

**Town of Londonderry, Vermont**  
**Selectboard**  
**Meeting Minutes**  
**Monday, February 1, 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 29, 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**

Mora stated that the real estate discussion scheduled for agenda item 11.a. would not be held in executive session. There were no other changes to the agenda.

**3. Minutes Approval – Meeting(s) of 1/18/2021 & 1/21/2021**

*Taylor Prouty moved to approve the minutes of the Selectboard meeting of January 18, 2021, seconded by Vincent Annunziata, passed unanimously.*

*Taylor Prouty moved to approve the minutes of the Selectboard meeting of January 21, 2021, 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 Jim Fleming, passed unanimously.*

#### **5. Announcements/Correspondence**

Sharon Crossman noted that registrations for the 2/3/2021 One Londonderry event with the Vermont Council on Rural Development has surpassed 100.

Kelly Pajala announced that the Taconic and Green School District voting will take place on Town Meeting Day, and ballots will be mailed to Voters per the School Board's decision. Polls will be open from 7:00 AM to 7:00 PM as always, and people can vote early by mailing in or dropping off ballots at the Town Office.

Shane O'Keefe gave a reminder that the Energy Committee has a vacancy, so anyone interested in energy matters as they affect the community should submit a Town committee request form, which can be found on the Selectboard page of the Town website. Phelan expressed his interest in serving on the Committee, and it was recommended that he submit a written notice of interest and possibly attend a meeting of the Energy Committee.

O'Keefe also mentioned the untimely passing of long-time resident and Development Review Board member John Lancaster. Mora added that this is a sad loss for the town.

Correspondence included in the Board's meeting packet was as follows:

- An article from the Chester Telegraph, dated 1/25/2021, on the upcoming One Londonderry community forum.
- A printout of the FY2021 year-to-date budget 12/31/2020.

#### **6. Visitors and Concerned Citizens**

##### **a. Meeting with Windham County Sheriff**

Mora welcomed Sheriff Mark Anderson to the meeting and mentioned that the Board was interested in hearing an overview of the various services his office provides. She mentioned the work and recommendations a few years ago of the Policing Committee, which at the time was mostly concerned with break-ins and arson, and not so much traffic enforcement, but that traffic enforcement appears to be the primary concern these days.

Sheriff Anderson introduced himself and noted his 17 years with the Windham County Sheriff's Department (WCSD), and his appointment as Sheriff in 2019. He noted that by statute his department provides the following services:

- Civil process of notices.
- Transport of prisoners to and from court.
- Policing services as it sees fit to address matters affecting the county, towns in the county and other organizations. He noted that the WCSD is the coordinator of the grant-funded Regional Highway Safety Taskforce. He also explained that it also provides contracted

services which act to fill the space between the Vermont State Police (VSP) and a full-service municipal law enforcement agency.

He noted that the contracts can be tailored to the specific needs of the community, and this often includes traffic enforcement, and cost sensitivity tends to drive the services. His traffic control methodology, he explained, involves attention to education, engineering, and enforcement.

Anderson noted that the VSP does an excellent job with traffic enforcement but has limited resources, and the WCSD can step in to augment their services to the degree that communities wish. He mentioned he has also noticed that speeding is an issue in the community and that his department recently deployed a radar feedback cart with a data logger at the request of the Town at no cost, which is a service the Department provides to its contracted communities.

The Sheriff stated that the WCSD currently contract with 3 communities for 40 hours per week, with a full law enforcement presence including E911 response. Both Putney and Westminster have 40 hours positions but they work together due to proximity so they in fact share 16 hours per day response between them. Vernon has one officer assigned from 7:00 AM to 3:00 PM. Hours not covered by the WCSD are covered by the VSP, and he noted the very good relationship with the VSP Westminster barracks.

In answer to a question on the extent of the WCSD services, Anderson suggested that smaller contract communities not use the WCSD for more extensive investigations, but instead use the VSP, as the limited WCSD hours can be eaten up by the investigations.

Anderson mentioned that Jamaica has a 20 hour per week contract at this time, and he suggested that if Londonderry wished to use WCSD services there could be contracts for the two towns like the Putney-Westminster model that would allow for greater potential for coverage at a reduced cost. Service rates are \$41/hour for contracts over 2,000 hours per year, and \$52/hour for those under that figure. Jamaica's current contract is \$50,000.

Anderson stated that he would be agreeable to hiring a full-time staff member for the two towns if they are both agreeable as well. He said he feels that 20 hours per week would work well for Londonderry, but he would need some time under contract to determine the best service level. He mentioned that the Town does receive fines if it has relevant ordinances.

There was discussion about radar speed signs, and the WCSD will be looking to purchase more for use by towns in the region. The Town could rely on the ones owned by the WCSD instead of the Town purchasing its own as recently discussed.

Board members thanked Anderson for his time, and he left the meeting at 6:33 PM.

Mora stated that she'd like to explore this matter further as it could enable more reliable policing in the community. Prouty noted that it would cost the Town \$42,640 for 20 hours per week of a shared officer at \$41/hour, and Mora noted that it could even be less. Joining with Jamaica would generate a savings of upwards of \$12,000 Prouty noted stated.

Cavanagh that the VSP contract used to be budgeted at \$86,000. O'Keefe added that he had spoken to the VSP barracks commander and there continues to be uncertainty on their ability to provided contracted services to the Town in the future.

Mora mentioned that she would contact her counterpart in Jamaica to discuss policing options with the WCSD and find out if they are satisfied with the services provided.

## 7. Town Officials Business

### a. Emergency Management Director – COVID-19 response updates

Kevin Beattie mentioned that there is no report, but that those 75 and older are now eligible to receive vaccinations and that Neighborhood Connections is available to help people to sign up for this, as is Beattie himself.

### b. Board of Listers – Annual certificate of no appeals/suits [32 VSA 4155]

Tina Labeau spoke about this briefly and noted that Sandra Clark stated she has been a Lister for 20 years and has had no appeals over that time.

*Tom Cavanagh moved that the Board approve and sign the annual Certificate of No Appeal or Suit Pending, seconded by Taylor Prouty, passed unanimously.*

## 8. Transfer Station/Solid Waste Management

### a. Updates

Esther Fishman suggested that the Board may wish to consider reopening the take-it or leave-it shed one day per week and has said that Candy Bliss is agreeable to monitor its use.

She mentioned that the facility recertification is final and is valid through 2030 is on file at the Town Office.

She also spoke to the Board about the interest of Hunter Excavating in taking the Town's brush, leaf and yard waste, and all of the wood in the stump dump. The company would prefer to handle the stump dump work at the site. There was also interest in the collected food scraps which could help the mulching process. Food scrap collection funding grants would possibly need to be adjusted if this possible arrangement with the company takes shape. Savings to the Transfer Station could be \$10,000 with this food scrap collection change. Additional savings are to management efforts and wear and tear on heavy equipment. Where and how this operation would take place – at the Transfer Station versus the property owner's property on Derry Woods Road – was discussed, and impacts at each location were considered. It was recommended that Fishman request that the company provide a detailed proposal and operations plan for consideration by the Board.

The VTrans road signs are still on order and she'll continue to push to get them up.

### b. Consider temporary facility closure on Sundays

Regarding the part-time Sunday position, for which the Board received notice at the last meeting was being vacated, Cavanagh noted that one of the backup employees was willing to do the Sunday work subject to an hourly wage increase for this and his coverage work, which would obviate the need to close on Sundays.

Vincent Annunziata suggested it was not unreasonable to close on Sundays. Prouty suggested closing another day in order to stay open on Sundays.

Cavanagh will speak to the backup employee about the desired wage rate, and the Board may need to hold a special meeting on this matter later in the week.

## 9. Roads and Bridges

### a. Updates

Prouty mentioned that bulk vehicle fuel had been delivered, and that the remaining salt in the budget is soon to be delivered, and salt usage overall is up so supply at the end of the season will be down.

He also noted the following usage for the month of January 2021:

Salt – 300 tons                      Sand – 930 yards                      Vehicle Fuel – 1,998.9 gallons  
Heating fuel (gallons):                      Town Office Generator - 5, Transfer Station - 131.5

### b. Discuss special weight limits for highways and bridges [23 VSA 1400b & 1400c]

By February 10 each year the Town must declare to VTrans whether it wished to establish special weight limits on Town highways. Prouty noted that the Town has not made it a practice to post its roads and suggested that there be no new weight limits as long as drivers continue to be responsible.

It was agreed to pass over making any decisions to establish special weight limits for Town highways and bridges.

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

The Board reviewed an overweight permit application, and it was noted that the applicable fee was paid and insurance certificate received.

*Taylor Prouty moved to move to approve the excess weight permit for Newport Sand & Gravel Co., Inc. / Carroll Concrete Co., Inc., seconded by Vincent Annunziata, passed unanimously.*

It was agreed that the Town Administrator can sign the overweight permits on behalf of the Board.

## 10. Old Business

### a. Discuss special Town Meeting on retail cannabis sales and local option tax

Mora spoke about the interest of a citizen to have a vote at the regular Town Meeting to authorize the retail sale of cannabis and noted that the Town Meeting was recently rescheduled to May in order to allow for a floor vote to be held outside if possible. The issue with the cannabis vote, she explained, is that it must be done by Australian ballot and to hold a regular in-person floor vote at one location while balloting was taking place at a different location would prove extremely difficult. She explained that she had spoken with the citizen, Emmet Dunbar, about this and the possibility of holding a special Town Meeting in the summer, but there appears to be an urgency on Dunbar's part due to an interest in the limited number of licenses for integrated facilities and an early vote would put the town in a better position to attract one of them.

She suggested setting a meeting for some time in April, and added that the Vermont League of Cities and Towns has recommended looking at a number of impacts of retail cannabis in preparation for such a vote, and asked that O’Keefe and Pajala work with her on that.

Dunbar raised several issues and recommendation with the process of holding a special Town Meeting vote on this matter, and urged the Board to hold a Town Meeting vote as soon as possible. There was some discussion that the need to adopt a local option tax in order to benefit from the taxation of local retail cannabis sales.

Pajala recommended having more than one formal informational meeting prior to a special Town Meeting on this matter. There was discussion about the types of retail cannabis entities that can be voted on: either retail or integrated facilities, or both.

Mora stated that the Board would set a special Town Meeting date at the next regular Board meeting, in two weeks.

**b. Discuss Water/Wastewater project and Pingree Park**

Mora noted that currently a wastewater feasibility of the two villages is underway and in a very preliminary engineering report Pingree Park is shown as a possible site for a wastewater system. She noted that the Parks Board has submitted a letter voicing opposition to the use of the park for this purpose.

O’Keefe provided some background and clarified that the Town received a grant of \$32,000 to study solutions for water and wastewater limitations in the villages, noting that there is an economic standstill in the villages due to the inability of businesses to expand in any significant way. With Pingree Park as one of the solution sites, the project working group felt that the Parks Board should be consulted as early as possible. The question for the Selectboard at this time he noted is whether the engineer should continue doing the engineering work to consider Pingree park or not.

Crossman added that the villages were looked at by the engineering consultant end-to-end and mapped the adequacy of soils, and noted that there are additional site review steps such as borings to complete the site ratings.

Cavanagh brought up that the project was looking at wastewater facilities that would handle up to 6,500 gallons per day, and that it would take 8 such sites to address the 55,000 gallons per day needs in the north village area. He also brought up the potential for disruption to Pingree Park by placing temporary test pits there. Crossman noted that the project is continuing to look for adequate sites.

There was a brief discussion about the deed restrictions on the property.

Fleming stated that he thought it was a horrible idea to site a wastewater system at the park.

Mora acknowledged that without workable wastewater treatment the future of the villages is in real jeopardy, and having such systems are vital, but noted that Pingree Park is a beautiful recreation resource that many have worked so hard to get it to where it is today and putting a wastewater system there would be a misuse of the property.

There was a brief discussion about the prohibitive cost and permitting complexity of establishing single large facilities in each village.

Crossman clarified that the working group has looked at a number of properties and continues this effort as it will take several sites to accommodate the needs of each village.

Pajala, speaking as a member of the Parks Board, stated that the Parks Board would not like to see engineering efforts continue that involve Pingree Park as indicated in their letter to the Selectboard.

Mora clarified that the question before the Board is not whether to put a septic system in Pingree Park, it is that in a group of sites potentially suitable for a wastewater system should we continue to consider Pingree Park or take it off the table.

Annunziata stated that he did not think the park should be considered at all. And Fleming questioned using any further funds on a site, and that it should be taken off the list.

*George Mora moved to ask the engineering initiative to take Pingree Park off the table as a potential location for a community wastewater system, seconded by Jim Fleming, passed unanimously.*

Pajala thanked the Board for considering the Parks Board's concerns and said that the Parks Board is not unsupportive of looking at wastewater initiatives in the villages in general. Board members thanks the Parks Board for its letter.

**c. Review draft 2021 Town Meeting Warning [17 VSA 2641 & 2642]**

O'Keefe pointed out that the Warning draft includes changes made at the last Board meeting, and highlights the inclusion of the Phoenix Fire Company in the appropriations and wording in the two new reserve funds clarifying that they would be funded at future Town Meetings and not this one.

Due to Town Meeting having been rescheduled, and the ongoing discussion and research on several of the articles, it was agreed that no decision needed to be made and the matter was passed over.

**11. New Business**

**a. The negotiating or securing of real estate purchase or lease options**

Mora explained that she had been contacted by the Planning Commission Chair about a piece of property in South Londonderry village that had gone on the market which was one of the properties being considered for the wastewater study, and had inquired how the Town would go about considering its purchase. She mentioned she had spoken with O'Keefe about it and it was agreed to put in on the agenda and it was originally thought that an executive session was appropriate. The Town is going to need locations for wastewater solutions she added.

Crossman noted that the property, like all those in the study, was in the early stages of consideration. As it was on the market whether she felt it would be prudent to see if the Town could discuss its potential for acquisition.

Cavanagh raised that the property is on the National Register of Historic Places and required archaeological studies could be expensive and prevent its intended use. Pajala added that if there is federal funding involved then the Nation Register classification takes on greater importance.

Prouty spoke to the value of developing creative solutions, and said he appreciates the proposals and to keep considering new solutions for future problems. Mora noted that the Town will likely have to buy properties to deal with the situation. Prouty said that if the Town does nothing the villages could fail and the Town will end up owning the property, which would be tragic. Crossman added that this scenario is already happening, and water quality and public health are being affected, as is the local economy. Mora added that the need for wastewater solutions is not only necessary for future economic development but is critical for the viability of existing businesses and their interest in selling property.

Prouty noted that system technologies are advancing, and the Town can take advantage of those improvements as they develop.

Chad Stoddard spoke about alternatives for septic systems, including two recent ones installed along rivers in the area. He said that houses and businesses can spend the money and install their own systems. He described a buried system installed on ledge next to a river and noted that the technology has been around for 25 to 30 years. Stoddard stated that the villages will not die, and that the wastewater initiative is ridiculous and should be shot down and stopped, citing these existing system technologies and the need for so many systems to address the wastewater problems. He claimed that others feel the same way as he does.

Mora noted that the Board would not be talking about purchasing a property that evening.

## 12. Adjourn

*Jim Fleming moved to adjourn the meeting, seconded by Taylor Prouty, passed unanimously.*

The meeting adjourned at 8:21 PM. The next regular meeting of the Selectboard is scheduled for February 15, 2021.

Respectfully Submitted,



Shane P. O'Keefe  
Town Administrator

*Approved February 15, 2021.*

**LONDONDERRY SELECTBOARD**

  
Georgianne Mora, Chair