

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 6, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata (6:03 PM), Taylor Prouty and James Fleming.

Board Members Absent: Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Road Foreman Josh Dryden (6:15 PM); and Recycling Coordinator Esther Fishman. Others – West River Farmers Market President Cynthia Prairie; residents Annie Campbell, Annie Bessette, Jane MacKugler, Guerrino Savio, Jim Mann and Hubert Schriebl; and Bruce Frauman (GNAT).

1. Call meeting to order

Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda

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

None.

3. Minutes Approval – Meeting(s) of 5/23/2022

Jim Fleming moved to approve the minutes of the Selectboard meeting of May 23, 2022, seconded by Taylor Prouty. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Shane O’Keefe noted the following:

- The Local Hazard Mitigation Plan was approved by FEMA on 6/1/2022. He thanked Emergency management Director Kevin Beattie for working with Windham Regional Commission’s Alyssa Sabetto to get the project done on budget.
- The application for watershed planning assistance for the Williams Dam from USDA has been submitted, and we await word on when they will conduct an inspection to determine eligibility.
- Also on the Williams Dam, the Town’s engineer, DuBois & King, has begun preparing the Emergency Action Plan, which is required by virtue of the recategorization of the dam as a significant hazard potential dam.
- 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.
- A Request for Qualifications for engineering of Spring Hill Road culvert replacement went out last week and submittals are due on 6/20/2022.

- The Invitation to Bid for winter sand went out that day and bids will be received in time for consideration at the next Board meeting.
- He mentioned that unless there are objections from the Board, he had hoped to have Duane Hart mow the septage fields in exchange for the hay again this year. There were no objections.

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

- A copy of the Notice to Taxpayers on grievance, dated 5/26/2022.
- A copy of the letter seeking USDA assistance on the Williams Dam, dated 5/26/2022.
- An announcement from the Vermont Council on Rural Development on its annual Community Leadership Summit, scheduled for 8/10/2022.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Esther Fishman noted that someone from One Londonderry would meet with the Board at the next regular meeting.

Landgrove Road concerns -- Jim Mann and several other residents of Landgrove Road spoke to the Board about the deteriorating condition of the Landgrove Road pavement, noting potholes and crumbling pavement, and asked that the Board consider repaving the road from Old Stowell Hill to Barker Road, and mentioned several specific problem areas.

Taylor Prouty noted that the Town had employed an engineer at the end of 2021 to conduct a paved road inventory and capital plan, and that Landgrove Road is on the top of the list for full reconstruction in 2026. There was mention of the Town’s establishment of a highway improvement reserve fund and that the Voters approved a \$220,000 contribution for FY2023, which would increase in future years according to the capital plan. Prouty stated that the Board will be discussing summer paving plans later in the meeting and that it is likely that only limited interim repairs of various roads, including Landgrove Road, would be considered instead of full repaving due to the very high cost of paving at present.

There was an inquiry into what steps residents can take to report roadway concerns and Prouty suggested contacting any Selectboard members or Town staff to provide notice. There was mention of the extreme efforts with mud season this year and a Road Crew staff shortage as well that kept attention away from some of the paved road repairs.

Mann requested a copy of the paved road inventory and O’Keefe stated he would send it to him.

Williams Park maintenance -- Hubert Schriebl spoke about the lack of lawn maintenance of Williams Park near the West River and Williams Dam that prevents visitors from viewing the river, and noted that he had heard from vendors at the West River Farmers Market that the Town doesn’t want to spend the money on maintenance. Cavanagh and Prouty assured Schriebl that this issued had not previously been brought to the attention of the Board and the Board has never decided not to provide maintenance to their knowledge.

O’Keefe suggested that this was a matter for the Parks Board to consider.

7. Town Officials Business

a. Town Clerk – Review list of unregistered dogs [20 VSA 3590]

Labeau spoke to the list of unregistered dogs, which includes 30 unregistered dogs that had previously been registered, and a list of 13 people with dogs that have never registered them.

Vincent Annunziata moved to direct the Animal Control Officer to contact all owners of unregistered dogs to remind them of the requirement to register their dogs, seconded by Jim Fleming. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Fishman mentioned that the hazardous materials collection day took place on the previous Saturday, and 65 cars came through, which was relatively low and maybe had to do with the nice weather.

Cavanagh mentioned that one of the backhoe cylinders is down and needs to be sent out to be repacked and will be out of service for a week or two..

b. Authorize contract for hazardous materials collection

Fishman spoke briefly to the contract for hazardous materials collection, and this company was purchased by a larger company, so a new contract agreement was needed. O’Keefe confirmed that the Town Attorney has signed off on the agreement.

Taylor Prouty moved to approve the June 2, 2022 services agreement with US Ecology Burlington, Inc. for hazardous materials collections services, and to authorize the Town’s Recycling Coordinator to execute the one-year contract with the vendor on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

9. Roads and Bridges

a. Updates

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

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 871.9, Town Office Generator – 0, Transfer Station – 0

He mentioned that all equipment is doing well except that the steering on the excavator needs some work. And he said that the new department staff is doing well together, and work is getting done.

Prouty mentioned he was approached by Green Mountain Power about Town policy on burying utilities in the roadway, noting that the utility needs to do some upgrades to underground lines along Under the Mountain Road and is considering whether to bury its lines the entire length of the road. The Town has no specific policy on this at present but there is State statutes that allow the Town to require permits, and further research into this is needed. Some towns require utilities to be buried to a specific depth or be encased, he noted.

He suggested that consideration of these projects could become part of the road access permitting process, and just revising the policy and application form after researching best practices from other towns.

Taylor mentioned that other communities have addressed this and have taken steps to establish requirements to reduce liability to the Town and mandate ongoing maintenance requirements for permittees. O’Keefe noted that a new application for a culvert under Old School Street was just received that can be a first run at this issue.

Taylor and O’Keefe will work on changes to the Road Access Policy to address this issue.

b. Discuss summer paving

Prouty and Dryden explained their recommendations for paving. Prouty noted the limitations of available funds and the number of projects that can be done. Referring to the paved road evaluation, which has certain pavement recommendations, some road conditions need immediate work, but given the high cost of paving and trucking this year, it is recommended that labor-intensive work as opposed to material-intensive work be prioritized, and not all of the \$220,000 paving funds be spent this year. By underspending by ~\$70,000 the Town can do a more comprehensive job in the following year through use of the reserve fund, Prouty explained. He suggested only shimming areas that are really bad.

Prouty suggested that an alternative might be to grind some roads in one year and then pave the following year to spread out the costs; the roads would remain gravel during the intervening winter, which could help with winter maintenance efforts.

Use of ARPA funds for paving was discussed.

Dryden suggested a 1” shim for portion of the following roads, which he estimated to cost \$155,000:

- Landgrove Road – 1.2 miles
- Thompsonburg Road - .8 miles
- Middletown Road - .4 miles

This would not include overlay and chip sealing, and he noted that this would possibly give the Town 2-5 years of service.

Paving preparations such as culvert replacement, was discussed and the lack of availability of culverts was discussed. Dryden stated that there are some in stock that should suffice for Town needs.

It was agreed to go with Dryden’s recommendations, and to include paving culverts on Spring Hill Road as a bid add-on, and O’Keefe will prepare and distribute an invitation to bid.

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

The Board reviewed an overweight permit application, and O’Keefe mentioned that it did not have a sufficient certificate of insurance.

Jim Fleming moved to approve the excess weight permit(s) for Consolidated Communications, Inc., subject to receipt of an acceptable certificate of insurance naming the Town as an additional insured, and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Vincent Annunziata. The motion passed unanimously.

10. Old Business

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

It was agreed to pass over this matter until Melissa Brown can be available to participate.

b. Discuss Town parks security and maintenance

O’Keefe noted that he had conferred with the Windham County Sheriff’s Office, and it was recommended that the Town use game cameras to try to identify those involved in illegal dumping. He also mentioned he had found some rugged waste and recycling containers that could be appropriate for the Town’s parks, though there are likely very costly.

Cavanagh mentioned he had given some cell phone connected game cameras to Kelly Pajala. He mentioned some technological specifications and costs. Prouty suggested that securing Wi-Fi connectivity at Pingree Park was very important, and mentioned that he was aware that Pingree Park is known as a meeting location for nefarious activities due to it being secluded.

Fleming suggested locking the gate to Pingree Park at night, but it was noted that opening and closing it each day may be difficult to orchestrate.

There was discussion on whether warning signs are necessary to give notice to the public that there are video cameras.

c. Consider request for use of Town Office meeting room

Following up on the discussion at the previous Board meeting, Cynthia Prairie was present from the West River Farmers Market regarding the WRFM’s application for use of the Town Office for its monthly Board of Director’s meetings.

Cavanagh congratulated Prairie on the lack of illegal parking at the farmers market over the prior weekend.

Jim Fleming moved to authorize use of the Town Office Meeting Room by the West River Farmers Market Board of Directors on June 8, July 6, August 10, September 7 and October 12, 2022 from 5:30 PM to 7:00 PM for its periodic board meetings, 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.

11. New Business

a. Consider changes to land use review fees

O’Keefe presented to the Board proposed new fees for land use permitting, noting that they had not been adjusted since 2008. He brought to the Board’s attention an email from legal staff at the Vermont League of Cities and Towns advising that fees must be reasonable. He mentioned that there had been some research into what other communities have adopted and he stated that he felt the proposed fees were reasonable, were geared toward covering the Town’s administrative costs, and did not represent a significant increase.

Included in the fees is a provision that doubles fees, other than recording fees, for applications submitted after-the-fact.

Annunziata stated that he thought the increases were very reasonable and probably did not keep up with inflation.

Taylor Prouty moved to approve new land use review fees for the Town as presented, which shall take effect on July 1, 2022 and shall be included in the minutes of the meeting, seconded by Jim Fleming. The motion passed unanimously.

The new fees, effective 7/1/2022, are as follows:

<u>APPLICATION TYPE</u>	<u>FEE</u>
Zoning Permit	\$75
Site Plan Review	\$150
Conditional Use Review	\$150
Variance	\$150
Lot Line Adjustment	\$125
Subdivision – Up to 3 lots	\$250
Subdivision – 4 or more lots	\$200/Lot + \$250
Planned Unit Development	\$200/Unit + \$250
Change of Use	\$150
Appeal of Zoning Administrator decision	\$150
Certificate of Compliance	\$100
Driveway/ROW Access – Modification	\$50
Driveway/ROW Access – New	75
Recording Fees – per page	\$15
Recording Fees – per mylar	\$25
<ul style="list-style-type: none"> • All fees (except for recording fees) are DOUBLED for applications submitted "after-the-fact", i.e., when any element of Land Development has already taken place. • Applicant may be required to pay the reasonable and customary charges for assistance provided by experts, (engineers, planning consultants, etc.) requested by the Development Review Board, Selectboard or Planning Commission. • Fees for combined review shall be adjusted from the above schedule. Applicants shall pay the highest applicable initial review fee per the above schedule plus a flat \$75 fee for each additional review. By way of example: A two-lot subdivision requiring a variance would pay a total review fee of \$400. Zoning permit and recording fees are added to all review fees. 	

b. Consider whether to establish a local Cannabis Control Commission [7 VSA 863(b)]

There was discussion about whether the Board wanted to establish a local Cannabis Control Commission now that the Voters have authorized retail sales of cannabis, such sales set to begin in the fall. There was discussion about what actual control such a commission would have.

Prouty stated that if the Board decides to establish such a commission that the Board itself should be appointed at first and if it becomes a burden then it could be handed off to non-Board volunteers.

It was agreed to put this matter on the agenda for the next regular meeting when it is hoped that there would be a full Board present, and that Board members would conduct further research on the matter.

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

Jim Fleming 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 to attend the executive session, seconded by Vincent Annunziata. The motion passed unanimously.

The Board entered executive session at 7:17 PM, and the Board came out of executive session at 7:23 PM.

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

Jim Fleming moved to 1) Agree to an extension of the lease option agreement with Green Lantern Development, LLC, which was previously approved by the Board on June 7, 2021, and recorded in the Londonderry Land Records at Book 9, Page 432; and, 2) Accept and approve the long-term lease agreement with Londonderry GLC Solar, LLC related to the proposed access to, construction and operation of a 500 kilowatt solar array on the northerly of the two former septage fields located on parcel #103010.000, subject to final review and edits by the Town Attorney and to all notice and petition provisions as provided for under 24 V.S.A. Section 1061. 3) Prior to any final execution of the lease agreement, the Board shall certify the designation of an agent empowered to convey the lease on behalf of the Town, seconded by Vincent Annunziata. The motion passed unanimously.

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

Vincent Annunziata 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 Administrator Shane O’Keefe to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 7:27 PM, and the Board came out of executive session at 7:48 PM.

12. Adjourn

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

The meeting adjourned at 7:49 PM. The next regular meeting of the Selectboard is scheduled for June 20, 2022.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved June 20, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair