

**Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 9, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT**

Board Members Present: Thomas Cavanagh, Vincent Annunziata, Taylor Prouty, and Melissa Brown.

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, and Planning Commission Chair Sharon Crossman. Others – Town Attorney Bob Fisher (via phone at 7:45 PM), Fire Chief Jeff Duda, and residents Trevor Dryden, and Bruce Frauman (GNAT).

1. Call meeting to order

Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

Vincent Annunziata moved to adjust the agenda by moving from Old Business to the last item under New Business, as 13.c., the executive session on the negotiating or securing of real estate purchase or lease options, seconded by Taylor Prouty. The motion passed unanimously.

3. Organization

a. Elect a Selectboard Chair and Vice-Chair [24 VSA 871(a)]

Cavanagh and Annunziata volunteered to continue in their respective positions.

Taylor Prouty moved to elect Thomas Cavanagh as Selectboard Chair, seconded by Melissa Brown. The motion passed unanimously.

Taylor Prouty moved to elect Vincent Annunziata as Selectboard Vice Chair, seconded by Melissa Brown. The motion passed unanimously.

b. Set Regular Meeting Schedule & Location [1 VSA 312(c)(1)]

Taylor Prouty moved to hold regular meetings of the Selectboard on the first and third Mondays of the month at 6:00 PM at the Town Office building at 100 Old School Street in South Londonderry, or at the discretion of the Selectboard Chair and as permitted by applicable State law, meetings may be held without a physical presence using publicly available remote meeting software, seconded by Vincent Annunziata. The motion passed unanimously.

c. Designate newspaper of record [17 VSA 2641(b)]

Taylor Prouty moved to designate the Vermont Journal as the Town’s newspaper of record, seconded by Vincent Annunziata. The motion passed unanimously.

d. Designate member with authority to sign warrants & pay orders [24 VSA 1623(a)(1)]

Cavanagh volunteered to continue with this responsibility.

Taylor Prouty moved to appoint Tom Cavanagh as the designated Selectboard member with authority to sign warrants and pay orders, seconded by Vincent Annunziata. The motion passed unanimously.

e. Adopt Rules of Procedure

Vincent Annunziata moved to adopt and execute the Selectboard Rules of Procedure, seconded by Taylor Prouty. The motion passed unanimously

4. Minutes Approval – Meeting(s) of 4/12/2022, 4/18/2022 & 4/20/2022

Vincent Annunziata moved to approve the minutes of the Selectboard meeting of April 12, 2022, April 18, 2022 and April 20, 2022, seconded by Taylor Prouty.

Brown pointed out that the incorrect day of the week was shown at the top of the 4/20/2022 draft minutes, which should be corrected in the final minutes. *The motion passed unanimously*

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O’Keefe noted the following:

- An alternate for the Southern Vermont Communications Union District governing board is needed as Ellen Seidman has mentioned that she is too busy to handle this at this time.
- There is a Vermont League of Cities and Towns training on May 11 for Selectboard members on conducting legal and effective meetings.
- The work plan for the PFAS sampling at the former septage fields has been submitted in draft form, and the State of Vermont is requesting additional twice/year testing at another test well location to cost \$600 per year. He mentioned that he’d like to sign the work order for Waite-Heindel Environmental Management for that additional amount unless the Board had any objections. There were none. He also mentioned that the Board had approved the original work back on 12/20/2021.
- The Board received a petition from T-Mobile requesting a certificate of public good from the Vermont Public Utilities Commission for what is described as a de minimis modification of telecommunications antennas and equipment at an existing tower facility at 495 Magic Mountain Access, located at the top of Glebe Mountain. The Board is automatically a party to the petition, he mentioned, and if Board members would like to review the document to let him know.

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

- A copy of a 4/14/2022 letter from Vermont Emergency Management to FEMA’s Boston Office formally withdrawing the floodproofing project for 2116-2136 North Main Street. It was noted that the project may be eligible for a new funding round with applications due on 6/20/2022.
- A 5/5/2022 notice from VTrans that the Town’s application for Class 2 paving funds for road reconstruction work on Landgrove Road was denied. Brown inquired about the grant approval process for this type of grant, and O’Keefe responded that these grants are made to towns on a rotational basis and Londonderry was not necessarily going to receive a grant this year, but it always makes sense to submit in case other communities do not. A grant will be approved in the coming years he added.
- An invitation to attend a 5/24/2022 webinar from VLCT on Regulating Cannabis. Interested Board members should register online.
- An invitation, dated 4/19/2022, to recommend members to the Board of Directors of VLCT-PACIF Board of Directors.
- An invitation, dated 4/11/2022, from the Chester Snowmobile Club to the annual landowner thank you BBQ.
- Windham County Sheriff’s report for March 2022.
- Financials for March 2022.

Trevor Dryden noted that there is another entity seeking to establish a Communications Union District based in Winhall and a public meeting on that is scheduled for 5/12/2022. This was briefly discussed.

7. Visitors and Concerned Citizens

None.

8. Annual Appointments

a. Road Commissioner

[17 VSA 2646(16) & 2651(a)]

Vincent Annunziata moved to appoint Taylor Prouty as the Town’s Road Commissioner, seconded by Melissa Brown. The motion passed unanimously.

b. Emergency Management Director

[20 VSA 6(a)]

Taylor Prouty moved to appoint Kevin Beattie as the Town’s Emergency Management Director, seconded by Vincent Annunziata. The motion passed unanimously.

c. Windham Regional Commission Representatives (2)

[24 VSA 4343(a)]

Vincent Annunziata moved to appoint Georgianne Mora and Denis Pinkernell as the Town’s representatives to the Windham Regional Commission, seconded by Taylor Prouty. The motion passed unanimously.

d. Tree Warden

[24 VSA 871(b)]

Taylor Prouty moved to appoint Kevin Beattie the Town's Tree Warden, seconded by Vincent Annunziata, passed unanimously. The motion passed unanimously.

e. 911 Coordinator

[30 VSA 7056(a)]

Taylor Prouty moved to appoint Kelly Pajala as the Town's E911 Coordinator and Bonnie Cobb E911 Assistant Coordinator, seconded by Vincent Annunziata. The motion passed unanimously.

f. Animal Control Officer

[20 VSA 3549]

Taylor Prouty moved to appoint Pat Salo as the Town's Animal Control Officer, seconded by Vincent Annunziata. The motion passed unanimously.

9. Town Officials Business

None.

10. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that the hours at the Transfer Station would change on Tuesday to 1:00 AM to 6:00 PM effective the following day as a pilot program, and change back when later determined by the Board.

11. Roads and Bridges

a. Updates

Taylor Prouty noted the following usage for the month of April 2022:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 730.6, Town Office Generator – 0, Transfer Station – 202

He mentioned that he had earlier in the day distributed a draft work plan for the Highway Department that updates previous versions and highlights work particular to this summer. It can be used as a guide for future years. Culvert work, ditching and grading is underway he mentioned.

He added that the Road Crew is fully staffed and the new members are doing great work.

b. Discuss equipment sharing agreement with Windham for roadside mower

Prouty mentioned again that he was approached by a Selectboard member from Windham expressing interest in an equipment sharing agreement with Londonderry for the use of the new roadside mower. Windham's contract mower is not available and they have limited options at this time. He had asked for example agreements and better definition of what their usage of the equipment would look like, and he was provided with better information. Prouty said his initial response was that this summer would not be appropriate for a starting time as

there is too much catch-up work to do for Londonderry, and he recommended passing on an agreement at this time until the Road Crew can determine when the equipment would be idle. The matter was passed over and no decision was made.

c. Consider roadway pull off for proposed dry hydrant along Parsons Lane

Champion Fire Company #5 Fire Chief Jeff Duda mentioned that one of three areas in town slightly underserved by firefighting water is Parsons Lane, and he is proposing that the Town extend the side portion of the road by 10' for a 40' distance to accommodate a pull-off for a proposed dry hydrant at a large pond on private property. He said he wished for the Town to decide on this before he approaches the landowner, and stated that the project would likely be for next year. Prouty mentioned he thought it would be entirely within the right-of-way, and Cavanagh mentioned that Road Foreman Josh Dryden has no issues with it.

Duda discussed the possible costs and available funds for the dry hydrant project, and mentioned that local volunteer efforts could go toward local match. The Board members each expressed support for the project.

He mentioned that there will be a large firefighting training event on the weekend of 5/21/2022 to include a number of area fire departments, and on 5/22/2022 the training will include up to 20 trucks behind and around the plaza.

Duda thanked the Board members and left the meeting at 6:31 PM.

d. Consider annual purchase of calcium chloride/magnesium

O'Keefe explained that this is the 2nd year of a 3-year contract for material, which requires 12,500 gallons/year. He added that the proposed purchase was for magnesium chloride only and that the price increased by 3 cent per gallon. Prouty stated that he would like to stock up before the budget year ends.

Trevor Dryden suggested that the Town consider establishing a reserve fund for materials such as this for ease of purchasing timing.

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 \$1.03 per gallon for magnesium chloride, and authorize the Town Administrator to execute any documents necessary for this purchase on behalf of the Town, seconded by Vincent Annunziata. The motion passed unanimously.

12. Old Business

a. Platt Elevation Project – 5th Extension of Memorandum of Understanding

b. Platt Elevation Project – 5th Extension of Construction Contract

O'Keefe mentioned that on 2/21/2022 the Board approved an extension for this MOU to 5/1/2022, and the project is still not completed. He reported that only a handful of items need to be done to complete the project, but that there has been little movement on the part of the property owners, who are also acting as general contractors. He recalled that on 3/21/2022 the Board authorized seeking a budget amendment to address several unanticipated project

items, and noted that he is still waiting on a revised budget spreadsheet from the property owners in order to submit the budget change request.

O’Keefe mentioned the exorbitant amount of administrative effort that he has expended on this. Work necessary for project completion was discussed, and O’Keefe noted that he hoped to meet with the Platts soon to discuss project status.

Prouty noted several factors that are concerning, such as contractor inexperience, supply chain issues and subcontractor scarcity. The Board discussed the appropriate length of the extension.

O’Keefe noted that to date Town has spent \$99,677 and has been reimbursed for almost all of that, with a drawdown scheduled for the next week or so to bring the Town to even.

Tom Cavanagh 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 Main Street, from May 1, 2022 to June 30, 2022, and to authorize the Town Administrator or Selectboard Chair to execute an acknowledgement on the document on behalf of the Town. The Board previously approved an extension on February 21, 2022, seconded by Melissa Brown. The motion passed unanimously.

Tom Cavanagh moved to extend the term of the May 10, 2021 Contract for Services between the Town and Derry Downtown Limited for the elevation of the building located at 2152 North Main Street to June 30, 2022, and to authorize the Town Administrator to execute any formal documents on behalf of the Town related to this action. The Board previously approved an extension on February 21, 2022, seconded by Melissa Brown. The motion passed unanimously.

c. Review bids and award contract for summer parks maintenance

The Board reviewed two bids received in response to the 4/14/2022 Invitation to Bid for summer maintenance of Town parks for a three-year period: from Dryden;s Outdoor, Inc. of Londonderry, and Guilmette Landworks of Burlington, VT. O’Keefe noted that the ITB specifies that “(f)ailure to use the enclosed form shall be deemed as non-responsive and shall invalidate any submittal”, and stated that Guilmette Landworks did not use the Town’s bid form so should be considered invalid.

O’Keefe mentioned that the Parks Board has voted to recommended that the contract be awarded to Dryden’s Outdoor, Inc., whose bid prices are as follows:

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Mowing & Trimming	\$8,075	\$8,415	\$8,755
Bond & Beech cleanup	N/A	\$1,500	\$1,500

Melissa Brown moved to 1) accept the bid from Dryden’s Outdoor, Inc. for summer parks maintenance, and 2) authorize the Town Administrator to enter into a 3-year contract agreement for these services on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

Trevor Dryden left the meeting at 6:57 PM.

d. Water/Wastewater Study – Authorize grant application and approval documents, and engineering contract amendments

O’Keefe explained that in response to the Town’s applications for additional water-wastewater project funding under the Clean Water State Revolving Fund program for the two villages, which the Board authorized on 12/20/2021, the Town has been awarded \$84,000 for each village, as follows:

Engineering	\$40,000
Legal (deed research/survey/easements)	\$29,000
<u>Community Assistance/Administrative</u>	<u>\$15,000</u>
Subtotal	\$84,000

Funding would be through 100% forgivable loans. He added that an additional \$41,000 for each village for land acquisition will be funded under ARPA later in the project, as appropriate, bringing total funding to each village project to the \$125,000 originally requested.

O’Keefe spoke to the importance of this project for the future viability of the community. Sharon Crossman added that she has shared documents from other communities that have completed similar projects in order to share their experiences. She mentioned that there has been some difficulty moving forward with the project due to lack of available wastewater system sites and lack of project understanding in the community. She also stated that towns that don’t address wastewater issues can become stagnant, with no capacity to grow or address existing problems. Crossman looks to increase public awareness and understanding of the need for solutions and of the different types of possible systems through better public outreach, including information sessions.

Annunziata suggested for the community outreach and education effort that a YouTube video be produced that would allow community information meetings to be available for citizens to watch and learn about the projects on their own time.

Vincent Annunziata moved, with regard to the North Village and South Village Water-Wastewater Projects: 1) to accept additional forgivable loan funds from the Vermont Clean Water State Revolving Fund in the amount of \$84,000 for each project; 2) to authorize the Town Administrator to execute related loan agreements on behalf of the Town, subject to Town Attorney review; 3) to accept the proposed amendments to the existing engineering contract with the Dufresne Group, dated December 16, 2019, subject to State of Vermont concurrence, and furthermore to authorize the Town Administrator to execute these amendments and any necessary related State of Vermont authorizations; 4) to authorize the Town Administrator to hire the Town Attorney and a licensed surveyor with the loan funds to conduct necessary property exploration work, to include deed research and surveys; and 5) to hire the Windham Regional Commission with the loan funds to assist with public outreach and education to support the projects, seconded by Taylor Prouty. The motion passed unanimously.

e. Zoning Bylaw amendment – Consider consultant services contract

O’Keefe noted that Brandy Saxton of PlaceSense, the consultant that worked with the Planning Commission to draft the proposed new Zoning Bylaw, has been contacted to propose services to take the next steps in the process, including hearing draft finalization,

statutory review reports and general assistance with the adoption process. Crossman mentioned that the Planning Commission is close to a final draft and that questions have arisen about short-term rentals. The proposal calls for 34 hours of work to cost \$3,400, and O’Keefe mentioned that the effort would be handled in both this and next fiscal year.

Taylor Prouty moved to accept the proposal from PlaceSense/Brandy Saxton to provide consultant services for the Zoning Bylaw rewrite project, to be paid for from the Planning Commission budget, and to authorize the Town Administrator to enter into a contract agreement for these services on behalf of the Town, seconded by Vincent Annunziata. The motion passed unanimously.

f. Discuss Town Hall and Town Office repairs

O’Keefe pointed out to the Board correspondence from Construction Manager Chris Cole suggesting that instead of the Town putting the upcoming Town Hall and Town Office repair projects out to bid that the Town instead consider negotiating costs with VMS Construction, the firm that successfully provided construction services for the Town Hall this past year. He mentioned the difficulty of securing bids so far for the Town Office and that by combining the projects the Town may have a large enough project to be attractive to the contractor.

It was noted that preliminary structural design information has been received for the balcony repairs.

There was general agreement with sole source negotiation for these projects, subject to Board approval of any contracts. The order of individual repair projects was briefly mentioned, and it was agreed the roof repairs was a priority.

g. Annual appointments – Parks Board

Vincent Annunziata moved to reappoint Andrew Kubica to the Parks Board for a three-year term ending April 30, 2025, seconded by Taylor Prouty. The motion passed unanimously.

13. New Business

a. Consider requests for use of Town Hall

The Board briefly reviewed an application for use of the Town Hall for a children’s birthday party. Melissa Brown recalled a previous discussion on updating the Facility Use Policy and agreement, and O’Keefe agreed to work on a draft.

Vincent Annunziata moved to authorize use of the Town Hall on May 21, 2022 by Natalie Boston for a children’s birthday party, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

b. Follow-up discussion on 2022 Town Meeting

Article 22 – Williams Dam

Cavanagh mentioned he’d spoken with a representative of the USDA Natural Resources Conservation Service (NRCS) about grant funding for rehabilitation of the Williams Dam through the Watershed and Flood Prevention, and it appears that the dam would not likely be eligible for the program. The representative can do a site visit if the Town requests.

Annunziata suggested forming a study steering committee of citizens interested in exploring the three dam alternatives to provide an opportunity for people to convene and pool information. He mentioned several people in the community who may be interested, and Cavanagh suggested that it would be best to have citizens that are not set in their opinions on the matter. Such a committee could report periodically to the Board.

Annunziata also mentioned regulatory timeframes for the Town to act one way or another, and O’Keefe recalled that the Connecticut River Conservancy representative had opined that 100% funding for dam removal option would be available for the next year or so. Cavanagh stated that there was interested voiced in doing a risk analysis for the dam removal option. There was discussion about how to fund this sort of work.

Brown suggested further discussion with Gary Hedman about next steps for the Town, and agreed that citizen participants in a steering committee need to be open-minded. The Board members discussed recruitment and the amount of effort and oversight necessary for such a steering committee. Establishing a directive to the committee was suggested.

Article 14 – Mechanical speed controls

The Board discussed how best to decide which traffic calming methods to employ. It was agreed that a traffic engineer should be brought on to assist with design and location of items such speed humps, and to work with the Windham County Sheriff’s Office and VTrans on where best to install radar feedback signs. It was noted that a State permit is required for radar speed signs along State highways.

Brown suggested holding a public meeting where citizens can provide input into what improvements to make and where. Prouty mentioned the Town should try not to overlap with Sheriff Office services, such as employing mobile radar speed carts, and that fixed radar signs would probably work best. He also suggested avoiding anything that would require ongoing maintenance from the Road Crew.

The need for more speed limit signs was noted, and O’Keefe suggested that some of the voted funds be used to supplement budgeted funds to erect speed limit signs, and that a contractor can do this instead of the Road Crew.

O’Keefe suggested hiring an engineer first, which could cost \$5,000 - \$10,000, and he will look into this and report back to the Board.

c. 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 Vincent Annunziata. The motion passed unanimously.

The Board entered executive session at 7:45 PM, and the Board came out of executive session at 8:04 PM.

14. Adjourn

Vincent Annunziata moved to adjourn the meeting, seconded by Taylor Prouty. The motion passed unanimously.

The meeting adjourned at 8:05 PM. The next regular meeting of the Selectboard is scheduled for May 23, 2022.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved May 23, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair