

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 5, 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, Solid Waste Coordinator Esther Fishman, and Emergency Management Director Kevin Beattie. Others – BDCC-SeVEDS representative Alexander Beck, resident Richard Phelan, and Cherise Forbes (Chester Telegraph).

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 October 2, 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

None.

3. Minutes Approval – Meetings of September 21, 2020 & September 24, 2020

Vincent Annunziata moved to approve the minutes of the Selectboard meeting of September 21, 2020, seconded by Tom Cavanagh, passed unanimously.

Vincent Annunziata moved to approve the minutes of the Selectboard meeting of September 24, 2020, seconded by Tom Cavanagh, passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

George Mora updated the Board on the VT Agency of Transportation's of VT Route 11 paving project, noting that mail line paving is finished, that finish work with line painting, drainage and safety features will be completed over the next week or two. Paving transitions onto Thompsonburg Road and other roads and driveways was discussed. Mora noted that work will not be done over the upcoming holiday weekend.

Esther Fishman questioned whether the drainage issues in front of the Thrifty Attic would be addressed. O'Keefe was asked to connect the VTrans contact on this.

Kelly Pajala mentioned that the ballot for the November General Election should be arriving over the next few days. She noted that some ballots are being returned, and she asked that those who may have changed their address, or moved to or from Londonderry, to provide updated addresses to her office so that she can ballots out. She added that if you are expecting a ballot and have not received one please contact the appropriate Town Clerk's office. On submitting ballots, she said that they can be returned by U.S. Mail, dropped off at the Town Office or brought to one's polling place on election day.

Fishman noted that there will be a household hazardous waste collection day at the Flood Brook School on Saturday, 10/17/2020 from 9:00 AM to 1:00 PM and notices are posted throughout the community.

O'Keefe noted the following:

- That the Town's Emergency Management Director Kevin Beattie has been named as the Vermont Emergency Management Director of the Year. He was congratulated by the meeting attendees for the well-deserved recognition.
- That there is still time to participate in the US Census, which can help the Town with potential future funding opportunities, and suggested that citizens go to WWW.2020census.gov on the web.
- That the Derry Woods Road culvert project has been completed and final inspection has been done by the Town's engineer.
- That the Outdoor Burning Ordinance took effect on 9/4/2020.
- That the Town's Highway department is hiring, and an advertisement for the Road Crew position is on the street, the Town website, post offices, the Shopper this week.
- That there is a Vermont Dam Safety and Ownership Rules Informational Webinar on 10/6/2020 from 6:30-8:00 PM, presented by the Windham County Conservation District in partnership with the Vermont Department of Environmental Conservation.
- That there is a WRC Broadband Business Plan webinar on Wednesday, 10/7/2020 at 6:00 PM.
- That the Invitation to Bid for Town Office Cleaning has been advertised on the Town website, post offices, and the Shopper, and bids are due via email on Friday, 10/9/2020 at 2:00 PM.

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

- A letter dated 9/28/2020 from the Vermont Agency of Agriculture, Food & Markets farm determination for the property at 224 Cobble Ridge Road, dated 8/20/2020, has been voided. He noted that given this decision the property is no longer considered a farm and therefore any dogs on the property would not be considered “working farm dogs” as defined under Vermont statute. As a result, the prohibition on the Town’s ability to regulate the barking or running at large of dogs, previously discussed by the Board, no longer applies to this property. Currently there appear to be no restrictions on enforcing the provisions of the Dog Ordinance as appropriate at this property, he added, and noted that he has forwarded the letter to Animal Control Officer Pat Salo.

6. Visitors and Concerned Citizens

Richard Phelan asked to have the website changed to reflect his appointment as Town Health Officer. He also inquired as to whether there was a Selectboard liaison to the Rescue Squad and Fire Departments, and noted that the he listens to the rescue and fire calls and they do a great job. Mr. Phelan added that he believes that VTrans has done a great job paving. He inquired as to whether the outdoor burning ordinance is listed on the Town website, and O’Keefe mentioned a notice and link to it was on the front page.

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 in the northeast there is a second wave resurgence of cases in surrounding states, but Vermont is still holding its own somehow, but the travel restrictions are increasing due to the increase in cases elsewhere.

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

Labeau noted that the year-to-date budget report was just through August so there was not much to report. There were no questions or comments from the Board.

c. Town Treasurer – Review draft 2020 Town Audit

Mora noted that the audit mentions that the Town’s use of the cash basis of accounting is not generally accepted in the United States. Labeau clarified that it was a modified cash basis which has been acceptable to the auditors, and that there is no better way to do it, but she can check if there is another way. Prouty mentioned that this auditing structure has been an issue in the audit for some years.

O’Keefe mentioned that an issue can arise at the end of the fiscal year as the cash basis presents a snapshot of that one day and does not reflect anticipated receivables such as grants. Labeau mentioned her preference for the fiscal year to be clean and done at its end.

O’Keefe brought up the issue of the unassigned fund balance, and mentioned that the Government Finance Officers Association (GFOA) recommends a balance equal to two months of annual expenditures, which on a \$2.4 million budget would be some \$370,000, and the audit shows the balance of only \$112,394, well below the target amount. He noted that these funds were critical in order to address unforeseen expenses, and to address this he

recommended budgeting a surplus this coming year to build the fund balance. He also noted that the audit showed expenditures exceeding revenues by over \$300,000.

Labeau mentioned several over-expenditures during the past two years that have caused deficits, thus necessitating the use of the fund balance. O’Keefe noted that this has been a tough year and Labeau has done a nice job with the budget under the circumstances to use existing funds and not have to hold a special Town Meeting on the deficit.

d. Town Treasurer – Annual VLCT-PACIF renewal

Labeau noted that not a lot has changed and that VLCT has updated building valuations, which included a higher replacement cost for the Town Garage. She said costs are likely to be about the same, but workers compensation rates have not yet come in, and it is unlikely that there will be a return distributed to Towns

Taylor Prouty moved to accept the terms of the 2021 renewal of property and casualty insurance with the Vermont League of Cities and Towns Property and Casualty Intermunicipal Fund, and authorize the Town Treasurer to submit all required documents to initiate the renewal on behalf of the Board, seconded by Jim Fleming, passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Tom Cavanagh mentioned that the lawn and yard waste pile needs to be turned and the equipment is not available at present. Esther Fishman mentioned that the pile is a mess and once leaf season is over this should be done and the cost would be about \$200. Cavanagh will see if some work can be done now by staff with the backhoe. Josh Dryden offered to use the Highway Department loader to help out, and Mora suggested doing what we can now and have someone turn the entire pile at the end of the season.

Fishman mentioned that she had no update on the request for a sign from the VTrans other than the department was backed up and they’d get to it soon.

The Solid Waste Implementation plan has been submitted with changes, and she’s waiting for a pre-approval pending the holding of two required public meetings, which she’ll handle. She mentioned she’s still waiting for a letter from the Windham Regional Commission on compliance with the Regional Solid Waste rules.

She discussed food collection services at the Transfer Station, which came into effect on July 1st, and noted that the amount of food collected has increased dramatically, with an average of 6,700 lbs./month over the summer to 16,600 lbs. in August. The size of the food disposal containers has to be reduced due to weight and the number of these totes needs to increase, all of which is more costly, so she is exploring ways to address this and is working with the State of Vermont on a 60-40 grant. One option is to acquire a large container and a tote tipper to fill it, and she discussed the cost of either renting or purchasing these, and suggested budgeting for this. Alternative composting collection services were discussed.

Fishman also mentioned that the contract that Casella Waste Systems took over from TAM is up next August and a new request for proposals needs to be issued, and options are getting

limited due to Casella buying up smaller haulers. She noted that more on these matters would be forthcoming and she'll keep the Board updated.

b. Authorize application for funding under the Front-Line Employees Hazard Pay Grant Program

The Board discussed expansion of this funding program to establish Transfer Station employees as essential workers, with some employees potentially eligible for funding. O'Keefe noted that the program will open up for applications soon and it would be best to get preauthorization from the Board to move on this as funding will be on a first-come first-served basis.

Kelly Pajala noted that the budget was just signed, and the next step is for the mechanism to be set up to collect applications and distribute funds. She noted that the State and VLCT will likely give notice of the program. She added that only the Transfer Station employees would be eligible for these funds.

Tom Cavanagh moved to authorize the Town Treasurer and/or the Town Administrator to apply for funding under the Vermont Agency of Human Services' Front-Line Employees Hazard Pay Grant Program for any eligible Town employee on behalf of the Board, seconded by Taylor Prouty, passed unanimously.

It was noted that this motion would allow for an application for other Town employees if they become eligible in the future.

9. Roads and Bridges

a. Updates

Taylor Prouty reiterated that the hiring process for a road crew member was underway, and the Derry Woods Road culvert project has been completed. He also mentioned that he understood that the road/trail improvements at the end of Under the Mountain Road have been completed. Dryden stated that he'd heard the same information and would take a look at it.

b. Consider bids for winter salt

The Board received bids on winter road salt as follows:

- American Rock Salt (\$70.00/ton)
- Apalachee Salt (\$70.15/ton)
- Cargill, Inc. (\$70.25/ton)

Dryden noted that he has heard from other Towns that the salt for the low bidder, American Rock Salt, is not stored as well as other providers, and the product has been a problem in the past. He recommended staying away with that provider and go with one of the others unless something changes.

Labeau mentioned that Apalachee Salt has been the provider the past two years.

O'Keefe noted that over \$27,000 has already been used of this years' \$80,000 budget, leaving only \$52,000 available. Labeau mentioned that a winter salt bill did not come

through until after July. Prouty noted the need to ensure that salt invoices come in and are paid timely so as not to throw off the budget.

The amount of predicted and actual usage was discussed, and Labeau noted that there was no salt in stock when the new shed was constructed. Dryden noted that the salt shed is not empty, with about 600 ton is already in stock, and felt that usage would likely be in the 800-ton range. He added that there is no contract and will deliver on an on-call basis without a delivery minimum.

There was a discussion of use of brine for ice control. Rich Phelan noted that this can be much cheaper, and he can help look into this.

Taylor Prouty moved to accept the bid from Apalachee Salt for winter road salt in the amount of \$70.15 per ton, and to authorize the Town Administrator to enter into a contract agreement for these services on behalf of the Town, seconded by Tom Cavanagh, passed unanimously.

10. Old Business

a. Consider project changes to Town Garage connection to the Town Office generator

O’Keefe noted that the conduit connecting the Town Garage and Town Office generator is in place and all wetlands work has been completed. He mentioned that a meeting took place the previous week with the State electric inspector, the project vendor Lawrence & Lober and the Town’s inhouse electrician Gary Barton to discuss a significant problem with the project: because the two buildings are fed by separate electric service circuits, there is additional equipment needed at a cost of an additional roughly \$5,000 beyond the \$7,860 bid . He had hoped to present a comparison of various options for the project from the contractor, but it had not be received yet, and stated that he wanted to make sure the Board was aware of the situation.

The recommendation at this point from the contractors is to install a separate generator at the Town Garage and give up on connecting to the Town Office generator. There was general disagreement from those at the meeting that operating the existing generator under a small load would not necessarily be detrimental to the generator, as was previously mentioned by the company that installed and services the equipment. Mora noted that if the Town Office renovations take place as planned there will be more electrical demand on the generator.

A recommendation to sell the existing large generator to fund two lesser ones had been raised by the contractor but O’Keefe mentioned that due to it being federally funded there is likely a retention requirement.

O’Keefe noted that with this alternative of a new generator the cost of burying the conduit and the necessary permits could be considered a waste, though the connection would allow for future fiber-optic and/or phone lines. He added that the cost of the new generator could be handled under the Town Buildings Reserve Fund.

This matter will be discussed at the next regular meeting when alternatives are available.

b. Platt Elevation Project – Authorize revised subgrant agreements due to project cost increase

O’Keefe noted that the increase in Hazard Mitigation Grant funding for this building elevation project at 2152 North Main Street from \$40,471 to \$99,991, which was requested on to 10/28/2019 has finally been approved and a subgrant agreement with the Vermont Department of Public Safety is in need of approval to move forward. The agreement on administrative increase from \$908 to roughly \$2,000 is in process but not received as of yet.

He noted that he had requested that the contractor check in with his subcontractors to ensure that the project is still viable given the time lag, and that the Town has a firm construction bid.

The status of the other grant-funded property owned by Tom and Judy Platt at 2116-2136 North Main Street was briefly discussed. O’Keefe explained previous discussions that the elevation project needs to proceed first as there is not enough staff time to work on both projects at once, and everyone involved can learn from the elevation project in order to better handle the more expensive and complicated second phase project. He also noted that there is no memorandum of understanding with the property owner yet on the second project.

Jim Fleming moved to authorize the Town Administrator to execute Hazard Mitigation Grant Program subgrant agreements with the Vermont Department of Public Safety for the increased budget for the elevation of property owned by Thomas & Judith Platt located at 2152 North Main Street, seconded by Taylor Prouty, passed unanimously.

c. Ratify Board vote to appoint voting delegate for the VLCT Legislative Policy meeting, and annual VLCT, PACIF and VERB meetings

The matter of appointing a delegate to the Vermont League of Cities and Towns annual meetings was added to the agenda at the previous meeting and therefore required ratification per the Board’s Rules of Procedure.

Jim Fleming moved to ratify the Board’s September 21, 2020 decision to appoint the Town Administrator as the Town’s voting delegate for the September 23, 2020 VLCT Legislative Policy Conference Meeting, and the September 30, 2020 annual meetings of the VLCT, the VLCT Property and Casualty Intermunicipal Fund, and the VLCT Employment Resource and Benefits Trust, seconded by Tom Cavanagh, passed unanimously.

11. New Business

a. Meet with representative(s) of Brattleboro Development Credit Corporation/SeVEDS

Workforce and Education Program Manager Alex Beck spoke to the Board about the work over the past year of the Brattleboro Development Credit Corporation (BDCC) and the Southeastern Vermont Economic Development Strategies (SeVEDS) program. He noted that due to the pandemic BDCC/SeVEDS had to be flexible and changed some of their organizational focus, with several staff members dedicated to direct outreach to area businesses to assist with available State and federal assistance. He mentioned that Windham county had a very high number of Paycheck Protection Program (PPP) beneficiaries, with Londonderry receiving the 5th most in the county.

He spoke of participation and of local economic development efforts such Project Londonderry, the Town's Planning Grant application for a North Village Master Plan, and facilities grant application for the Town Office improvements.

The priority of BDCC/SeVEDS at this time is retention of existing jobs in the region he mentioned. He suggested that businesses reach out to the organizations on any funding assistance and resources.

Beck reviewed area business and census statistics with the Board. There was concern about the impact of reduced population and labor force participation figures. The long-term impact of new people moving to the area due to the pandemic has yet to be determined.

Mora expressed her appreciation of the work of BDCC/SeVEDS and thanked Beck for meeting with the Board. Beck noted that the organizations do some of their best work during emergency circumstances such as the pandemic and tropical storm Irene.

Prouty raised and there was discussion on the financial needs of Londonderry's businesses, and restaurants in particular.

Regarding the BDCC/SeVEDS budget request, Beck asked that the Board reach out for any information needed for Town Meeting or the budget. He left the meeting at 7:33 PM.

b. Development Review Board annual appointments

O'Keefe noted that the terms of regular members Paul Abraham and Bob Maisey have expired, and that there is also a vacancy in an alternate member seat. He noted that Abraham has expressed his interest in reappointment, but that he has not heard back from Maisey. His reappointment can be handled at the subsequent meeting if he's interested. Fishman stated that she'd reach out to him.

Taylor Prouty moved to reappoint Paul Abraham as a regular member of the Development Review Board for a 3-year term extending to September 30, 2023, seconded by Tom Cavanagh, passed unanimously.

c. Energy Committee terms and appointments

O'Keefe mentioned that the Energy Committee was another local public body that he is hoping to reestablish the terms of office and appointments. This has been done over the past year or so already for the DRB, Planning Commission, Conservation Commission, and Parks Board. The Energy Committee had voted to recommend specific terms at its meeting of 9/29/2020.

Jim Fleming moved to establish three-year terms of office for the Town of Londonderry Energy Committee, and appoint the following individuals to the Committee with transitional staggered terms as follows: Bruce Frauman, and Bob Borella to October 31, 2023; Larry Gubb and Donna Korpi for 2-year transitional terms to October 31, 2022; and, Will Reed for a 1-Year transitional terms to October 31, 2021, seconded by Tom Cavanagh, passed unanimously.

12. Adjourn

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

The meeting adjourned at 7:36 PM. The next regular meeting of the Selectboard is scheduled for October 19, 2020.

Respectfully Submitted,



Shane P. O'Keefe
Town Administrator

Approved October 19, 2020.

LONDONDERRY SELECTBOARD



Georgianne Mora, Chair