

Town of Londonderry, Vermont

Selectboard Meeting Agenda

Monday, March 7, 2022 – 5:30 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. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)
4. Minutes Approval – Meeting(s) of 2/21/2022
5. Selectboard Pay Orders
6. Announcements/Correspondence
7. Visitors and Concerned Citizens
8. Town Officials Business
 - a. Ratification of 1/10/2022 vote to reschedule Town Meeting to 4/30/2022
 - b. Acknowledgement of extension of terms of Town officers and officials, and organizational decisions
9. Transfer Station/Solid Waste Management
 - a. Updates
10. Roads and Bridges
 - a. Updates
 - b. Approve rustproofing Release and Hold Harmless Agreement
 - c. Consider application(s) for excess vehicle weight permits [23 VSA 1400a]
11. Old Business
 - a. Consider long-term lease for solar array project on former septage field
 - b. Executive Session – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)
 - ~~a.c.~~ Consider proposal for Town Hall structural design, and use of Town Buildings Reserve Fund
 - ~~b.d.~~ Review draft Town Meeting Warning
 - ~~e.e.~~ Discussion of use of funds from the American Rescue Plan Act (ARPA)
 - ~~d.a.~~ Executive Session – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)
 - ~~e.a.~~ Consider long-term lease for solar array project on former septage field
12. New Business
 - a. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Jake’s Marketplace Café, Inc., DBA Jake’s Marketplace Café
 - b. 2nd Class Liquor License – O’Connor’s Corner Store, LLC., DBA The Corner
 - c. Consider employee compensation matter
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, March 7, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Vincent Annunziata, Taylor Prouty, James Fleming and Melissa Brown.

Board Members Absent: Thomas Cavanagh

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Lister Sandra Clark, Town Assessor Jeremiah Sund, and Road Foreman Josh Dryden. Others – Town Attorney Bob Fisher (via phone at 7:00 PM) and Green Lantern Solar representative David Carpenter (via phone at 7:00 PM).

1. Call meeting to order

Vincent Annunziata, acting as Chair due to the absence of Tom Cavanagh, called the meeting to order at 5:38 PM.

2. Additions or deletions to the agenda

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

Taylor Prouty moved to adjust the agenda by reversing the order of Old Business items by holding the executive session on negotiating or securing of real estate purchase or lease options after the Board’s consideration of a long-term lease for solar array project on one of the former septage fields, seconded by Jim Fleming. The motion passed unanimously.

3. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Melissa Brown moved to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town Lister Sandra Clark and Town Assessor Jeremiah Sund to attend the executive session, seconded by Taylor Prouty. The motion passed unanimously.

The Board entered executive session at 5:40 PM, Clark and Sund left the executive session at 6:15 PM., and the Board came out of executive session at 6:32 PM.

4. Minutes Approval – Meeting(s) of 2/7/2022

Jim Fleming moved to approve the minutes of the Selectboard meeting of February 21, 2022, seconded by Melissa Brown. The motion passed unanimously.

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O’Keefe noted the following:

- The deed for the conveyance of the Town property at parcel 1003001.000 to Bettina and Pierre Labeau was signed and recorded that day.
- All of the agreements with property owners allowing the new Welcome to Londonderry signs have been signed and were given to the Town Clerk that day for recording.
- Responses to the Invitation to Bid for the Town Office side entrance repairs are due on 3/15/2022.
- The State of Vermont Dam Safety Program has reclassified the Williams Dam from being a Low Hazard Potential Dam to a Significant Hazard Potential Dam, which will require the Town to prepare an Emergency Action Plan in the coming 6 months. The FY2023 budget will need to include about \$2,000 for engineering costs.

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

- A copy of the Certificate of Public Good (CPG) issued on 3/2/2022 by the Vermont Public Utility Commission (PUC) to Green Lantern Solar for the proposed solar array at the former septage fields.
- A copy of the 2/28/2022 scheduling order for a merits hearing in the zoning appeal case of Vermont Woodchips Real Estate Holdings.
- A copy of the Ruck Up, Inc. statement of program services rendered.
- The latest Notice of Vacancies for Town boards, commissions and committees, showing openings on the Planning Commission, Development Review Board and Energy Committee.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Ratification of 1/10/2022 vote to reschedule Town Meeting to 4/30/2022

O’Keefe noted because the Board voted on 12/10/2021 to move the annual Town Meeting to 4/30/2022, and the enabling legislation allowing for this action did not take effect until 12/14/2022, the Board must ratify its initial vote.

Taylor Prouty moved, pursuant to Act 77 of 2022, to ratify the Board’s January 10, 2022 decision to move the date of the 2022 annual Town Meeting to April 30, 2022, seconded by Jim Fleming. The motion passed unanimously.

b. Acknowledgement of extension of terms of Town officers and officials, and organizational decisions

O’Keefe suggested adding this matter for the record as local officer appointments are usually made at the second meeting of March each year, and the postponed Town Meeting has altered the schedule.

Taylor Prouty moved to acknowledge that, due to the rescheduling of the annual Town Meeting to April 30, 2022, and as provided for under Act 77 of 2022, that 1) all elected Town officers shall serve their terms until the Town Meeting elections, and 2) all terms of Town officials appointed, and all organizational votes taken, at the Selectboard's 2021 organizational meeting shall remain in effect until the organization meeting of the Selectboard following Town Meeting, seconded by Jim Fleming. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

Annunziata noted community complaints about the hours of the Transfer Station, specifically being closed on Sundays and there being no extended hours on weekdays. He also raised staffing needs to accommodate this. Brown mentioned she had also had this kind of feedback. Prouty mentioned that extended hours during the winter was problematic due to darkness. Extending hours in the summer was briefly discussed. O'Keefe suggested conducting a user survey.

It was agreed to include this matter on the agenda of the next regular meeting.

10. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of February 2022:

Salt – 259 tons

Sand – 669 yards

Fuel (gallons): Vehicles – 1,884.0, Town Office Generator – 0, Transfer Station – 0

Prouty mentioned recent road conditions due to inclement weather and the maintenance challenges for the Road Crew.

Prouty also noted that the Town of Windham has expressed an interest in renting the Town's new roadside mower due to their having issues with equipment rental. Windham looks to address invasive species, and look to possibly pay Londonderry \$4,500/week for two weeks during July or August. The mechanics of a rental agreement was briefly discussed, as was the need for Londonderry to have priority for scheduling.

The need to work closely and cooperatively with neighboring Towns was briefly discussed. The consensus of the Board members was to ask that the Town of Windham provide the Board with a written proposal to consider. Prouty will contact Windham on this.

b. Approve rustproofing Release and Hold Harmless Agreement

O'Keefe explained that this is a document that must be signed each year.

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 Jim Fleming. The motion 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.

Jim Fleming moved to approve the excess weight permits for:

- *Bazin Brothers Trucking, Inc.*
- *Fabian Earth Moving, Inc., and*
- *David Chaves Excavation, Inc.,*

and authorize the Town Administrator to execute the permits on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

11. Old Business

The Board decided to adjust the Old Business part of the agenda by first discussing the proposed long-term lease for solar array project on one of the former septage fields, and then go into executive session on negotiating or securing of real estate purchase or lease options.

Dryden left the meeting at 6:58 PM

a. Consider long-term lease for solar array project on former septage field

Town Attorney Bob Fisher and Green Lantern Solar representative David Carpenter met with the Board beginning at 7:00 PM by speakerphone.

Carpenter spoke to the Board about the proposed lease between the Town and Green Lantern Solar (GLS) for the solar array at the former septage field behind the Transfer Station, in particular the arrangements for eventual decommissioning of the facility in the future.

He mentioned that decommissioning study issued by the U.S. Department of Energy's National Renewable Energy Laboratory (NREL), dated February 2021, being used by the Town is not a document adopted into the mainstream in his understanding, and that it is not being used in Vermont or Maine by the GLS engineering team. In the alternative they have based their estimate of cost for decommissioning on a report from the New York State Energy Research and Development Authority, dated November 2021. He will review the NREL study, which provides for hiring decommissioning costs.

He noted that while the Vermont Public Utility Commission (PUC), in issuing the Certificate of Public Good (CPG) for the project, requires a decommissioning plan, smaller projects such as this one do not require decommissioning bonds. He mentioned that there are three levels of protection for the Town with decommissioning: there is a condition on the CPG, there is a requirement under the PUC rules, and lease provisions for the site.

The proposed lease at this time provides the Town with \$15,000 to bank for the decommissioning at the end-of-life of the facility. Carpenter described the salvage value of array components and materials but noted that there is no salvage market for decommissioned solar panels at this time he is pretty confident that there would be in the future but they are not banking on this. He stated that at the end of the project if the project owner doesn't do what they are supposed to do the Town could use the \$15,000 and accrued interest to decommission the project.

He clarified that the original offer was to give the Town \$15,000 up front, and the Town would return the \$15,000 when the project is decommissioned, but he offered to give that

amount to the Town and they Town could hang onto it no matter what happens and characterized it as a gift.

Fisher inquired of Carpenter whether any other communities in Vermont or Maine that have escrow funds or surety bonds in their leases.

He stated that to his knowledge none of their net metering projects in Vermont have decommissioning bonds, but in Maine for 1 megawatt projects there are bonds required by statute. He added that Vermont projects of 2.2 megawatt do have decommissioning bonds posted in favor of the State.

Fisher mentioned that Solar leases are a new phenomenon so there is no track record for decommissioning, and asked Carpenter if he had looked into pricing for a bond of a smaller size such as this one, to which Carpenter responded that he had not but would check with others at GLS.

Fisher noted that he had inquired of the Vermont League of Cities and Town on this matter. He asked Carpenter if his engineers have priced out the actual decommissioning costs, and Carpenter responded by saying there is no way to know the future cost, but he did not know and would inquire of his engineers.

O’Keefe inquired of Carpenter whether he would provide to the Town a list of other Vermont communities that they have worked with on land leases, and he said that he would send that along.

Carpenter stated he would try to respond to the requests for information to O’Keefe and Fisher by the end of the week. He left the meeting at 7:20 PM.

b. Executive Session – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)

Taylor Prouty moved to enter executive session to discuss negotiating or securing of real estate purchase or lease options, pursuant to Title 1 V.S.A. Section 313(a)(2), and invite the Town Administrator and Town Attorney to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 7:21 PM, and the Board came out of executive session at 7:47 PM.

c. Consider proposal for Town Hall structural design, and use of Town Buildings Reserve Fund

O’Keefe spoke of the various elements of work necessary to address the needs of the Town Hall, and the Board reviewed a list of steps for this project put together by project engineer Chris Cole. Based on the previous structural analysis of the building one of the next steps is to hire back the structural engineer for design work for the stabilization of the balcony so it can be used once again. The Board reviewed a structural design proposal from Engineering Ventures, PC showing \$10,500 for design, construction plans and specifications, and \$6,000 for construction administration, which would only be expended if the project goes to construction. O’Keefe noted that the Town had received a grant from the Brattleboro Development Credit Corporation in the amount of \$4,032, which would offset the cost of the effort. He is waiting for confirmation of project eligibility of the use of funds.

He also mentioned that Town Hall efforts soon to come to the Board include roof repairs, likely handled by the construction company hired last year, VMS Construction, Inc. and additional project management and coordination work from Cole Company, Inc.

Fleming questioned the high cost of the structural engineering work. The initial estimate of cost for structural stabilization from Chris Cole is \$50,000.

O’Keefe mentioned that the proposal calls for design of the balcony to continue as a suspended structure and not held up with posts, a less expensive alternative, in order to maintain the building’s historical integrity. He added that by developing the design for the balcony improvements the Town is creating an attractive project for historic preservation funders to embrace.

The Board discussed in detail the inherent value of fixing the Town Hall. The proposal at this time also includes an additional \$1,000 for contingency.

Jim Fleming moved to 1) accept the proposal from Engineering Ventures, PC as submitted for structural design services for the old Town Hall, estimated to cost up to \$11,500, 2) authorize the Town Administrator to sign any documents necessary for the hiring of the firm to conduct the necessary work, and 3) authorize the expenditure of up to \$7,500 for this effort to be paid from the Town Building Reserve Fund, seconded by Taylor Prouty. The motion passed unanimously.

d. Review draft Town Meeting Warning

The Board discussed the most recent draft of the warning for the April 30, 2022 annual Town Meeting. O’Keefe mentioned that he and Treasurer Tina Labeau recommend removing the proposed article creating a reserve fund related to the American Rescue Plan Act (ARPA) because advice from the Vermont League of Cities and Towns provides that existing fund accounting can adequately address this. There were no objections to removing this.

Regarding the proposed article on the Manchester fieldhouse, it was noted that the project failed at the Town Meeting the previous week in several communities, including Manchester, and the project proponents have shelved the project. O’Keefe recommended rescinding the previous vote to add the advisory article for the project to the warning.

Vincent Annunziata moved to rescind the Board’s December 20, 2021 vote to include in the 2022 Annual Town Meeting warning an advisory article asking the Voters to indicate support for the concept of a regional fieldhouse at the Dana Thompson Recreation Park in Manchester, seconded by Jim Fleming. The motion passed unanimously.

Annunziata asked that the minutes reflect that he says “Get dunked on Manchester”.

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

Annunziata mentioned that he had spoken with several of the those organizations that have requested funds and mentioned that Neighborhood Connections would not be asking for funds for next year. He noted that Planning Commission would likely come to the Board for funding for the Town Hall restoration project.

O’Keefe read aloud the ARPA funding availability notice from the Town’s website requested at the previous meeting, which pointed out the 4/1/2022 submission deadline, and was asked to send out a press release on this as well.

12. New Business

a. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Jake’s Marketplace Café, Inc., DBA Jake’s Marketplace Café

The Board reviewed and discussed these applications for liquor licenses.

Melissa Brown moved to approve 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Jake’s Marketplace Café, Inc., doing business as Jake’s Marketplace Café, related to property located at Mountain Marketplace, VT Route 100, seconded by Jim Fleming. The motion passed unanimously.

b. 2nd Class Liquor License – O’Connor’s Corner Store, LLC., DBA The Corner

The Board reviewed and discussed this application for a liquor license.

Jim Fleming moved to approve a 2nd Class Liquor License for O’Connor’s Corner Store, LLC, doing business as The Corner, related to property located at 1 Main Street, seconded by Taylor Prouty. The motion passed unanimously.

c. Consider employee compensation matter

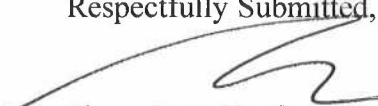
Vincent Annunziata moved to adjust the hourly rate of pay for Jeremiah Sund up by \$2.20 per hour, effective the next pay period, seconded by Jim Fleming. The motion passed unanimously.

13. Adjourn

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


The meeting adjourned at 8:17 PM. The next regular meeting of the Selectboard is scheduled for March 21, 2022.

Respectfully Submitted,


Shane P. O’Keefe
Town Administrator

Approved March 21, 2022.

LONDONDERRY SELECTBOARD


Thomas Cavanagh, Chair