

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, January 18, 2021
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, Town Moderator Doug Friant, Town Health Officer Richard Phelan, and Planning Commissioners Sharon Crossman (Chair), Larry Gubb, Andrew Rackear and Elsie Smith. Others – Town Attorney Robert Fisher (7:25 PM), and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:02 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 January 15, 2021, 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 – Meeting(s) of 1/4/2021

Taylor Prouty moved to approve the minutes of the Selectboard meeting of January 4, 2021, seconded by Tom Cavanagh, passed unanimously.

4. Selectboard Pay Orders

Mora noted that when meetings were held in person the invoices related to pay orders were circulated, and asked if Labeau could distribute scanned copies of invoices for future pay orders. Labeau said that she would.

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

5. Announcements/Correspondence

Mora mentioned that she had been contacted by the School Board member Dick Dale who mentioned that the School Board would soon be distributing a two-question poll, and Selectboard members are asked to take the poll when it comes out.

Shane O’Keefe noted that Jeremiah Sund, the new Town Assessor, has begun work since the last meeting and all appears to be going well.

He also noted correspondence included in the Board’s meeting packet was as follows:

- A mailer from the Southern Vermont Economy Project listing upcoming workshops and webinars sponsored by BDCC and SeVEDS.

Labeau reminded everyone to register their dogs.

6. Visitors and Concerned Citizens

Richard Phelan inquired about the number of miles for which the Town is responsible, and it was noted that the answer is 52 miles between class 2 and class 3 Town Highways.

He mentioned that both fire departments and the ambulance service was very busy this past Saturday night.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Kevin Beattie mentioned that COVID-19 vaccination sign-ups begin on 1/25/2021, with those 75 years or older going first, and registration can be by phone or on-line, with on-line preferred. Appointments will be arranged through the State of Vermont and not people’s medical provider, and specifics have yet to be released. He mentioned that he would be volunteering to help people with the on-line signups.

Mora mentioned that Neighborhood Connections would also be helping with registrations, and Beattie said he’d coordinate with their Executive Director.

b. Town Clerk – Discuss alternatives for 2021 Town Meeting

Kelly Pajala noted that H.48 has been received by the Governor and he is likely to sign it in the very near future, and the Board will then be able to reschedule the Town Meeting, and also have the ability, if Australian balloting is used, to mail ballots to every voter instead of responding to requests for early or absentee ballots.

The Board would need to make a decision in short order on whether to postpone the Town Meeting as the deadline for petitions to get on the ballot for Town offices is 1/25/2021. And if the decision is not to postpone but to use the Australian balloting, that decision must also be made very quickly due to filing deadlines.

Mora suggested that the Board wait on the Governor's decision and be prepared to call a special meeting as soon as it becomes law to consider rescheduling. Pajala recommended rescheduling the Town Meeting to 5/1/2021 to ensure adequate timing for any reconsideration votes. She mentioned that the School Board is also waiting for the Governor's decision, but only to determine whether to mail out ballots, as they are already going forward with the Australian ballot on 3/2/2021.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that the new part-time employee has given his two-week resignation notice, but that an applicant has stepped forward who will soon be interviewed by him and Esther Fishman.

9. Roads and Bridges

a. Updates

Prouty mentioned that there has been a lot of challenging road clearing work of late and while there were some learning curve issues with the new employee at first, things are getting better and will continue to improve.

He noted that Road Foreman Josh Dryden has passed his fuel tank certification and can now take on the fuel measuring responsibility.

b. Annual VTrans Certificate of Highway Mileage [19 VSA 305(b)]

This is a document that must be signed each year. It was noted that there were no changes to Town road mileage this past year.

Jim Fleming moved to approve the annual VTrans certificate of highway mileage, indicating no changes from the previous year, and authorize the Selectboard Chair to execute it on behalf of the Board, seconded by Tom Cavanagh, passed unanimously.

c. Approve rustproofing Release and Hold Harmless Agreement

Prouty stated that this document is signed each year for the vehicle rustproofing. The work is done twice per year and really helps with vehicle longevity.

Taylor Prouty moved to approve the rustproofing release and hold harmless agreement with Carrara's Rustproofing and authorize the Town Administrator to execute it on behalf of the Board, seconded by Tom Cavanagh, passed unanimously.

d. VTrans Better Roads Grant – Terminate and withdraw funding under FY2018 grant #BRO0347

O’Keefe noted that the Town had received a \$4,000 grant for road inventory work several years back and the work was not completed but the project was rolled into a subsequent grant for \$8,0000 that has just been completed. Mora clarified that the Windham Regional Commission was unable to do the work for the Town due to some staffing constraints.

Taylor Prouty moved to turn back funds granted under the Vermont Agency of Transportation Better Roads Grant #BRO0347, and hereby request both termination of the related grant agreement and withdrawal of grant funding. This FY2018 Better Roads grant was replaced by a FY2020 Better Roads grant, seconded by Jim Fleming, passed unanimously.

10. Old Business

a. Planning Commission – Project Londonderry update

On behalf of the Board members Mora expressed her appreciation for the work of Project Londonderry and all of its volunteers and committees, and mentioned the need to clarify the roles of all involved due to a recent article indicating that Project Londonderry would be taking over the Town’s master planning efforts.

Sharon Crossman noted that there was something lost in translation with the article and spoke about the efforts of Project Londonderry and the transparent way in which it has been doing its business under the Planning Commission. She clarified that a 501(c)(3) not-for-profit organization has been established by Project Londonderry volunteers in order to help facilitate projects by being able to accept and spend funds, and explained that it could play a complementary role similar to other community organizations. It is called the Community Fund for Londonderry.

Crossman added that the Planning Commission has been very involved in trying to jump-start community revitalization efforts and the Project Londonderry work has grown over the past year. There were four primary working groups established early on (Economic Vitality, Recreation, Main Street, and Communications) with each chaired by Planning Commission member who reports back to the Commission each meeting on efforts, issues and needs.

Mora asked if the Commission would periodically meet with the Selectboard to provide updates on Project Londonderry efforts and the Commission’s related. Crossman recalled that this had been done in the past and would be happy to do that, and it was agreed that the second Board meeting each month would be appropriate.

Mora noted that the Town Meeting warning includes an article establishing a reserve fund to support economic revitalization that would allow for donations to projects.

Elsie Smith mentioned the community engagement project with the Vermont Council on Rural Development, which will have its first event on February 3rd and asked the Board to participate and help get the word out. Larry Gubb added that this is a Planning Commission effort that came out of discussion held about a year ago, which helped to further develop the idea of Project Londonderry.

Crossman was clarified that the cost of the VCRD community mailing would be a Town expense, and Mora mentioned that it should be paid from the Planning Commission budget.

b. Review and discuss proposed FY2022 Budget

Labeau noted that there are few changes from the previously reviewed budget, and noted that with the potential for the Town Meeting being rescheduled there may be more opportunity to adjust the budget. She noted that she had not heard from anyone about objections to the appropriations either.

There was a brief discussion about the request from the Phoenix Fire Company for a \$20,000 appropriation and the need for a financial statement.

c. Discuss proposal to establish new Highway & Buildings/Grounds position

Mora mentioned that she had reconsidered some aspects of the proposal for a combined position and instead supported the idea of contracting with a caretaking service for a specific number of hours, and on the issue of additional help for the Road Crew, to arrange for a contractor to provide backup in case of special needs. Mora and Prouty mentioned that Hunter Excavating had agreed to be available recently for plowing when the Town was understaffed, and Prouty added that they can continue as a backup with short notice.

Tom Cavanagh mentioned that he had reached out to a caretaker who stated that for \$125 per month he would check buildings twice per week, change lightbulbs, etc., with shovelings included and with some roof shoveling as well. A scope of services would need to be drafted for these services noted Mora. Prouty suggested that all departments have projects that could be handled with this effort.

Pajala mention that the Parks Board would wish to keep a parks employee to do parks-related tasks and not lump them into a caretaking contract.

Friant inquired how this effort would be handled; in the budget or through a Town Meeting article? Labeau stated that this should be handled within the budget, and O’Keefe added that expenses could be allocated to the maintenance budgets of each department as appropriate.

O’Keefe was asked to reach out to the various Town departments and get a sense of what their needs might be, and to put together a scope of services for a caretaking contract. He noted that the caretaking costs could be relatively fixed, the issues that come up from inspections will have additional costs.

Prouty mentioned the Road Crew can handle basic maintenance work but more comprehensive matters, such as the recently discovered moisture in the electrical panel, would need technical contractor help.

d. Discuss 2021 Town Meeting appropriations

Labeau noted that she had followed up from the last meeting by communicating with those organizations who had their appropriations lowered. She added that the South Londonderry Library Association and the Champion Fire Company were contacted about reducing their requests, and their wishes to keep them the same are reflected accordingly in the Town Meeting Warning. Appropriations stand at a little over \$100,000, she mentioned.

The funding request for the My Community Nurse Program was added to the Warning as a separate article as it is a new request noted O’Keefe.

e. Review draft 2021 Town Meeting Warning

[17 VSA 2641 & 2642]

The Board reviewed the latest draft of the Warning.

- An article was added for the My Community Nurse Program's request for \$2,500.
- It was decided to add the \$20,000 request from the Phoenix Fire Company to the list of appropriations and not have its own article.
- It was decided to remove the proposed article regarding a new employee dedicated to Town buildings and grounds maintenance.
- On funding for policing, presently pegged at \$5,000, there was discussion about what the funding amount should be to address community policing needs. There was discussion about the history of policing costs and whether to keep the article, and Mora suggested increasing the amount to be considered. She also suggested that hearing from the Windham County Sheriff's Department might be helpful in determining the scope of services needed and services that they provide, and it was decided to invite the Sheriff to the next regular Board meeting. It was decided to leave the dollar figure as it is for now.
- Pajala spoke briefly about the decision at the previous meeting not to include at this time votes on the local option tax and permitting retail cannabis sales. She suggested that the Board continue to discuss if and when to hold votes on these if they wish to consider them further. If it is decided to hold Town Meeting by Australian ballot these matters could be addressed then. Mora suggested that these are big enough issues that they warrant a special Town Meeting, as the local option tax is critical to taking advantage of tax revenue benefits of retail cannabis sales. Pajala added that holding a special Town Meeting by Australian ballot this year to address these issues would not impact how Town Meeting is handled in the future due to recent legislation. The retail cannabis sales vote would be binding, she added, and the rule-making process has not begun yet so there is no way to address questions that may come from the public, and she suggested waiting on a Town vote on this matter.
- O'Keefe noted that the article seeking approving of funds for two radar speed signs was set at \$7,000 based on figures from the Town of Chester.
- O'Keefe noted that an article seeking to raise \$50,000 for a study of the Williams Dam was added to the Warning, the amount of which was derived from conversations with the Vermont Department of Environmental Conservation. Mora noted that it is important that the Town is aware of the issue, and O'Keefe added that the study will have to be done at some point based on new dam regulations.
- There was discussion about the proposed article establishing a Community Economic Improvement Reserve Fund. It was requested by Mora that it be made clear in the article that it is not proposed to be funded at this time, only established.
- It was noted that the Highway Equipment Reserve Fund and the Town Buildings Reserve Funds each to a cut of \$20,000 to help reduce taxes.

f. Executive Session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

George Mora moved to find, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning pending litigation in the matters involving Vermont Woodchips Real Estate Holdings LLC and Vermont Woodchips, Inc. will clearly place the Town or Londonderry at a substantial disadvantage, seconded by Taylor Prouty, passed unanimously.

George Mora moved to enter executive session to engage in attorney-client communications and discuss pending litigation in the matters involving Vermont Woodchips Real Estate Holdings LLC and Vermont Woodchips, Inc., 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 Attorney Bob Fisher and Town Administrator Shane O’Keefe to attend, seconded by Tom Cavanagh, passed unanimously.

The Board entered in executive session at 7:25 PM. The Board came out of executive session at 7:45 PM. No decisions or announcements were made.

11. Adjourn

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

The meeting adjourned at 7:46 PM. The next regular meeting of the Selectboard is scheduled for February 1, 2021.

Respectfully Submitted,



Shane P. O’Keefe
Town Administrator

Approved February 1, 2021.

LONDONDERRY SELECTBOARD


Georgianne Mora, Chair