

Town of Londonderry, Vermont

Selectboard Meeting Agenda

Monday, January 10, 2022 – **5:00** PM
100 Old School Street, South Londonderry, VT 05155

1. Call Meeting to Order
2. Additions or Deletions to the Agenda [1 VSA 312(d)(3)(A)]
3. Minutes Approval – Meeting(s) of 12/20/2021
4. Selectboard Pay Orders
5. Announcements/Correspondence
6. Old Business
 - a. Review and discuss proposed FY2023 Budget
7. Visitors and Concerned Citizens
8. Town Officials Business
 - a. Beautification Committee – Request for Town Meeting article
9. Transfer Station/Solid Waste Management
 - a. Updates
10. Roads and Bridges
 - a. Updates
 - b. Consider request for VAST use of Town highway – Mansfield Lane
 - c. Access Permit 2022-01 – Middletown Road, Parcel 060202.001
 - d. Review and discuss RSMS study (continued)
11. Old Business
 - a. Consider sale of Town-owned property – Parcel 103001.000 [24 VSA 1061]
 - b. Review and discuss draft water-wastewater study (continued)
 - c. Discussion of use of funds from the American Rescue Plan Act (ARPA)
12. New Business
 - a. Review draft Town Meeting Warning
 - b. Consider sale of Town-owned property – Parcel 110001.000 [24 VSA 1061]
 - ~~c. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)~~
 - ~~d.~~ 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)
13. Adjourn

Meeting documents will be available at <http://www.londonderryvt.org/town/agendasminutes/> approximately 24 hours before the meeting.

As Amended at Meeting

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, January 10, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty, Melissa Brown and James Fleming. All but Cavanagh attended remotely via Zoom meeting software in conformance with 1 VSA 312(a)(2).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau*, Town Clerk Kelly Pajala*, Beautification Committee members Barbara Wells, Martha Dale, Pam Abraham* and Bonnie Johnson*. Others – Resident Kevin Beattie*, Chester Snowmobile Club member Lewis Lettenberger*, and Bruce Frauman (GNAT).
(*attended remotely)

1. Call meeting to order

Tom Cavanagh called the meeting to order at 5:08 PM.

2. Additions or deletions to the agenda

[1 VSA 312(d)(3)(A)]

Taylor Prouty moved to delete from the New Business part of the agenda, the executive session on employee evaluations, seconded by Vincent Annunziata. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 12/20/2021

Taylor Prouty moved to approve the minutes of the Selectboard meeting of December 20, 2021, seconded by Jim Fleming. The motion passed unanimously.

4. Selectboard Pay Orders

Vincent Annunziata moved to approve the pay orders for payroll and accounts payable, seconded by Jim Fleming. The motion passed unanimously.

It was agreed to hold off on Announcements & Correspondence until after the budget review.

5. Old Business

a. Review and discuss proposed FY2023 Budget

Tina Labeau went over the proposed budget line-by-line with the Board, first covering revenue and then expenditures, and noted that the budget does not reflect a significant overall change from this year. There were questions back and forth on various budget lines. Melissa Brown inquired about the FY2022 budget being very lean compared to some parts of the proposed budget and it was noted by Labeau that this was due in part to pandemic conditions.

O’Keefe questioned whether reserve fund revenues and expenses should be reflected in the budget. He and Labeau will further discuss this.

Revenue highlights are as follows:

- Transfer Station revenues are up from other towns to reflect the increases expenses.
- Expenses from law enforcement is increased due to actual revenues.
- A new revenue line for solar array rents is pegged at \$6,000.

Expense highlights are as follows:

- The salaries for the Town Treasurer and Town Clerk reflect 5% increases, and the budget reflects 5% increases for all other Town employees. Labeau mentioned that previous years' increases were 2%. O'Keefe noted that any salary adjustments for him, the Zoning Administrator and the Town Assessor area waiting annual performance evaluations.
- Health insurance costs are down overall.
- Election expenses are up due to national elections later in the year.
- New GIS mapping will be paid through both the Listers and Zoning offices.
- The Planning Commission recommended the hiring of an administrative assistant.
- O'Keefe suggested that the Board consider funding a position for an individual to take minutes for various boards and commissions.
- In general, fuels and utilities are increased due to trends.
- Contracted trash hauling at the Transfer Station is budgeted to increase from \$195,000 to \$225,000, or 15.4%. Contracted organics recycling cost increases 110%, hauling of recyclables increases 74%, and hazardous waste/electronics contracting increases by 48%.
- There is an ongoing PFAS sampling requirement at the former septage fields that is budgeted at \$5,000, an amount that O'Keefe will confirm.
- The Parks Board looks to contract out all of its mowing at Memorial, Pingree, Williams and Buxton Park, instead of relying on the Highway Department. Only Memorial Park was contracted out this past year.
- Parks infrastructure expenses are increased to address resurfacing the basketball court, to include pickleball lines.
- Debt service shows a 6% decrease.
- Paving is removed from the highway budget and instead will be handled through the new reserve fund.
- Gravel is moved to winter highway operations.
- The budget for tires and tire chains are increased due to planning and readiness needs.
- Salt and sand budgets are increased due to usage and pricing.

The first review budget indicates a budget decrease of .31%, with the amount to be raised by taxes decreasing by 7.33%.

Labeau thanked everyone who helped to develop the budget. Board members thanked her for a great job putting it all together.

6. Announcements/Correspondence

Shane O'Keefe noted that Board members not physically in attendance should come by in the coming days to sign documents as necessary. He mentioned that the Town had heard from the Windham Regional Commission that the application for funding of \$5,500 for a plate compactor

for the Highway Department wasn't approved, as there was a limited amount of money and demand exceeded supply.

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

- A 12/17/2021 email from Zoning Administrator Will Goodwin regarding access permits on class IV roads and changes proposed under the new draft Zoning Bylaw.
- A 12/20/2021 application and acknowledgement related to an amendment to the Town's Municipal Roads General Permit, which is now pending.
- The equalization study results for 2021 from the Vermont Division of Property Valuation and Review, which again show acceptable figures for the Town's Common Level of Appraisal and Coefficient of Dispersion.
- Regarding the proposed solar array at the former septage fields, an information request dated 1/5/2022 from the Vermont Public Utilities Commission of Green Lantern Solar regarding location of utility poles and inverters to elsewhere on the property
- Several documents, including a scheduling hearing notice for tomorrow, a motion and proposed stipulation regarding the tax deeding case of Contos vs. the Town of Londonderry. He mentioned that he would be signing off tomorrow on the Town's response to interrogatories and requests to produce.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Beautification Committee – Request for Town Meeting article

Bonnie Johnson responded to questions previously raised by the Board by responding as follows:

- Overall project gross cost is \$13,680, and with \$3,000 already raised through donation there is only a need for \$10,680 from the Voters.
- Fundraising is no longer going on.
- Approvals allowing the signs by property owners in 1999 were through "agreements to convey by donation", and not easements.

She noted that all four property owners have been approached, and that two of the property owners were the same as that in 1999 and two were newer owners. Three have provided letters of support and the fourth verbal support, but no formal approvals are in place.

Johnson stated that she had been in contact with VTrans and the signs are in compliance with State requirements. She asked the Board for guidance on next steps.

O'Keefe mentioned that the Town Attorney has determined that the previous agreements constituted revocable consent agreements which do not run with the land. He suggested that the Board needs to decide whether revocable consent agreements constitute sufficient site control for the project, and while easements are preferred, revocable consent agreements can work for the Town and are easier to secure from property owners.

Board members expressed support for acceptance of revocable consent agreements. O’Keefe suggested that the Town Attorney could review the previous agreements and determine if the same or a different document should be used. He will work with the Town Attorney on this and report back to the Board.

The matter of whether permits were required for the redesigned signs was raised and O’Keefe suggested that the Beautification Committee should work with Zoning Administrator Will Goodwin on this. Beautification Committee members stated that they would follow up on this, And they inquired as to whether the Town Road Crew could assist with installation of the signs to keep down the overall project cost.

The draft warning already contains the following article, which would be revised to include the revised dollar figures: “Shall the Town vote to raise and appropriate a sum of \$11,680, which will match \$2,000 of private funds raised by the Beautification Committee, to fund the fabrication and installation of four new “Welcome to Londonderry” signs?”

Cavanagh suggested that the Beautification be sure to attend the Town Meeting to speak to this request. The Committee members left the meeting at 6:24 PM.

9. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that 2022 permits are available for sale. Labeau mentioned that in addition to on-line purchases the windows at the Town Office would be available for in-person purchases. It was noted that there are no applications for the part-time Sunday position.

10. Roads and Bridges

a. Updates

Taylor Prouty noted the following usage for the month of December 2021:

Salt – 472 tons

Sand – 1,172 yards

Fuel (gallons): Vehicles – 1,469.9, Town Office Generator – 0, Transfer Station – 0

b. Consider request for VAST use of Town highway – Mansfield Lane

On behalf of the Chester Snowmobile Club, Lewis Lettenberger presented the Club’s request to use a 1/10 mile portion of Mansfield Lane for snowmobile use to allow for a connection to a new dead end spur trail from Lowell Lake Road to the new restaurant, the Revival Kitchen. The use would be similar to Lowell Lake Road, and would include trail grooming approximately once or twice per week.

Prouty as Road Commissioner noted that this section of the road is narrow and steep, and requested that grooming not reduce the width of the roadway. He expressed support for the proposal and noted that because the VAST approval is granted annually, the Town can monitor this for future.

Mansfield Lane property owner Kevin Beattie stated that he had no problem with the proposal there appear to be no safety issues and in fact it would make for a better situation.

Lettenberger stated that the trail would likely only used during restaurant hours and there may be some signage directing people there. He noted that four of the six property owners have been contacted about the proposed use of the roadway.

Taylor Prouty moved to approve the request from the Chester Snowmobile Club to use a portion of Mansfield Lane for snowmobiling between December 15, 2021 and April 15, 2022, and authorize the Town Administrator to execute a Vermont Association of Snow Travelers, Inc. landowner permission form on behalf of the Town, seconded by Melissa Brown. The motion passed unanimously.

c. Access Permit 2022-01 – Middletown Road, Parcel 060202.001

Prouty described the project and noted that it is a modification of a previous permit where the property owner wishes to move the driveway up the hill from where previously approved. He noted that Road Foreman Josh Dryden has reviewed the application.

Taylor Prouty moved to approve access permit application No. 2022-01, submitted by Steven Wurtz, for tentative parcel #062020.001, located on the east side of Middletown Road, which shall supersede access permit #2021-06, which was approved by the Board on October 4, 2021, seconded by Vincent Annunziata. The motion passed unanimously.

d. Review and discuss RSMS study (continued)

O’Keefe mentioned that at the previous meeting the Board had just the day before received the draft RSMS paved roads analysis and he asked if the Board members had any questions or concerns to pass on to the engineer. He noted that he had had a chance to review it carefully and had inquired of the engineer about the costs for the paving and upgrades, as the unit costs were from 2014. There were no questions or comments from the Board.

11. Old Business

a. Consider sale of Town-owned property – Parcel 103001.000 [24 VSA 1061]

In response to a notice of intended sale of Town-owned parcel #103001.000, which was issued on 12/23/2021, O’Keefe reported that he had received one sealed bid, which he provided to Cavanagh. Cavanagh opened the bid envelop and stated that the bid was received from Bettina and Pierre Labeau with a bid amount of \$2,799.00.

As was mentioned at the 12/6/2021 meeting, O’Keefe stated that the property is an undersized lot for zoning purposes and unable to support any development, and as such was offered subject to the condition that it conveyed to one of the abutting property owners and be merged with the abutting lot for tax assessment and zoning purposes. He again mentioned for the sake of transparency that Bettina Labeau is the Town’s Treasurer and an abutting property owner.

If the bid is accepted, O’Keefe explained, the next step in the sale process is to advertise the proposed terms of sale for 30 days and thereafter the Board must formally authorize the sale and designate an agent to convey it. However, if 5% of the legal voters of Londonderry sign and file with the Town Clerk a petition objecting to the sale within 30 days of the required notice, the Town will hold a town meeting vote on the question of whether to convey the sale.

Taylor Prouty moved to accept the sealed bid offer from Bettina and Pierre Labeau for the purchase of Town-owned property located at parcel #103001.000 in the amount of \$2,799.00, conditioned on 1) merger of the property for tax assessment and zoning purposes with the purchaser's abutting property, and 2) all notice and petition provisions as provided for under 24 V.S.A. Section 1061. This property was acquired by the Town by Tax Collector's Deed dated and recorded on May 19, 2020, and recorded in Book 86, Page 385 of the Londonderry Land Records. Prior to any final authorization of conveyance, the Board shall certify the designation of an agent empowered to convey the subject property on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

b. Review and discuss draft water-wastewater study (continued)

O'Keefe mentioned that at the previous meeting the Board had just the day before received the 60% draft of the water-wastewater study and he asked if the Board members had any questions or concerns to pass on to the engineer. There were no questions or comments from the Board.

c. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Cavanagh mentioned that the final federal rules for ARPA have been issued by the U.S. Department of Treasury, effective April 2022, and that Board members have received information and an overview on this from the Vermont League of Cities and Towns. He noted that there have been changes and some expenses are now allowed that previously were not, such as culverts.

O'Keefe mentioned that the VLCT information suggested that Town's put ARPA activities on hold until they have provided new recommendations.

He also went over with the Board an ARPA funding request letter received from the West River Montessori School outlining a number of capital improvements totaling over \$127,000.

12. New Business

a. Review draft Town Meeting Warning

O'Keefe presented and reviewed with the Board the first review draft of the warning for the annual Town Meeting. It was noted that the deadline for article petitions is presently 1/13/2022, but would change if the Town Meeting date is changed to a later date.

Kelly Pajala mentioned that due to COVID-19 pandemic conditions new legislation allows for Towns to change the date of the Town Meeting and/or to hold Town Meeting by Australian ballot, essentially the same as last year. There was discussion about moving the date for Town Meeting, and holding it indoors at Town Hall. Pajala suggested holding the meeting on a Saturday, and there was interest in scheduling it to avoid school vacation, and in holding the Town Meeting in-person and not by Australian ballot. Meeting logistics were discussed, including air filtration and locating the Selectboard and staff on the stage.

Taylor Prouty moved to move the annual Town Meeting to April 30, 2022, seconded by Jim Fleming. The motion passed unanimously.

b. Consider sale of Town-owned property – Parcel 110001.000 [24 VSA 1061]

Taylor Prouty spoke about the idea of selling the tax deeded property at the northwest corner of Derry Woods Road and VT Route 11 to get it back on the tax rolls. It is .68 acres and includes lands under the West River. Setting of a minimum bid was considered, and it was agreed that \$2,500 was appropriate. Other similar Town-owned properties with potential for sale were discussed.

Taylor Prouty moved to authorize the Town Administrator to solicit sealed bids for the sale of the Town-owned property known as parcel #110001.000, with a minimum bid of \$2,500, for consideration by the Selectboard, subject to all applicable provisions of Title 24 V.S.A. Section 1061, seconded by Jim Fleming. The motion 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)

Vincent Annunziata moved to find, based on advice of counsel, that premature general public knowledge of attorney-client communications concerning probable litigation regarding property on Cross Road will clearly place the Town of Londonderry at a substantial disadvantage, seconded by Taylor Prouty. The motion passed unanimously.

Vincent Annunziata moved to enter executive session to discuss probable litigation in a matter regarding property on Cross Road, to which the Board is a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E), and invite Town Administrator Shane O’Keefe to attend, seconded by Taylor Prouty. The motion passed unanimously.

The Board entered executive session at 7:25 PM, and came out of executive session at 7:38 PM.

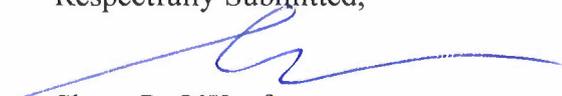
Vincent Annunziata moved to authorize the Town Administrator to sign a settlement agreement on behalf of the Town in the claim lodged by Paul Feinberg regarding property on Cross Road, after review of any settlement documents by the Town Attorney, seconded by Taylor Prouty. The motion passed unanimously.

13. Adjourn

Jim Fleming moved to adjourn the meeting, seconded by Vincent Annunziata. The motion passed unanimously.

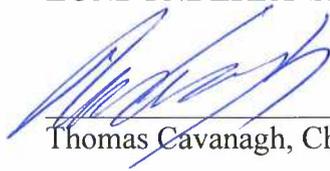
The meeting adjourned at 7:39 PM. The next regular meeting of the Selectboard is scheduled for January 24, 2022.

Respectfully Submitted,


Shane P. O’Keefe
Town Administrator

Approved January 24, 2022.

LONDONDERRY SELECTBOARD


Thomas Cavanagh, Chair