

**Town of Londonderry, Vermont  
Selectboard  
Meeting Minutes  
Monday, April 19, 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 Douglas Friant, Town Health Officer Richard Phelan, Zoning Administrator William Goodwin, and Planning Commission Chair Sharon Crossman. Others – Residents Esther Fishman, Elsie Smith, Stephen and Heather Swinburne, and Town Attorneys Robert Fisher and James Carroll.

**1. Call meeting to order**

Selectboard Chair George Mora called the meeting to order at 6:02 PM.

She 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.

She 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**

*Taylor Prouty moved that the executive session scheduled as item 10.c., be moved to after the New Business section of the meeting, seconded by Vincent Annunziata, passed unanimously.*

**3. Minutes Approval – Meeting(s) of 4/5/2021**

*Tom Cavanagh moved to approve the minutes of the Selectboard meeting of April 5, 2021, seconded by Vincent Annunziata, passed unanimously.*

**4. Selectboard Pay Orders**

*Jim Fleming moved to approve the pay orders for payroll and accounts payable, seconded by Tom Cavanagh, passed unanimously.*

**5. Announcements/Correspondence**

Kevin Beattie spoke to the process of developing the Local Hazard Mitigation Plan, for which the Windham Regional Commission was hired with FEMA funding. WRC’s Alyssa Sabetto is the project manager, and she proposes holding two public meetings in May to include Town officials such as the Selectboard, Planning Commission, Health Officer, Road Foreman, Road Commissioner, and Town Administrator. It was agreed that the meetings would potentially be on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays in May and would last an hour or two; Beattie will send out an invitation.

Esther Fishman and Elsie Smith, chairs of the steering committee of the new One Londonderry effort, updated the Board on One Londonderry, which developed as a result of the Vermont Council on Rural Development community visit process. Fishman mentioned that Project Londonderry is no longer in existence and some of its committees were absorbed into the One Londonderry effort, which contains the following 5 focused committees:

- Economic vitality
- Recreation
- Housing
- Community center
- Village main streets

The first One Londonderry meeting was last month, Fishman reported, and the committees have been asked to come back to the next meeting with a mission statement and goals. She added that a website is being developed, and Smith mentioned that the not-for-profit Community Fund for Londonderry has been established as a fiscal agent to support One Londonderry projects and other community projects, and that it is looking for additional board members. Smith described the roles of the Beautification Committee and the Friends of Main Street with regard to flower plantings in the community.

Smith noted that she and Fishman as One Londonderry chairs would report back to the Selectboard on occasion, and added that Selectboard members should feel free to reach out to them.

Shane O’Keefe reminded the Board that there are still vacancies on the Energy Committee, Conservation Commission, Parks Board, Development Review Board and Planning Commission.

He also mentioned that the Septage fields will be mowed again this year by Duane Hart in exchange for the hay.

On the VT Route 11 Paving project, O’Keefe stated that he had been in contact with VTrans, and the contractor is expected to get going around the first week of May, and we can expect weekly updates soon.

He mentioned that the Cemetery Commission has announced that cemeteries will open on May 1st, and clean-up by caretakers has already begun, and people are asked to please remove all decorations that have been added to the cemeteries over the winter or they will be removed of on May 1st. Plantings in the cemetery are not allowed the announcement continued.

The tax sale is scheduled for Thursday, April 22 at 10:00 AM, and Tina Labeau mentioned that we are down to only 4 properties for sale.

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

- A notice of award, dated April 9, 2021, from the Vermont Department of Environmental Conservation to the Londonderry Solid Waste Group on its application for funding for food scrap collection equipment in the amount of \$7,800.
- A copy of the April 9, 2021 letter from VLCT-PACIF acknowledging receipt of the Town’s insurance claim regarding a Cross Road property owner’s allegation of well contamination due to road salt, which had been previously mentioned on 2/15/2021.
- Following up on the previous meeting discussion, an email dated April 15, 2021 from VTrans conditionally approving the relocation of the advance warning curve sign near the former schoolhouse property on Thompsonburg Road.

Labeau mentioned that Town Reports should have been received by citizens in the mail already and that there are extras at the Town Office if needed.

Kelly Pajala announced to anyone looking to come to the May 1<sup>st</sup> Town Meeting that protective masks will be required, and households are asked to stay together. The meeting will follow State health and safety guidelines.

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

Steve Swinburne spoke to the Board about continued vehicular speeding on Main Street, and thanked the Board for posting speed limits signs, but said they were ineffective and suggested the installation of “speed table” in the roadway. He stated that there are 8-10 children living along the road at this time. He described characteristics of speed tables and noted the success of Barre, Vermont has had with them for slowing vehicles in a residential area. He implored the Board to pay attention to the speeding issue on the road.

Mora stated that the Board is taking traffic enforcement concerns at this location and others very seriously and there is a Town Meeting warning article seeking to fund a contract with the Windham County Sheriff’s Office for 20 hours of police service per week, primarily to address issues with traffic enforcement. She suggested waiting to see how the vote goes, as the Town would have frequent police coverage beginning in July if the vote passes, and that the Board can ask the WCSD to focus on certain areas. Mr. Swinburne stated that he is willing to wait and see how the vote goes but expressed that many people on the road are very concerned. Mora suggested that the writing of speeding tickets in other communities has proved to be very effective deterrent to speeding, and expressed a concern that installing a speed table at this location might prompt requests throughout the town for them.

Beattie agreed that once active traffic enforcement takes hold in a community people begin to adhere to the speed limits. O’Keefe noted that installation of speed tables and the like require warning sign that increase the cost and sign clutter. Mr. Swinburne stated that installation of a speed table and accessory signage would cost \$1,500 per location.

The recent history of policing contracts with the Vermont State Police for the Town was briefly discussed. The Swinburnes were encouraged to attend the Town Meeting to discuss the policing contract, and they left the meeting at 6:27 PM.

## **7. Town Officials Business**

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

Emergency Management Director Kevin Beattie stated that he had no report at time, and suggested discontinuing the COVID-19 updates as response is not so much of an emergency management function at this point.

### **b. Emergency Management Director – Discussion & update on Local Emergency Management Plan**

Beattie presented the annual Local Emergency Management Plan, which includes changes from the previous year’s version. He noted that it is due by May 1<sup>st</sup> even though changes to Town Officials will take place on that date and a revised version will have to be submitted soon thereafter.

*Taylor Prouty moved to adopt the 2021 update of the Town of Londonderry Local Emergency Management Plan, and authorize the Selectboard Chair to execute any documents necessary for this action, seconded by Tom Cavanagh, passed unanimously.*

**c. Planning Commission – Monthly update**

Sharon Crossman updated the Board on activities of the Planning Commission.

On the Town Hall restoration project, she mentioned it is getting off the ground with engineer Chris Cole soon under contract. The Invitation to Bid for the restoration work is scheduled to out later in the week and bids are scheduled for consideration by the Board on May 24<sup>th</sup>. She stated that the building really needs the intended work, and is a project the entire community can get behind. The emphasis will be on creating an inviting front façade in the short term and create an attractive community meeting space long-term. Coordination of use of the building over the summer during construction will have to be done carefully, she added.

The Request for Proposals for the Main Street Study and Master Plan consultant procurement went out the previous week she noted, and she described some of the scope of work being sought for the project.

Crossman noted that the wastewater/water supply study has been somewhat discouraging of late as there are challenges and issues, that limit availability of suitable sites for small community systems, though there are better opportunities in the south village that are being explored.

At Mora's request, Crossman spoke about the transition of elements of Project Londonderry into the new One Londonderry organization, and mentioned that the affordable housing and community center committees are new while the others mentioned earlier by Fishman were had been part of Project Londonderry. She spoke briefly about project funding opportunities.

Pajala inquired about the efforts of the One Londonderry recreation committee to explore pedestrian trails and how it would coordinate with the VTrans Bicycle and Pedestrian grant to be discussed later in the meeting. O'Keefe clarified that the pedestrian study he would be proposing for the grant was being pursued at the suggestion of VTrans as it is a recommendation from the Road Safety Audit it had conducted in late 2020. Coordination on the Main Street Study and Master Plan and a pedestrian study was discussed, and O'Keefe mentioned that the pedestrian study could provide added detail work to the master planning effort.

**d. Zoning Administrator - Periodic update**

Mora mentioned that the Board wanted to hear an overview of activities of the Zoning Administrator's office. Will Goodwin stated that he has been very busy with a sort of land rush going on; properties are being gobbled up that have been on the market for a long time. He expects and hopes that things will calm down soon.

He mentioned lack of access to the vault and office noise as occasional limitation, and mentioned the need for a large computer monitor for better productivity. Goodwin spoke of Town computers being a bit quirky, but noted that his working for numerous towns can create software issues. He thanked Labeau for her assistance with technology matters.

Crossman raised the matter about permit issuance during the period after the Selectboard first gives notice of a public hearing for the proposed new Zoning Bylaw, and referenced 24 VSA 4449 which states that for 150 days applications are to be reviewed under both the existing and proposed Bylaws, and apply the more restrictive. Goodwin inquired about the schedule on the Zoning Bylaw adoption, and Crossman noted that the consultant has been busy with other projects and there was no update on schedule at this time.

**e. Town Treasurer – Year-to-date budget review**

Labeau stated that the budget is doing OK so far this year and we may even have a surplus. Taxes and delinquent taxes are coming in nicely, and she's available for questions anytime.

**f. Discuss upcoming annual Town Meeting – Saturday, May 1st at 9:30 AM at Pingree Park**

Pajala noted that the Board of Civil Authority would be meeting as required before the Town Meeting, and if any Selectboard matters need to be addressed last minute that that might be an opportunity. The meeting will be on April 26<sup>th</sup>.

The various warning articles were discussed. Whether and how the Board members or others would do a presentation on the various articles was raised by Mora. Friant stated that it is the Voters' meeting, and these presentations would have to be done by unanimous consent.

She suggested presentations or remarks would have to be done for the following articles:

- Article 9 – Funding for a policing contract (George)
- Article 10 – Engineering study for the Williams Dam (Kevin/Shane)
- Article 14 – Establish an economic development reserve fund (Shane/Tina)
- Article 15 – Establish a highway improvement reserve fund (Shane/Tina)

Friant stated that he will be do some research on this, but suggested just having someone ready to speak informally on each article.

Pajala stated that she'd like to discuss the American Rescue Plan as well as other Legislative matters, and it was agreed that this would happen after Article 8 and before the Town Government items. Explanation of the American Rescue Plan can augment discussions on the proposed new capital reserve plans, she mentioned.

Mora recommended that Regina Downer be contacted to speak to Article 8, which proposes to raise funds for the My Community Nurse Program.

On Article 10, Fishman discussed a recent Conservation Commission presentation on dam removal. Beattie noted that the proposed engineering study is required by statute, and the decision to keep or remove the dam is not up for discussion at this time and to steer away from this subject. It was agreed that O'Keefe would forward to Beattie and Friant information on the necessity for the dam engineering study.

Friant asked Pajala about pandemic safety protocols, and Pajala stated that the meeting will abide by the State mask mandate and suggested that she could prepare a script for him to read to the Voters on meeting safety. There will be new universal guidelines and sector-specific guidelines to which the meeting will adhere, she added. She described some of the specific safety requirements such as mask-wearing and households sitting together, and noted that for paper ballots staff and volunteers will go around to collect ballots from Voters.

Labeau stated that that chairs will be available, but Voters are requested to bring their own, and the availability of tents was discussed, which are scheduled to be erected on Thursday before the meeting stated Pajala. The Board discussed closing the Pingree Park gate prior to the meeting to help protect equipment and furniture. It was agreed that an announcement should be made that cleanup should be left to staff and volunteers.

Friant inquired about the additional public work personnel discussed this past year. and it was noted by Labeau that this proposal is no longer in play and not in the proposed budget.

Seating and separation of the staff and Board members was briefly discussed.

## 8. Transfer Station/Solid Waste Management

### a. Updates

Cavanagh had no updates. Fishman spoke about the food collection infrastructure grant that the Londonderry Solid Waste group received, where the State covers 40% of equipment costs, and mentioned that the option of employing on-site composting is being explored. This could dramatically reduce the amount of equipment expenditures and thus downsize the Town's grant share from \$11,700 to as low as \$3,000, she mentioned. She will report back on the progress of this effort

## 9. Roads and Bridges

### a. Updates

Prouty mentioned that he had no updates other than to note that the Road Crew had to plow one last time (hopefully).

### b. Consider annual purchase of calcium chloride/magnesium

The Board reviewed the cost proposal for calcium chloride and magnesium chloride ice control from Innovative Surface Solutions.

Prouty mentioned that Josh Dryden had mentioned that the Highway Department used about 13,000 gallons of the product this past winter, and that using the proper amount made a very big and positive difference. O'Keefe noted that he believed that Dryden wished to switch from using calcium chloride to magnesium chloride, which would result in additional cost savings.

*Taylor Prouty moved, in keeping the 3-year equipment rental agreement with Innovative Surface Solutions authorized by the Board on May 4, 2020, and its minimum annual supply purchase of 12,500 gallons of product, to accept the proposed unit cost of \$1.00 and \$1.04 per gallon for magnesium chloride and calcium chloride, respectively, and authorize the Town Administrator to execute any documents necessary for this purchase on behalf of the Town, seconded by Jim Fleming, passed unanimously.*

### c. 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 A.S. Clark & Sons, Crandall Logging, LLC, and Washburn Vault Company, Inc., and authorize the Town Administrator to execute the permits on behalf of the Town, seconded by Tom Cavanagh, passed unanimously.*

## 10. Old Business

### a. Prioritization of Town facilities repair and maintenance

The Board reviewed and discussed the list of needed work on Town facilities and come up with the following list of projects to pursue further:

- Town Garage - Electric water infiltration into electrical panel
- Town Garage - Garage door maintenance agreement

- Cold Storage Building - Replacement of the two garage doors
- Town Office - Roof above & sill below Treasurer & Clerk's Office entrance
- Town Office - Meeting room sound insulation
- Town office - Exterior scraping & painting
- Transfer Station - Bollards and chains at the C&D area

O'Keefe noted a proposal received for the garage doors came in at just under \$10,000, so he is seeking an additional estimate. He mentioned he was in contact with engineer Chris Cole on assisting with developing work scopes.

Crossman mentioned some of the work planned for the Town Hall project could be handle along with some of the Town Office work in order to save costs.

O'Keefe was asked to do more legwork on these projects, rank those discussed during the meeting, and come back to the Board with a presentation at the next regular meeting

**b. Platt Elevation Project – Extension of Memorandum of Understanding**

O'Keefe noted that the previously-approved Memorandum of Understanding for the Platt elevation project, last amended on March 2, 2020, expired on December 31, 2020, and the Town Attorney proposed language extending the MOU, which the property owners had already signed. He recommended that the Board likewise approve it. He added the zoning permit for the project was scheduled for time extension by the Development Review Board later in the week.

*Taylor Prouty moved to extend the effective end date of the March 2, 2020 Amended Memorandum of Understanding between the Town and Thomas and Judith Platt related to the Platt's property at 2152 North Main Street, from December 31, 2020 to September 30, 2021, and to authorize the Selectboard Chair to execute an acknowledgement on the document on behalf of the Town, seconded by Tom Cavanagh, passed unanimously.*

**c. 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)**

This matter was addressed later in the meeting.

**11. New Business**

**a. Use of Town Office Meeting Room**

Mora noted there was recently a question about whether the Beautification Committee could use the Town Office meeting room and whether Selectboard approval for such use was needed, and this needs to be clarified as the Selectboard owns the building and has authority over its use. She stated that she'd like there to be some leeway for the Town Clerk's office to allow for use of the meeting room by Town boards and committees without Board approval. Pajala mentioned that for the time being, to limit the number of building users, that there should be no meeting room usage by boards and committees during office hours, but after-hours should be fine.

Mora noted that the Board voted to close the building to the public this past year, but that Town boards and committees are not generally considered to be the public, but it was noted the building is limited to 8 people at this time per State guidelines.

The Board's Facility Use Policy was reviewed and it specifies that commercial uses of the building require prior Selectboard approval. Birthday and anniversary parties take place at the Town Office on occasion, Pajala noted.

Crossman inquired as to when boards and committees would be able to have in-person meetings at the Town Office. Mora suggested waiting for a new Board to come to office for that decision, and Pajala added that new State guidelines become effective on May 1<sup>st</sup>.

**b. Volunteer cleanup of Buyout property (434 Main Street – Baccash site)**

O'Keefe mentioned that two neighbors wished to continue their work maintaining this Town-owned property, and he suggested that this be conditioned on their executing volunteer waiver forms for liability purposes.

*Taylor Prouty moved to authorize Stephen Swinburne and Gary Longley to maintain on a voluntary basis, the lawn and plantings at the neighboring Town-owned buyout property located at 434 Main Street, provided they have each a signed volunteer waive, seconded by Tom Cavanagh, passed unanimously.*

**c. Green Up Day Coordination – May 1st**

Information from the Champion Fire Company's wish to continue coordinating Green Up Day was considered which also inquired about having a vehicle from the Highway Department available to help out, which is typically is what happens. It was noted that the Transfer Station would be closed that day due to Town Meeting, and it was agreed that trucks would be available at both the firehouse and at The Mill on North Main Street.

Crossman inquired about added safety measures for cleanup volunteers due to COVID-19. Pajala noted that the webpage of the Green Up Day organization has that covered in its public information.

*Tom Cavanagh moved to appoint the Champion Fire Company as the Town's 2021 Green Up Day Coordinators, seconded by Taylor Prouty, passed unanimously.*

**d. Discuss 2021 VTrans Bicycle & Pedestrian Grant program**

O'Keefe mentioned that this grant program has just become available and that he was contacted by VTrans with the suggestion that the Town follow up on the recommendation of the recent VTrans Road Safety Audit to pursue a pedestrian study for the north village. He said it would dovetail nicely with the soon-to-commence north village master planning effort, to which Crossman agreed.

*Taylor Prouty moved to authorize the Town Administrator to submit an application for funding under the VTrans Bicycle and Pedestrian Grant program for a pedestrian study for the north village, seconded by Tom Cavanagh, passed unanimously.*

**e. Annual appointments – Representatives of the Deerfield Valley & Southern Vermont Communications Union Districts [23 VSA 1400a]**

Mora remarked that the CUDs were making good progress and there is more to come, and that the telecommunications companies are responding to them and the State, and suggested reappointing the existing representatives.

*Tom Cavanagh moved to appoint Ellen Seidman as the Town's Representative to the Deerfield Valley Communications Union District Governing Board, and both Jeffrey Such and John*

*Hankin as Alternate Representatives, for one-year terms, seconded by Vincent Annunziata, passed unanimously.*

*Tom Cavanagh moved to appoint Jeff Such as the Town's Representative to the Southern Vermont Communications Union District Governing Board, and both Ellen Seidman and John Hankin as Alternate Representatives, for one-year terms, seconded by Jim Fleming, passed unanimously.*

**f. Annual appointments – Parks Board**

The Board reviewed applications for reappointment for the Parks Board from Elizabeth Labeau and Marge Fish.

*Tom Cavanagh moved to reappoint Elizabeth Labeau and Marge Fish to the Parks Board, each for a three-year term ending April 30, 2024, seconded by Vincent Annunziata, passed unanimously.*

**g. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Upper Tamarack, Inc., DBA Upper Pass Lodge**

**h. 1st & 3rd Class Liquor License – Turner Enterprises, LLC, DBA The New American Grill**

**i. 2nd Class Liquor License – Mountain Energy of Vermont, Inc., DBA Mountain Energy**

The Board reviewed and discussed these applications for liquor licenses.

*Jim Fleming moved to approve A) 1st and 3rd Class Liquor Licenses for Upper Tamarack, Inc., doing business as Upper Pass Lodge, related to property located at 420 Magic Mountain Access Road; B) 1st and 3rd Class Liquor Licenses for Turner Enterprises, LLC, doing business as The New American Grill, related to property located at 5700 VT Route 100; and, C) a 2nd Class Liquor License for Mountain Energy of Vermont, Inc., doing business as Mountain Energy, related to property located at 3590 VT Route 100, seconded by Tom Cavanagh, passed unanimously.*

**j. Schedule for May Selectboard meetings**

O'Keefe noted that the first regular Selectboard meeting in May would normally be Monday, May 3<sup>rd</sup> but as this is only two days after the rescheduled Town Meeting and there are five Mondays in May this year, he suggested pushing the meetings out a week.

*Taylor Prouty moved to reschedule regular Selectboard meetings this May to be held on May 10 & 24, seconded by Tom Cavanagh, passed unanimously.*

**k. 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)**

*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 Jim Fleming, 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 8:11 PM. The Board came out of executive session at 8:30 PM. No decisions or announcements were made.

## **12. Adjourn**

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

The meeting adjourned at 8:31 PM. The next regular meeting of the Selectboard is scheduled for May 10, 2021.

Respectfully Submitted,



Shane P. O’Keefe  
Town Administrator

*Approved May 10, 2021.*

**LONDONDERRY SELECTBOARD**

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TBD, Chair