

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 19, 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 Kevin Beattie, Parks Board member Marge Fish. Others – Town Attorneys Bob Fisher (6:43 PM) and Jim Carroll (6:46 PM), Residents Jeff Such and Richard Phelan, and Cherise Forbes (Chester Telegraph).

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 October 16, 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

Mora mentioned that Ruthanne Batchelder of the Chester Snowmobile Club was to send in a map of the Town-owned property for which the organization seeks permission to use for trail purposes, but it has not yet be received, so she suggested deleting from the agenda and addressing this at the next meeting.

George Mora moved to delete from the agenda item 11.a, regarding the Chester Snowmobile Club request to use Town property, seconded by Tom Cavanagh, passed unanimously.

O’Keefe noted that Planning Commission Chair Sharon Crossman wished to have added to the agenda a matter regarding an invitation for a community engagement process by the Vermont Council of Rural Development

George Mora moved to add to the Old Business section of the agenda item 10.g. regarding the Vermont Council on Rural Development offer for a community engagement process, seconded by Tom Cavanagh, passed unanimously.

3. Minutes Approval – Meeting of October 5, 2020

Tom Cavanagh moved to approve the minutes of the Selectboard meeting of October 5, 2020, seconded by Vincent Annunziata, passed unanimously.

4. Selectboard Pay Orders

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

O’Keefe noted that in the pay order were payments to the electrical contractor for the Town Garage connection to the Town Office generator, a matter to be discussed later in the meeting, and one of the payments was a progress payment that may depend on the Board’s decision later in the meeting. Tina Labeau noted that there were two checks and one could be held back if necessary.

Passed unanimously.

5. Announcements/Correspondence

O’Keefe noted the following:

- That Esther Fishman contacted him to say that the amount of food scraps collected for June, July, August and September that she talked about at the October 5th Board meeting were not accurate, and she hopes to attend the November 2nd meeting with more accurate numbers.
- The Town received a notice of an Act 250 permit application submitted by Blue Flame Gas Company for a 30,000 buried propane distribution tank and storage area for temporary storage of empty residential propane tanks in Landgrove but adjacent to the Flood Brook School in Londonderry. He noted that he had forwarded it to Fire Chief Ameden and Principal Neal McIntyre.

Kelly Pajala mentioned that absentee ballots are out and should have been received by everyone who has requested one, and someone has not received one and they want to vote early they should contact the Town Clerk’s office for the necessary information on how to do so. She noted that the recommended last day for mailing in ballots is October 24th. Ballots can also be dropped off at the Town Clerk’s office during business hours or after-hours at the back door mail slot.

A polling place at the Town Office will be open from 7:00 AM to 7:00 PM on election day and will be drive-through subject to weather conditions. She mentioned that absentee ballots can be hand delivered that day, and there will be a process in place for those who may have lost their absentee ballot.

Pajala thanked the Selectboard, Board of Civil Authority and other election officials for their willingness to assist with the election. She added that all is going well so far, with over 400 ballots turned in already.

Pajala also mentioned that while Memorial Park was closed due to the pandemic, the Parks Board was able to get some improvements done, and the new patio and grill area is now finished.

6. Visitors and Concerned Citizens

Richard Phelan mentioned that the South Londonderry Fire Company is sponsoring a virtual pumpkin carving and information on it is available on the department's Facebook page. He also expressed his interest in commenting on the Williams Dam matter later in the meeting.

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 nationally infections were picking up, including places surrounding the area. There are travel restrictions for many surrounding counties, so travelers to the area must quarantine. For Vermonters, if a surrounding county is considered a "green" county, then you can freely travel in and out. But if it is considered a "yellow" or "red" county then you must quarantine upon your return.

There is an uptick in cases in Vermont, he noted, but not at an alarming rate, and there have been a few local cases. He asked people to keep up their guard.

Beattie noted that the recent acquisition of shelter supplies had been donated by Londonderry Hardware at a value of approximately \$350, and he thanks the store on behalf of the Town and asked that a letter be sent as well from the Board.

O'Keefe noted that an application for funding has been submitted to help pay for pandemic-related purchases, such as plexiglass separators in the Town Office and remote meeting software, but also for portable air cleaning units to help with air quality. He mentioned that the grant would cover 75% of the expenses if approved.

b. Delinquent Tax Collector – Adoption of Town policy on Payment of Property Taxes and Collection of Delinquent Taxes

Tina Labeau reviewed with the Board a proposed Town policy on tax collections and collection of delinquent taxes, which she mentioned comes from a boilerplate document from the Vermont League of Cities and Towns and includes tweaks to reflect what has been the Town's practice and elements of policies from other communities.

Taylor Prouty moved to approve the Town Policy on Payment of Property Taxes and Collection of Delinquent Taxes as presented, seconded by Tom Cavanagh, passed unanimously.

c. Parks Board – Winter plowing of Pingree Park

Parks Board member Marge Fish spoke about the Board’s wish to promote outdoor activities this winter, and noted that Pingree Park’s trail and sledding hill are great for family outdoor activities, and they wish to repurpose recreation funds unused this summer due to pandemic-related closures for winter maintenance. She recommended seeking bids for plowing the Pingree Park entrance and down to the dog park and parking area.

Labeau noted that because the Solo Farm & Table restaurant is not opening this winter the Town will need to plow out the Town Hall parking lot, which could be added to a plowing bid. Frequency of plowing at this location was discussed, and it is assumed that plowing is not needed for every snow event.

Pajala mentioned past discussions about the Town Road Crew doing the plowing work at Pingree Park, but it would not be a priority and she recommended hiring a contractor.

Labeau noted that parks maintenance expenses were budgeted at \$5,500 for this year and only \$229 has been spent so far, and Pajala noted several other Parks budget items where funds were not expended due to closures. Labeau stated that she felt the Parks budget could handle the winter plowing expense.

O’Keefe was asked to draft a proposed Invitation to Bid for this.

8. Transfer Station/Solid Waste Management

a. Updates

Tom Cavanagh mentioned that he had heard from Esther Fishman that the Vermont Agency of Transportation has approved the official business directory sign for the Transfer Station and in fact has authorized a second one in the other direction, which will likewise cost \$175 up front and then \$100 each subsequent year. Board members were supportive of this.

He mentioned that the departing part-time Sunday employee would still be working for another month or so. O’Keefe noted that there were no applicants for the position as of yet.

Taylor Prouty noted that Road Foreman Josh Dryden has recently turned the compost and pushed back the stump pile.

9. Roads and Bridges

a. Updates

Taylor Prouty mentioned that the hazardous pine trees on Thompsonburg Road scheduled for removal have been taken down and the site looks clean.

He mentioned that he has become aware of an encroachment of a stone wall and monuments into the Lyons Road right-of-way. He will contact the property owner about it, and Tom Cavanagh recommended that he should speak with Donald Lyons. Kevin Beattie recommended that the property owner could take over the road. O’Keefe noted that it should be removed, but that the Town could permit an encroachment with specific agreements and protections.

O’Keefe mentioned that he had advertised the Road Crew vacancy and has received only one inquiry so far. The question of what to do if there is no successful recruitment was raised,

and Prouty mentioned that he has been in discussions with Road Foreman Josh Dryden on this. Options such as joining up with nearby towns or bidding out some services were briefly discussed. Prouty noted that people may be available once local excavation companies, which are very busy now, slow down due to the season change. Mora asked to put this matter on the agenda at the next regular meeting, and Prouty mentioned that he would not be present but that Dryden would be.

10. Old Business

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

Following up the discussion from the previous meeting, O’Keefe briefed the Board on the issues with this project. He presented two options provided by the electrical contractor: 1) to continue on with the project, with additional equipment necessary for code compliance to cost \$14,700, which includes repair of damage caused by the Road Crew in the excavation process, and 2) to install a new generator at the Town Garage, and abandon the connection between the buildings, at a cost of approximately \$14,200, with the generator itself costing \$9,000. O’Keefe noted that the Town has already spent \$7,000 on the project, including permitting.

There was discussion about the proposed size of the proposed new generator. Prouty stated that he felt that installation of another large generator would require two units to maintain and would be more expensive over time, and that moving forward with the connection option would serve the Town best.

Beattie inquired whether there was grant funding available for this project and suggested this be pursued.

Taylor Prouty moved to proceed with the Town Garage connection to the Town Office generator with added scope to comply with applicable State codes, and authorize expenditure of up to \$15,000 to be paid from the Town Building Reserve Fund for the project, and authorize the Town Administrator to execute all documents necessary for the hiring of the contractor to conduct the necessary work, seconded by Jim Fleming, passed unanimously.

b. Discuss Wi-Fi booster for public use at Town Office

O’Keefe stated that he simply wanted to inform the Board that there would be an ongoing budget cost of a few hundred dollars after the first year for the Town Office wi-fi booster being offered by the State of Vermont. Mora noted that the final decision on this has not yet been made by the State.

Beattie inquired whether the Flood Brook School has been contacted about its students needs for wi-fi in the community. Pajala mentioned that the school and other schools in the School District have been tracking wi-fi availability and connectivity support for families.

O’Keefe will fill out the application survey for the Town Office booster request.

c. Discuss Williams Dam

Mora summarized issues regarding the Williams Dam, which with the last inspection has been determined in the poor condition. The VT Agency of Natural Resources Dam Safety Program is phasing in new dam safety and ownership rules that take full effect in 2022 and may see the Williams Dam classification changed to a more serious hazard classification. Kevin Bettie said that he could not confirm that it would be classified as a serious hazard dam as there did not appear to be a significant threat to humans or property should it fail. Mora described other new rating criteria such as amount of impounded water (it exceeds the 500,000 cubic foot level) and its failure would threaten wildlife due to the significant silt.

Mora stated that the Town should be prepared for the State upgrading the classification, and noted that ownership will become more of a financial burden on the Town going forward with engineering, licensure and repair costs. She added that the Town will need to commit one way or another to either fixing it or removing it, with the former having a high cost and the latter being eligible for State funding.

Prouty raised the option of local fundraising to support its repairs, and Richard Phelan mentioned he'd be willing to invest into the dam. Phelan added that the silt washing away with removal of the dam could have significant impacts. Dredging of the impoundment area was discussed.

Beattie stated that the new regulations will require the Town to spend significant funds and develop an emergency action plan. He recommended getting an estimate of cost for all of the necessary work. Mora suggested bringing to Town Meeting an article on whether to raise funds for an engineering study. Beattie noted that it will have to be done and mention there is a possibility that the VT DEC could do it for the Town. O'Keefe noted his effort last year to secure funding for a dam repair effort and was informed that it was not available for repairs, only for removal. Mora brought up the fact that the Town is unable to get insurance for the dam.

Cavanagh reminded the everyone that the impoundment area is the only water source or the Phoenix Fire Company in the area, and the department has expressed an interest in retaining the dam for that use. Alternatives for dry hydrant locations was briefly discussed.

The cost of an engineering study was discussed, and the figure of \$50,000 was mentioned. O'Keefe will contact the Dam Safety Program and various engineers to determine an estimate of cost for an engineering study, and report back to the Board.

d. Discuss Town Office cleaning

O'Keefe mentioned that there had been no responses to the Town's Invitation to Bid for Town Hall cleaning services, and the idea of enticing another part-me employee to take this on was unsuccessful. Pajala suggested trying to hire a new person as a Town employee instead of seeking a contractor.

It was agreed to advertise for the employee position

e. Development Review Board annual appointments

The Board reviewed a request for reappointment to the Development Review Board from Bob Maisey as a regular member.

Taylor Prouty moved to reappoint Bob Maisey 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.

f. Executive Session – Pending or probable civil litigation or prosecution, to which the Town is or may be a party, and confidential attorney-client communications made for the purpose of providing professional legal services, per 1 V.S.A. §§ 313 (a)(1)(E) & 313 (a)(1)(F)

It was agreed to move this agenda item to the end of the agenda, after New Business.

g. Discuss Vermont Council on Rural Development offer for community engagement process

O’Keefe mentioned that the Board back in March authorized an application to participate in the VCRD community visit program, but due to the pandemic the organization has changed the way the program works and the Planning Commission would like to still work with VCRD in the new community engagement format. He added that there is no expense to the Town and in order to participate the Board needs to authorize Mora to submit a letter of continued interest.

George Mora moved to authorize the Chair to sign an acceptance of the letter of invitation from the Vermont Council on Rural Development, seconded by Taylor Prouty, passed unanimously.

11. New Business

a. Town of Londonderry membership in the Southern Vermont Communication Union District (SVCUD) and appointment Town representatives

Jeff Such noted that Londonderry is situated at the intersection of two communications union districts (CUDs), the Deerfield Valley CUD, of which the Town is currently a member, and the Southern Vermont CUD. He noted that the two districts may be working together in some ways on the future and that by joining both the Town could hedge its bets to be privy to what each one is doing in order to take advantage of whatever agreements come to fruition.

Such agreed to be the Town’s representative, and he mentioned that Deerfield Valley CUD representative Ellen Seidman could act as the alternate for the Southern Vermont CUD.

Taylor Prouty moved that the Town of Londonderry hereby 1) requests admission to the Southern Vermont Communications Union District, 2) appoints Jeff Such as Representative to its Governing Board and Ellen Seidman as Alternate Representative, 3) approves a resolution setting this forth and authorizes the Selectboard Chair to execute said resolution or other documents necessary for participation in the Communications Union District, seconded by Tom Cavanagh, passed unanimously.

O’Keefe will notify the SVCUD of the Board’s decisions.

12. Old Business

- a. **Executive Session – Pending or probable civil litigation or prosecution, to which the Town is or may be a party, and confidential attorney-client communications made for the purpose of providing professional legal services, per 1 V.S.A. §§ 313 (a)(1)(E) & 313 (a)(1)(F)**

Taylor Prouty moved to find, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning pending litigation in the matter of Contos v. Londonderry will clearly place the Town or Londonderry at a substantial disadvantage, seconded by George Mora, passed unanimously.

Taylor Prouty moved to enter executive session to engage in attorney-client communications and discuss pending litigation in the matter of Contos v. Londonderry, to which the Board is a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E) and Section 313(a)(1)(F), and invite Town attorneys Jim Carroll and Bob Fisher, Town Administrator Shane O’Keefe and Treasurer and Delinquent Tax Collector Tina Labeau to attend, seconded by Tom Cavanagh, passed unanimously.

The Board entered in executive session at 7:20 PM. The Board came out of executive session at 7:55 PM. No decisions or announcements were made.

13. Adjourn

Taylor Prouty moved to adjourn the meeting, seconded by George Mora, passed unanimously.

The meeting adjourned at 7:56 PM. The next regular meeting of the Selectboard is scheduled for November 2, 2020.

Respectfully Submitted,



Shane P. O’Keefe
Town Administrator

Approved November 2, 2020.

LONDONDERRY SELECTBOARD



Georgianne Mora, Chair