass mower. The mowing delay will continue until such time as new equipment is acquired, such as a tractor with a mounted mower, which would more likely take place next year and could cost approximately \$150,000. The potential for hiring a mowing service was also discussed.

There was discussion about trimming brush on the Town trail at the extension of Brophy Lane. Concern about a bridge constructed on the trail was raised. Beattie mentioned that the bridge may have been constructed as an Eagle Scout project by Doug Fish.

Prouty mentioned that an access permit related to property on Haven Hill may be forthcoming for a newly subdivided property without any structures.

Fishman left the meeting at 7:17 PM.

There was discussion about the need for an equipment maintenance and replacement schedule, and both Beattie and Labeau mentioned templates that they have. Labeau mentioned that there is about \$86,000 in the highway equipment reserve fund, with an additional \$40,000 to be added this year, and noted that the grader is now paid off and the fire truck will soon be. Prouty stated that any future Highway Department equipment purchases must be done with cost and process efficiency in mind.

The need to mow the Prouty property and the former septage fields was discussed.

b. Prioritize paved roads for traffic engineering analysis

Mora noted that the Town had heard back from the Windham Regional Commission that up to three paved roads can be analyzed this fall to help establish speed limits. The Board discussed various Town Highways with speeding issues, and it was noted that Thompsonburg, Middletown and Landgrove Roads have already had traffic counts.

Taylor Prouty moved to request that the Windham Regional Commission conduct traffic engineering studies of the following paved Town Highways: Hell's Peak Road, Winhall Hollow Road, and Spring Hill Road, seconded by George Mora, passed unanimously.

c. Review final plans for improvement of Under the Mountain Road/Legal Trail #2

O'Keefe discussed and presented to the Board revised plans for a section of the Town Trail at the end of Under the Mountain Road. O'Keefe noted that he had distributed the plans to the abutters and had not heard anything negative from them, and in fact the Department of Forests, Parks and Recreation representative has taken a positive position on the plans.

Jane Houston asked questions about the project and Prouty explained it in detail, noting that a Jamaica property owner had requested approval to upgrade and maintain the roadway to their building lot, which has been approved by the Board, and he and O'Keefe explained some project details.

Houston left the meeting at 7:44 PM.

10. Old Business

a. Review bids and award contract for heating oil delivery for Town facilities

This matter had been discussed at several previous meetings, and it was noted that a price for off-road diesel delivery to the Transfer Station had been received from Cota & Cota. Prouty mentioned that the Highway Department needs a new fuel tank and pump at this time for its general vehicle fueling usage, and noted that he was aware of a particularly good deal at this time.

Taylor Prouty moved to accept the bid from Cota & Cota, Inc. in the amount of \$2.11 per gallon for FY2021 heating oil for Town buildings, and authorize the Town Administrator to sign the proposed service agreement on behalf of the Town, seconded by Jim Fleming, passed unanimously.

b. Ratify Board vote on Windham Regional Commission proposal to install a Wi-Fi booster on Town property

Tom Cavanagh moved to ratify the Board's August 3, 2020 decision to approve installation of a Wi-Fi booster from the Windham Regional Commission at the Town Office for public use, seconded by Jim Fleming, passed unanimously.

c. Discuss Selectboard Rules of Procedure

Mora explained the proposed new rules, which she said pretty much codify what the Board is already doing. O’Keefe noted that the rules of procedure are based largely on the VLCT boilerplate model, with some minor tweaks, such as:

- Deadlines for submission of matters for consideration by the Board,
- Requiring that Board decisions made on matters added to the agenda at the meeting must be ratified at the next meeting so that citizens can speak to the matter, and
- Information added on executive sessions.

Tom Cavanagh moved to adopt the revised Selectboard Rules of Order, which supersede those adopted on March 16, 2020, seconded by Taylor Prouty, passed unanimously.

Mora brought up the idea of posting to the Town website the Rules of Procedure and information on the Board’s statutory authority. She will work on this with O’Keefe for consideration at a future meeting.

11. New Business

a. Consider re-establishing in-person Selectboard meetings

Annunziata spoke to his interest in the Board meetings going back to being in-person or some sort of hybrid, noting that online meetings can be dragged out, and there are outside distractions that make it difficult to keep focus. He also spoke to the better meeting energy when held in-person.

Mora agreed with Annunziata’s interest in in-person meetings, but noted that the space in the meeting room will only accommodate 7 ½ people at 100 square feet per person. And that the meeting would be required to also allow for remote attendance, which would be a technical challenge.

There was a brief discussion about candy normally made available to attendees of the in-person meetings.

Beattie noted that in-person meetings held at this time would have to include protective mask wearing, so remote meetings have the advantage of allowing the opportunity to view people’s faces as they participate.

There was no decision to re-establish in-person meetings.

b. Discuss Town Office cleaning needs

Kelly Pajala stated that Assistant Town Clerk Bonnie Cobb is no longer interested in doing the weekend cleaning, partly due to the potential for her having additional hours to attend to a grant-funded records digitization effort. As the grant is in the application process there is no rush on this, and Bonnie will continue the work at this time.

The work takes approximately 2-3 hours she mentioned, and includes cleaning floors and bathrooms, taking out the trash, wiping surfaces, dusting, recycling and taking out the trash.

There was discussion on whether this position should be handled by an employee or a contractor.

Mora asked Pajala to work with Cobb to draft a description of the cleaning work she does, and eventually O’Keefe can draft a request for proposals for bidding purposes.

c. Discuss community policing services

O’Keefe noted that Vermont State Police (VSP) Lieutenant French had been invited to the meeting but was unable to attend, and mentioned the letter reviewed at the previous meeting wherein the Vermont State Police requested written input on how to reshape the department and improve its services to communities.

He noted that he had received copies of contracts that the Windham Sheriff’s Department has with other communities and will do the same with the Bennington Sheriff.

The Policing Committee Study done a few years back was discussed and O’Keefe was asked to forward a copy to the Board members. Traffic and drug crimes were mentioned by Prouty as the areas of greatest concern. The high cost of contracting comprehensive police services was discussed, as were the services provided to the Town by the VSP was discussed, and it was noted that response times can be quite long.

It was agreed to discuss this matter again in the future.

12. Adjourn

Tom Cavanagh moved to adjourn the meeting, seconded by Taylor Prouty, passed unanimously.

The meeting adjourned at 8:19 PM. The next meeting of the Selectboard is scheduled for August 31, 2020, in lieu of the September 7, 2020 regular meeting.

Respectfully Submitted,



Shane P. O’Keefe
Town Administrator

Approved August 31, 2020.

LONDONDERRY SELECTBOARD



Georgianne Mora, Chair