

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 12, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh Taylor Prouty Melissa Brown and James Fleming.

Board Members Absent: Vincent Annunziata.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe (via phone); Planning Commissioner Sharon Crossman; Conservation Commissioner Irwin Kuperberg, Transfer Station staff members Keith Barton and Steve Twitchell. Others – Bruce Frauman (GNAT).

1. Call meeting to order

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

2. Additions or deletions to the agenda

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

Taylor Prouty moved to add to the Old Business section of the agenda discussion on a USDA project feasibility and eligibility analysis of the Williams Dam, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to add to the New Business section of the agenda consideration of employee compensation matters, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to adjust the agenda by moving the discussion on the establishment of committees for the Housing Needs Assessment, Water-Wastewater project and Town Hall renovation project from Old Business section of the agenda to Town Officials Business, consideration of employee compensation matters, seconded by Melissa Brown. 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)

Taylor Prouty 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 Steve Twitchell, Keith Barton and Shane O’Keefe to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 6:03 PM. Twitchell left the executive session at 6:25 PM and Barton left at 6:31 PM. The Board came out of executive session at 6:47 PM.

4. Minutes Approval – Meeting(s) of 8/29/2022

Taylor Prouty moved to approve the minutes of the Selectboard meeting of August 29, 2022, seconded by Jim Fleming. The motion passed unanimously.

5. Selectboard Pay Orders

Jim Fleming 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:

- Registration is still open for any Board member interested in attending the annual VLCT Town Fair, which is scheduled for October 6 and 7 in Killington.
- VTrans has announced the FY23 Municipal Highway and Stormwater Mitigation grant program. This program provides funding for projects that improve storm water management and/or reduce pollution from highway run off. He will be applying for funds from this program for the Spring Hill Road culvert replacement. The deadline is 10/7/2022 and the grant requires a 20% local match for any money awarded.
- The Clerk and Treasurer’s office will be closed on September 20th & 21st for training away from the office.
- The Conservation Commission and the One Londonderry Ways and Trails group will be conducting a walk at the Shamberg Forest for an onsite review of One Londonderry's trail proposal. The walk will take place on 10/5/2022 at 9am and we are inviting all stakeholders to join us.
- Camoin Associates is now under contract for the Housing Needs Assessment.
- The Beautification committee received an updated time frame for installation of the signs of September 14-16th.
- For the new contract with Unifirst for Road Crew uniforms, after the fitting it was determined that a more rugged type of pant was preferable, which will result in an additional \$100 or so per year total cost.

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

- A copy of the flier for the upcoming hazardous waste collection day, which is scheduled for Saturday, 10/1/2022 from 9 AM to 1 PM at the Flood Brook School.
- A notice of appeal to the Vermont Supreme Court submitted by attorneys for Emanuel Contos on 9/6/2022, related to the tax deed suit that the Town recently won.
- A 7/28/2022 notice of initial filing of an Act 250 permit application by Hunter Excavating, Inc., which seeks to extend gravel extraction activities at 197 Rowes Road.
- A public notice from the Vermont Agency of Natural Resources, Department of Environmental Conservation of the draft general stormwater permit for the State-wide Municipal Roads General permit program.
- Windham County Sheriff’s monthly report for August 2022.

On the Zoning Bylaw rewrite, Sharon Crossman mentioned that the Planning Commission is planning to hold three separate information sessions on specific topics (to be determined) on the evenings of October 13, 17 and 27. The hybrid meetings will be held at Neighborhood

Connections and online, and are a precursor for the required public hearings to take place at a later date. Public outreach for the meetings is in the works, she mentioned.

7. Visitors and Concerned Citizens

Sharon Crossman suggested that the Board explore hybrid options for board and committee meetings to help promote participation and transparency. O’Keefe was asked to do some research on this, and it was mentioned that ARPA funds could pay for this. The need for someone to operate the equipment was discussed.

8. Town Officials Business

a. E911 Coordinator – Approve name of new private road (Perry Lane)

Continuing from the previous meeting, the Board considered the request from Deb and Don Hazelton to name a new private drive off of Hells Peak Road as “Perry Lane”. At the previous meeting the Board noted E911 Coordinator Kelly Pajala’s concern with the proposed name sounding too similar to the existing “Derry Lane”, and the Hazeltons had suggested “Bob Perry Lane” and an alternative. An email from the Hazeltons suggesting “Perrys Lane” as a preferred alternative and that “Bob Perry Lane” would do if necessary. In the email Pajala stated that this new alternative is still too close to Derry Lane, but that “Bob Perry Lane” was acceptable.

O’Keefe suggested establishing a policy that provides that erecting street signs in situations such as this be delayed until such time as there are 3 homes on the road. Otherwise, there could be any number of driveways being named. The fact that there is no local E911 or street naming or numbering policy or ordinance was noted, and O’Keefe noted that it is very common for towns to adopt one of these.

O’Keefe mentioned that he would be happy to work with Pajala on an ordinance or policy for the Board to consider. He described how some towns differentiate municipal and private roads name suffixes, such as with “street”, “avenue” or “road” for Town roads, and “lane”, “drive” or “way” for private roads. Prouty mentioned that the existing “Perry Lane” sign that the Hazeltons put up should be removed.

Melissa Brown moved to approve the naming of the private drive off of Hells Peak Road serving parcels 013013.000, 013013.001 and 013013.002 as “Bob Perry Lane”. This access was approved by the Selectboard on March 2, 2020 under Access Permit #2020-02, and is subject to conditions determined by the Development Review Board on May 26, 2020 under Zoning Permit #2020-06, with the condition that this name shall come into official use, and the Town shall erect a road name sign, upon putting together the language with the E911 group for consistency of naming roads, seconded by Taylor Prouty.

Brown suggested that she did not know what the language of a new policy or ordinance would state so this condition would provide flexibility for the Town.

The motion passed unanimously.

b. Consider establishment of committees for the Housing Needs Assessment, Water-Wastewater project and Town Hall renovation project

Continuing from the previous meeting, O’Keefe recalled that there had been Board discussion about having meetings for the upcoming housing needs study, and possibly other projects, be subject to the VT Open Meeting Law (OML). He recalled that for the Town Hall working group he had mentioned to the Board a few years back his desire to work with Sharon Crossman, Larry Gubb and Mimi Lines on the project and there was no objection, and a formal committee was never established. Working on the Town’s wastewater project are O’Keefe, Crossman, Gubb, Gail Mann and Gary Hedman, and Bob Forbes was part of the group when he was a Selectboard member.

O’Keefe noted that the Vermont League of Cities and Town has opined that only the Selectboard can establish Town committees, and that working groups are permitted to operate outside the OML but transparency with this form of gathering is important.

Cavanagh stated that the Town Office project does not warrant establishing a formal committee, as any major decisions have to come the Board, but that the other two do as the projects affect the entire town.

Brown stated that the wheels of government turn very slowly and that working groups can operate effectively by reporting out to the Selectboard, but working as committees can be cumbersome and can slow down project opportunities.

Fleming asked whether those on these working groups were aware of the Board’s discussion and Crossman mentioned that they were. She mentioned that a kickoff meeting on the housing study is scheduled for Thursday of that week and they just need to know how to proceed.

Brown stated that the OML ties the hands of those trying to make the community better, is unnecessary and not legally required. Cavanagh mentioned that VLCT’s advice to him was that anything that will be voted on in the future has to be subject to the OML.

O’Keefe noted that the Planning Commission voted on 8/23/2022 to recommend that a housing oversight committee be established for the housing study to include Maryann Morris, Paul Abraham, Melissa Brown and Patty Eisenhaur.

Brown emphasized that the Board does not need to have such tight control over working groups as long as they are reporting to the Selectboard. O’Keefe suggested that because each of the projects is spending Town funds they should be subject to an enhanced level of oversight.

Cavanagh recalled that the Policing Committee a few years back followed the OML as it was a matter of town-wide significance.

In preparation for Board votes Crossman mentioned the names of those who have been working on the various projects.

Taylor Prouty moved to determine that the effort to conduct a Housing Needs Assessment is best handled through the establishment of a committee, and the Board hereby establishes the “Housing Needs Assessment Committee”, as authorized under 24 V.S.A. Section 4433, which shall be subject to the Vermont Open Meeting Law, report to the Planning Commission and be made up of the following individuals: Patty Eisenhaur;

Melissa Brown, Maryann Morris; Paul Abraham, and alternate Sharon Crossman, seconded by Jim Fleming.

Brown inquired whether the Selectboard could determine how many seats any committee can have. O’Keefe responded in the affirmative, and read off the number of members of the various public bodies in the Town. There was discussion about how many members should be in public bodies, and having a consistent number was mentioned. Statute requires no less than 3.

The motion passed 3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.

Taylor Prouty moved to determine that the effort to explore and possibly design and construct public wastewater systems in the village areas is best handled through the establishment of a committee, and the Board hereby establishes the “Village Wastewater Committee”, as authorized under 24 V.S.A. Section 4433, which shall be subject to the Vermont Open Meeting Law ,report to the Planning Commission, and be made up of the following individuals: Shane O’Keefe; Larry Gubb; Gail Mann; Sharon Crossman and Gary Hedman, seconded by Jim Fleming. The motion passed 3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.

Taylor Prouty moved to determine that the effort to renovate the historic Londonderry Town Hall is best handled through the establishment of a committee, and the Board hereby establishes the “Town Hall Renovation Committee”, as authorized under 24 V.S.A. Section 4433, which shall be subject to the Vermont Open Meeting Law ,report to the Planning Commission, and be made up of the following individuals: Shane O’Keefe; Larry Gubb; Mimi Lines and Sharon Crossman, seconded by Jim Fleming. The motion passed 3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.

9. Transfer Station/Solid Waste Management

a. Updates

Cavanagh again mentioned the upcoming hazardous waste collection day, which is scheduled for Saturday, 10/1/2022 at the Flood Brook School from 9 AM to 1 PM.

The need for recycling of gasoline, which is not accepted at this event, was discussed.

Crossman left the meeting at 7:42 PM.

10. Roads and Bridges

a. Updates

Taylor Prouty noted that paving was supposed to start that day but there was an asphalt plant issue, and it is delayed for a few days. Mowing continues in south Londonderry, but the Road Crew will be moving to north Londonderry soon. Sand is currently being delivered, and ditching is still ongoing, while the Goodaleville stormwater improvements are almost complete.

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

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 648.5, Town Office Generator – 0, Transfer Station – 140

b. Discuss community traffic calming effort

O’Keefe mentioned that he had been following traffic calming activities in Newfane, and suggested that the Board look into those efforts as well. He mentioned his recent meeting with VTrans on the subject of radar feedback signs and it was noted that the Town of Newfane had purchased and erected on State highways an acceptable sign type. He contacted Newfane’s Road Foreman and received very positive feedback on the model being used, as well as a recent invoice on the model, which costs about \$3,000. The Board received a copy of the cut sheet for the unit, which O’Keefe described as “no frills” and meets all State and federal guidelines. He mentioned that they come with one year of cloud-based access to the units, which costs \$400 per unit per year thereafter.

Prouty noted that the added features that some towns have employed with their signs, such as special messaging, are not allowed by VTrans, and this “no frills” version is acceptable and a good value. Cavanagh noted that the signs can only be located at existing speed limit signs if on a State highway.

The ability of the Sheriff’s Office to gain access to the data generated by the signs was discussed, and considered to be an advantage to law enforcement activities.

Prouty suggested that the Town purchase 6 or 7 of them, with possible sign location at the 4 State highway entrances to the north village and the 2 State highway entrances in the south village, and also somewhere on Thompsonburg Road. Brown suggested doing traffic studies before and after to determine if the radar feedback signs are effective

Brown suggested that the Board warn on an agenda a discussion on where the radar feedback signs are proposed to be located, so there is an opportunity for community input. Irwin Kuperberg suggested that having so many signs might have a negative cosmetic effect on the community.

O’Keefe suggested that 1) he and Road Foreman Josh Dryden and one or more Selectboard members visit with Town of Newfane representatives to review their signs, 2) that he looks further into State permits, and 3) that he speaks to the sign vendor about order and pricing details, and then report back to the Board.

It was agreed to discuss this further at the next meeting.

Cavanagh noted that in discussion with the VTrans staff member it was recommended that the Town not pursue speed tables as they can be very noisy for neighbors when larger trucks pass over them.

c. Access Permit 2022-05A – 45 Old School Street, Parcel 101303.000

Prouty mentioned that this application amends the original application, which had called for a road crossing for drainage. The revised application provides an acceptable solution to the drainage problem, with a catch basin directing water to a surface swale to a drop inlet by the South Londonderry Free Library. The proposal also calls for removal of one of the two curb cuts and the addition of a curb cut across Old School Street for 2 new accessory parking spaces on another portion of the property.

He explained that he and Road Foreman Josh Dryden had reviewed the proposal and find that it is a better solution all around. Prouty mentioned that the property owner wanted to do the right thing all along and has spent quite a bit to find a practical solution.

Jim Fleming moved to approve access permit application No. 2022-05A, submitted by Mark Tarmy, for parcel #101303.000, located at 45 Old School Street, seconded by Melissa Brown. The motion passed unanimously.

d. Consider engineering cost proposal for Spring Hill Road culvert replacement

O’Keefe explained that because of the possibility of federal funding for this project he went through a Qualification-based selection (QBS) process, whereby a consultant is first determined to be the most qualified firm and then a service cost is negotiated. He recalled that on 8/15/2022, the Board voted that “the firm of Hoyle, Tanner and Associates, Inc. (HTA) was the most qualified to provide engineering services for the Spring Hill Road culvert replacement project, and authorize the Town Administrator to work with the consultant firm on a cost proposal for its proposed scope of services for consideration by the Board”. The initial cost proposal was just under \$120,000 but he worked with the consultant to pare down the scope of work to cut the cost to under \$90,000. O’Keefe acknowledged that this cost was well above what was expected, but may be a sign of the times and suggested that as an alternative the Board could go out to bid anew in the hope of seeing lower costs. He noted that HTA expects that the best solution for the project is a very large box culverts as opposed to a bridge.

O’Keefe noted that the firm will deliver a very good product and if we go out to bid we may not do any better than what we have. He reminded the Board that the Town has a grant of \$175,000 already that we cover this expense.

Prouty agreed that the cost was high, and maybe it’s a function of the market, and inquired whether the Town can seek a response from the other consultant. O’Keefe noted that the QBS process does allow for that if the Town and the selected consultant are unable to reach an agreement on cost. Prouty suggested that the cost is not likely to be cheaper if we delay by going through a new bid process. O’Keefe noted that the contract with HTA would be based on time and materials billing and not a lump sum, so there are likely to be places where we can save costs on the project with Town efforts.

Prouty noted that there is a good amount of infrastructure funding now, so getting the engineering for this project behind us sooner may help the Town secure some of these funds.

Taylor Prouty moved to accept the revised scope of work and cost proposal from Hoyle, Tanner & Associates, Inc. to provide engineering services for the Spring Hill Road culvert replacement project, the cost of which will be reimbursed by State grant funds, and authorize the Town Administrator to execute all necessary documents to employ this consultant, including a service contract after review by the Town Attorney, seconded by Melissa Brown. The motion passed unanimously.

11. Old Business

a. Consider establishment of committees for Housing Needs Assessment, Water-Wastewater project and Town Hall Renovation project

Addressed earlier in the meeting.

b. Distribution of National Opioid Settlement funds

O’Keefe recalled that on 12/6/2021 the Board voted to participate in the national opioid settlements, and funds of a little over \$129 have been received, which must be expended on qualifying services such as opioid remediation and prevention services. He recommended that the Board allocate the funds received to The Collaborative now and in the future as this is the service it provides to the community.

Jim Fleming moved to distribute the funds received by the Town from the National Opioids Settlement to The Collaborative to be used for its drug prevention activities in Londonderry, seconded by Melissa Brown. The motion passed unanimously.

c. Discussion on a USDA project feasibility and eligibility analysis of the Williams Dam

Following up on the announcement at the previous meeting that the USDA Natural Resources Conservation Service will provide a preliminary investigation feasibility report for the repair of the Williams Dam, Cavanagh mentioned that a meeting with the USDA and its consultant was scheduled for later in the week and he asked if others would like to join him and O’Keefe in the meeting. It was noted that the meeting was for information gathering by the consultant. It was suggested that Emergency Management Director should be asked to participate.

Melissa Brown offered to participate and there was discussion of what time worked best on 9/15/2022.

12. New Business

a. Discuss FY2024 budget goals

O’Keefe noted that a draft FY2024 budget schedule prepared by Town Treasurer Tina Labeau had been provided to them in their meeting packet, and inquired as to whether the Board members had recommended direction for departments on limits to expenditures, such as level funding, specific increase limits or emphasis on certain types of expenditures.

Cavanagh stated that he wished to keep the budget as low as possible, but noted that highway paving and materials costs are increasing and will be difficult to trim costs. Prouty agreed that road and bridge costs are going up, and while the community is still in recovery mode, budget cuts there would be crippling to making any progress.

O’Keefe noted that departments are conscientious and frugal and can be counted on to budget responsibly, but its up to the Board to set direction.

Prouty mentioned that the Town needs to be realistic in its budgeting, and Cavanagh suggested gradually raising these highway budget costs as appropriate. Brown noted that increasing the tree removal budget has been suggested. Prouty mentioned that tree costs are rising as well, and that one strategy to deal with this is to train the Road Crew on tree trimming so that it can be done preventatively.

She noted that some scheduled matters are set in stone due to the Town Meeting process, such as Board approval of the budget by 1/17/2022 in order to accommodate the printing of the Town Report, but that other meeting dates are open to rescheduling as needed.

Cavanagh suggested that costs of operating the Transfer Station are also likely to increase.

On the budget timeline O’Keefe noted that his name was not included, and assumed that meant that he was to part of the Selectboard discussion on appropriations and at all budget meetings. Cavanagh agreed. O’Keefe stated he’d team up with Labeau on the budget process.

Cavanagh noted that the timeline and schedule could be flexible based on availability, and O’Keefe suggested that the Board could accelerate the budget process to make more time for Board budget reviews.

Board members volunteered to participate in budget discussion as follows:

- Cavanagh – Solid waste, Highways
- Prouty – Highways

b. Discuss brush removal at Town-owned Prouty property

O’Keefe mentioned that before the property reverts to woodlands it needs to be brush hogged. Prouty stated that the Road Crew would not be able to handle this and it should be put out to bid.

Prouty mentioned that the Conservation Commission used to burn the brush some years ago and suggested that Tree Warden Kevin Beattie should be contacted due to his role in that.

It was agreed that O’Keefe should put this out to bid for consideration at the 10/10/2022 meeting.

The recently planted pollinator garden was discussed briefly

c. Consideration of employee compensation matters

Taylor Prouty moved to move to adjust the hourly rate of pay for Keith Barton to \$20.00, effective this pay period, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to move to adjust the hourly rate of pay for Steve Twitchell to \$19.00, effective this pay period, seconded by Melissa Brown. The motion passed unanimously.

13. Adjourn

Melissa Brown moved to adjourn the meeting, seconded by Jim Fleming. The motion passed unanimously.

The meeting adjourned at 8:49 PM. The next meeting of the Selectboard is scheduled for September 26, 2022.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved September 26, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair