

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, February 15, 2021
Meeting held remotely via online video with no physical presence

Board Members Present: Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone).

Board Members Absent: Georgianne Mora.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Town Health Officer Richard Phelan, and Planning Commissioner Chair Sharon Crossman. Others – Deerfield Valley Communications Union District representative Jeff Such, John Hankin, and US Forest Service representatives Martina Barnes and Dana Strout, and Cherise Forbes (Chester Telegraph).

1. Call meeting to order

Selectboard Vice Chair Tom Cavanagh, acting as Selectboard Chair in the absence of George Mora, called the meeting to order at 6:00 PM.

He noted that in keeping with the most current provisions and directives in response to the COVID-19 pandemic, the meeting was being held entirely remotely using Zoom meeting software.

He noted a few matters of meeting process, including that comments from the public would be limited to 3 minutes per person.

Each of the Board members than vocally identified themselves.

2. Additions or deletions to the agenda

Cavanagh noted that Emergency Management Director Kevin Beattie was not present and ***moved to delete from the agenda the Emergency Management Director COVID-19 response update, seconded by Taylor Prouty, passed unanimously*** suggested.

O’Keefe recommended deleting the year-to-date budget review.

Taylor Prouty moved to delete from the agenda the Town Treasurer’s year-to-date budget review, under item 7.d., and to move item 9.b. to the Visitors and Concerned Citizens part of the agenda update, seconded by Jim Fleming, passed unanimously suggested.

3. Minutes Approval – Meeting(s) of 2/1/2021, 2/4/2021 & 2/10/2021

Taylor Prouty moved to approve the minutes of the Selectboard meeting of February 1, 2021, seconded by Tom Cavanagh, passed unanimously.

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

Taylor Prouty moved to approve the minutes of the Selectboard meeting of February 10, 2021, seconded by Tom Cavanagh, passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Kelly Pajala announced that ballots for the Taconic & Green Regional School District have been mailed to Voters and they can be returned in the included envelopes or dropped off at the Town Office during regular business hours, or brought to the polls at the Town Office on March 2nd between 7:00 AM and 7:00 PM. The District will hold its informational meeting 7:00 PM on February 23rd, with meeting-related information available on the BRSU website.

She also reminded dog owners to renew their dog licenses.

Tina Labeau noted that the office would likely be closed the following day due to foul weather.

Shane O’Keefe gave a reminder that there are vacancies on both the Energy Committee and Development Review Board, and anyone interested should submit a Town committee request form, which can be found on the Selectboard page of the Town website.

He also noted that he had received phone calls from a property owner on Cross Street claiming that his drinking water well has been contaminated by road salt. O’Keefe mentioned that he had consulted with the Town’s insurer and per their instructions have asked the person to put their complaint in writing along with any evidence they may have.

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

- A proposal from Waite-Heindel to conduct a hydrogeology study related to the expansion of activities at the Mad King Quarry on Rowes Road. O’Keefe explained that one of the conditions of the Development Review Board’s 9/14/2020 decision on the project required a hydrogeology study within nine months, with the consultant hired by the Town and paid for by the property owner. He noted that he had issued an RFP to three consultants, received two proposals and decided, with concurrence from the DRB Chair, Zoning Administrator and the property owner to work with Waite-Heindel. He mentioned that this is the same hydrogeology firm hired for the former septage fields work, and that he is going forward with them for the project.
- A letter, dated 2/10/2021, from the Vermont Transportation Board about local land use guidelines regarding private helipads and landing trips, which has been forwarded to the Planning Commission and Zoning Administrator.

Richard Phelan inquired about the work of the Energy Committee, to which O’Keefe noted their recent efforts.

Prouty noted that the next and second meeting for the One Londonderry effort is scheduled for the evening of February 25th.

6. Visitors and Concerned Citizens

a. Discuss US Forest Service concerns with footbridge and trail construction in vicinity of Brophy and Rawley Lanes (Martina Barnes, USFS Manchester District Ranger)

Martina Barnes introduced herself as the new U.S. Forest Service District Ranger in the Manchester office, and that she is reaching out to connect with and establish relationships with District towns. She mentioned that there are 437 acres of National Forest within Londonderry. She introduced Dana Strout from the District's recreation staff.

She said that they develop a Schedule of Proposed Actions (SOPA) list and communicate with communities seeking feedback on projects.

One issue that she would like to address is some unauthorized trail construction in Sherwood Forest at the end of Rowley Lane. She noted that a footbridge was constructed 1½ years ago there over Flood Brook near Brophy Lane that is not to adequate specifications and is not safe. Barnes suggested dismantling the bridge to prevent use of the unauthorized trails. Strout noted that there is a fair amount of use of the bridge, which has a wide span and crosses a class 4 Town road, and that it is unsafe and is causing some river scouring.

Prouty noted that there had been some discussion and agreement with property owners about light roadside maintenance along the class 4 Town road, but authorization of bridge or trail improvements were not given to his knowledge.

It was agreed to schedule a time in the spring to scout the area, and Cavanagh and Prouty volunteered to work with the USFS on this.

Barnes and Strout thanked the Board and left the meeting at 6:26 PM.

7. Town Officials Business

Kevin Beattie mentioned that there is no report, but that those 70 and older can begin signing up for COVID-19 vaccinations the following day, and predicts that those 65 and older will be able to do so within a month. He stated that people should sign up through the State of Vermont via internet or phone.

a. Planning Commission – Monthly update

Sharon Crossman provided the Board with updates as follows:

- The Vermont Council on Rural Development's One Londonderry community visit event on February 3rd was a great success, with 115 participants and over 150 comments in response to the discussion. The next event is on February 25th and those who may not have participated are invited to do so, and it will be about prioritizing the many great ideas raised in the first session and how those priorities are supported. The 3rd step, scheduled for March, will be an event on how to tackle and those priorities through implementation. She encouraged everyone in the community to participate, and spoke about the good fortune Londonderry has through the expertise of the team of state, federal and regional professionals working on the behalf of the community.
- Crossman noted that the Planning Commission was not successful in receiving the \$95,000 grant from the Preservation Trust of Vermont for the Town Hall restoration. But she noted that the PTV contacted her after the One Londonderry event about an

outstanding \$10,000 not drawn down in the past for a Town Hall infrastructure grant that is now available for use within the next 6 months. She said that she would confer with others working on the Town Hall restoration on the many studies recently done and look to use the \$10,000 to address one or more of the priority projects, and come back to the Board. Labeau suggested window replacements, and Jim Fleming suggested building envelope work.

- On the wastewater project for decentralized systems the villages, there has been some good progress in the south village, she noted.
- Regarding helipads and landing strips, mentioned earlier in the meeting, Crossman stated that the Planning Commission will discuss this at the next meeting, and she has requested an opinion on this matter from the Town's zoning consultant.
- She reported that the final draft of the proposed new Zoning Bylaw is expected to receive by the Commission's March meeting.

b. Appointment of Alternative Representative to both the Deerfield Valley and Southern Vermont Communications Union District Boards of Governors

John Hankin introduced himself to the Board and described his experience with IT infrastructure and his interest in volunteering to help expand broadband internet access and fiber to the area.

Jeff Such gave brief updates on the Communications Union Districts, noting 1) that a request for proposals has gone out from DVCUD seeking proposals for a public-private partnership for system buildout, and 2) a memorandum of understanding between the two CUDs is in process to coordinate on some efforts such as network design and general knowledge sharing. He noted that he would be coming to the next regular Board meeting for a more in-depth update.

Taylor Prouty moved to appoint John Hankin as the Town's second alternate representative to both the Deerfield Valley Communications Union District Board of Governors and the Southern Vermont Communications Union District Board of Governors, seconded by Jim Fleming, passed unanimously.

O'Keefe will forward the Board's decision to each of the CUDs. He noted that Vermont statute requires that the Town's CUD representatives will need to be reappointed before the end of this coming April.

Such and Hankin left the meeting at 6:35 PM

8. Transfer Station/Solid Waste Management

a. Updates

None.

9. Roads and Bridges

a. Updates

Prouty mentioned that with the weekly snows we're burning through road salt, and that we'll likely be over budget on salt usage this year

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

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid and insurance certificates received.

Taylor Prouty moved to approve the excess weight permits for R.K. Miles, Inc., Valley Crane Services, Inc., and Renaud Brothers, Inc., and to authorize the Town Administrator to execute the permits on behalf of the Town, seconded by Tom Cavanagh, passed unanimously.

10. Old Business

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

Prouty noted that the Town of Chester has decided to wait on more information with regard to a vote on cannabis, and Cavanagh noted that other communities have done the same. It was acknowledged that the majority of the Board would also like to have more information prior to setting a vote on this matter.

Pajala raised the matter of a vote on a local option tax, and inquired about what the Board was considering, noting that this is also a large decision that needs greater public engagement. In-depth conversations are needed to determine which local option taxes would be applicable in Londonderry: rooms & meals, alcohol, and/or sales.

There was discussion about applicability of taxes on cannabis. The regular 6% sales tax would apply to cannabis and there will be an additional State-imposed excise tax. Collection of taxes related to cannabis would be contingent upon adopting a local sales tax. Pajala said she would share any new information she receives from an upcoming meeting with the legislative counsel. And she suggested that the Town do proper due diligence on this matter as well, and to be clear to the Voters about which local option taxes would be sought.

Cavanagh reiterated that the Board plans on doing a special Town Meeting when the Board has the information it needs. O'Keefe pointed out that the meeting packet included additional related information from The Collaborative, and that other information is available on request, and Pajala offered to get advice from the legislative counsel as may be requested by the Board.

The timing and process for the formation of the Cannabis Control Board was discussed, and it was noted that it is well behind schedule.

Regarding integrated licensees, Pajala clarified that integrated licensees will be able to establish recreational retail establishments in communities other than where they have their existing medical dispensaries, and locations will be dictated by which towns have opted in to allow these licensees and by their geographic distribution. She added that the integrated licenses would be issued before other licenses. She also pointed out that the Town's statutory authorization to have Australian ballot voting is due to the pandemic and will expire at the end of the year, so the special Town Meeting should be held before then.

b. Discuss options for police services

Cavanagh mentioned that he Board Chair George Mora had met with their counterparts from the Town of Jamaica and the Windham County Sheriff Mark Anderson to discuss the concept of the Sheriff's Department providing 20 hours per week to each town, which would allow

for reduced hourly cost for each community. O’Keefe noted that the Jamaica Selectboard members were very interested in joining forces in an effort to save costs. The Windham County Sheriff’s Department normally charges \$52/hour for towns contracting less than 2,000 hours per year, and \$41/hour for those contracting for more hours. The contracts for the towns, while separate, would allow each town to take advantage of the lower rate when considered together according to the Sheriff Anderson.

Cavanagh noted that the Sheriff stated he would look to hire a new officer, preferably someone that lives or would live near the two towns. O’Keefe added that very good information was shared between the parties at the meeting and that the Jamaica Selectboard members noted the Town’s satisfaction with the services they have been receiving from the WCSD.

O’Keefe mentioned that the Board would need to amend the Town Meeting warning article already on the draft Town Meeting warning to reflect a WCSD contract. Pajala spoke to the Town Meeting schedule that she and Labeau are working on, and Prouty mentioned that the Warning deadline is March 15th.

There was discussion about timing of Town Meeting deadlines depending on having a floor vote versus Australian ballot, should pandemic conditions require that, and it was agreed that it made sense to recommend that consent of candidate forms for elected offices be done early so as not to worry about that decision.

Board members discussed an increased call for police services, and whether to add funding for a contract with the WCSD and for how much. It was agreed to hold off on finalizing that until all Board members were in attendance.

c. Septage Fields Project – Discuss PFAS groundwater monitoring plan

O’Keefe mentioned that a proposal from hydrogeologist consultant Waite-Heindel to develop a mandated PFAS groundwater monitoring plan was approved a few months ago by the Board and the plan has been developed and presented to the Vermont Agency of Natural Resources, Department of Environmental Conservation.

He added that the cost of the groundwater sampling, which will require an additional new test well, is approximately \$4,800 and this expense will occur in FY2022. The sampling plan itself cost almost \$2,000, and O’Keefe noted that none of the PFAS planning and sampling work was budgeted as it came up after the budgets were set, but that the Town is continuing to tally the expenses in the hope of recovering funds spent through State actions against the manufacturers of PFAS. He suggested budgeting \$5,000 in the FY2022 budget for this effort.

O’Keefe brought up the Energy Committee’s effort to explore reuse of the former septage fields as a solar farm, which could generate funds to offset the ongoing testing expenses. He added that there may be the need to spend some money up-front on engineering due to the site being in a flood hazard area.

Taylor Prouty moved to acknowledge receipt of the work plan for monitoring PFAS in groundwater at the former septage fields, prepared by Waite-Heindel Environmental Management, and to include \$5,000 in the Septage Testing Services budget line of the proposed FY2022 budget to cover the cost of this testing service, seconded by Vincent Annunziata, passed unanimously.

11. Adjourn

Jim Fleming moved to adjourn the meeting, seconded by Tom Cavanagh, passed unanimously.

The meeting adjourned at 7:24 PM. The next regular meeting of the Selectboard is scheduled for March 1, 2021.

Respectfully Submitted,



Shane P. O'Keefe
Town Administrator

Approved March 1, 2021.

LONDONDERRY SELECTBOARD


Georgianne Mora, Chair