

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, July 24, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Martha Dale, James Fleming, and Taylor Prouty.

Board Members Absent: Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Emergency Management Director Richard Phelan; and Lister Sandra Clark. Others – One Londonderry representatives Marlene Boyaner, Mimi Wright, Cindy Gubb and Mark Wright; Residents Jim Wilbur, Kim Ray and Paul Hendler; My Community Nurse Project representative Regina Downer; and GNAT camera operator Bruce Frauman.

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 delete from the Town Officials Business section of the agenda the Planning Commission’s monthly update, seconded by Jim Fleming. The motion passed unanimously.

Martha Dale moved to add to the Town Officials Business section of the agenda, as item 7.c., consideration of a request from the Parks Board for use of alcoholic beverages in a public place for a Music Monday fundraiser, seconded by Jim Fleming. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 7/11/2023 (Ratification) & 7/17/2023

Jim Fleming moved to approve the minutes of the Selectboard meeting of 7/17/2023, amended to reflect that the Music Monday fundraiser will be held on 8/14/2023, and ratify the Board’s decision at the previous meeting to approve the minutes of the 7/11/2023 meeting, seconded by Martha Dale. The motion passed unanimously.

4. Selectboard Pay Orders

Martha Dale 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:

- A verbal notification came in on the programmatic closeout for the Platt Elevation project was received that day.

And he mentioned the correspondence included in the Board’s meeting packet was as follows:

- The spring PFAS groundwater monitoring report for the former septage fields, which shows continued presence of PFAS, but indication of migration.

6. Visitors and Concerned Citizens

a. Updates on storm damage and recovery

Taylor Prouty noted that most roads are now passable but that projects are in process for Rowes, Edge Hill, Mansfield and Cohn Roads. Depending on the cost of the projects, he said, the Town may need to go with more formal bidding procedures. He asked the public to be mindful of uncertain road conditions.

Rich Phelan reported that the community is now beyond the cleanup mode and into the rebuild mode, and that property owners should call 211 to report any damage in order seek financial assistance. He added that a walkaround with State and FEMA officials to look at damaged buildings is scheduled. And he warned that the assistance process takes a long time and requires accurate paperwork. It was noted that Neighborhood Connections has case workers who can help affected community members.

Dale spoke of volunteer efforts and means to address the needs of residents and businesses, and mentioned neighbor-to-neighbor assistance having been provided.

O’Keefe noted that the Request for Public Assistance had been submitted to FEMA that day to get the FEMA recovery process going for the Town damage, and Cavanagh mentioned he had connected with the Public Assistance Manager for the State on the necessary processes. O’Keefe spoke of the need for engineering assistance for the damage to the Cobble Ridge Rod Bridge, the Spring Hill Road culvert (#12) and the Williams Dam, and the necessary procurement steps, which may need a special meeting to help expedite matters. Cavanagh mentioned that, based on the Town’s project engineer’s recommendation, Spring Hill Road is closed at Eddy Brook due to the failed culvert, and that it is recommended that the culvert be removed to allow unimpeded water flow.

Prouty spoke of the availability of gravel materials at the local pits and that the State has relaxed permitting restrictions temporarily.

It was noted that FEMA representatives had visited the Town Office earlier that day to assess whether the meeting room might work as a disaster recovery and community assistance center for the public, and O’Keefe suggested that the Board authorize this use to help with the recovery process. Another potential location is the Flood Brook School.

Cavanagh mentioned that the community really came out to lend assistance and hopes that for the long-haul people continue to do so.

Martha Dale moved to authorize the temporary use of the Town Office meeting room as a public assistance service location for the Federal Emergency Management Agency, and authorize the Town Administrator to execute any lease or license agreement enabling this use after review by the Town Attorney, seconded by Taylor Prouty. The motion passed unanimously.

Jim Wilbur commended the efforts of the Board to address the recent flood emergency.

Kim Ray expressed concerns with water flowing down a stream near her property on Thompsonburg Road from Magic Mountain and over Thompsonburg Road, which needs culverts to be inspected and the stream width to be addressed. Prouty mentioned that this location has been subject to repetitive damage caused by drainage matters and a cooperative effort is needed between the Town and a variety of private landowners. The State should be involved with exploring a solution as well. The scope of the Town’s involvement was discussed, and Prouty stated that the Town could facilitate discussion but may have limited ability to make changes.

Cavanagh made it clear that maintenance of private driveway culverts is the responsibility of property owners and not the Town, even if located within the Town right-of-way.

Prouty mentioned that VTrans repair work of the VT Route 11 bridge next to Williams Park, started that day but the machine brought in was too small to properly shore up the bridge and work is scheduled to be done soon. He noted that the memorial stone has been moved to make room for the work and would be reset.

b. Other

Regina Downer of the My Community Nurse Project distributed a letter of thanks and explanation of the organization's use of ARPA funds allocated by the Board in 2022, and she mentioned that the funds allowed for the start-up of a patient meal plan, additional hours for part-time assistance and allowed Downer to increase her hours to full-time status.

Board members asked questions and Downer responded about the provision of service to the community.

7. Town Officials Business

a. Board of Listers – Homestead penalties [32 V.S.A. 5410(g)]

Sandra Clark asked whether the Board wished to either impose or waive the annual homestead penalty, and recommended waiving it again this year. It has been waived each of the past three years.

Jim Fleming moved to waive the homestead penalty as provided for under 32 V.S.A. 5410(g) & 5410(j), seconded by Taylor Prouty. The motion passed unanimously.

b. Town Treasurer – Receive & review Treasurer's internal financial control document [24 VSA 872(c)]

O'Keefe mentioned this statutory requirement that is done each year, and handed out a revised version provided by Town Treasurer Tina Labeau.

Martha Dale moved to acknowledge, pursuant to 24 V.S.A 872(c), receipt of the Town Treasurer's internal financial control document, which was prepared in conformance with 24 V.S.A. 1571(b), seconded by Jim Fleming. The motion passed unanimously.

c. Consider request for use of alcoholic beverages in a public place – Parks Board Music Monday fundraiser at Pingree Park [Added to Agenda]

This request was mentioned as being in process at the previous meeting, and O'Keefe reported that the Vermont League of Cities and Towns has stated that this type of event and allowing for BYOB alcohol was covered under the Town's liability insurance, but that having a police presence is recommended.

Taylor Prouty moved to grant a permit to the Parks Board allowing the use and consumption of BYOB alcoholic beverages at a Music Monday fundraiser, to include food, live music and fundraising events at Pingree Park, on Monday, 8/14/2023 from 4:30 PM to 9:30 PM, subject to the conditions that the permittee shall adhere to all local regulations and ordinances, including the Ordinance Relating to the Use of Alcoholic Beverages in Public Places, seconded by Martha Dale. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that over 50 tons of flood-related debris has been received, which is well above normal.

b. Consider bids and award contract for replacement backhoe

Cavanagh explained that Matt Coleman had reviewed the bids and was fine with the low bid John Deere 310SL model that is in-stock at United Construction and Forestry. The cost of necessary tire loading was unknown at the time and would be forthcoming it was reported.

Taylor Prouty moved to accept the bid from United Construction and Forestry for a new Transfer Station backhoe with specified equipment in the amount of \$144,300, plus the cost of foam filling the tires, and to authorize the Town Administrator to execute all necessary documents to secure the vehicle and equipment, with financing to be determined by the Board at a later date, seconded by Jim Fleming. The motion passed unanimously.

Cavanagh thanked the dealer for holding the equipment while the Board made its decision.

9. Roads and Bridges

a. Updates

Prouty stated that getting back to normal with the Town roads will be a long ongoing process, and thanked the Road Crew for their efforts over the past weeks. He mentioned they were trying to get back to regularly scheduled work.

b. Discuss FY2024 paving

O'Keefe stated that he had conferred with Cavanagh and Prouty the previous week and decided to cancel the Invitation to Bid for paving due to the uncertainty of paving needs due to the recent flooding. All likely bidders had been contacted, he said.

Prouty added that due to the flooding it may be difficult to get paving contractors for non-essential paving needs. It was recommended that the Town wait on paving to see how road repair efforts shape up.

Jim Fleming moved to accept the recommendation to hold off on entertaining road paving bids at this time, pending decisions on needed flood damaged road repairs, seconded by Martha Dale. The motion passed unanimously.

c. Consider name for portion of Legal Trail #3 off of Under the Mountain Road

O'Keefe explained that E911 Coordinator Will Goodwin has noted that State E911 standards require a road name for any driveway serving 3 or more lots, and has been working with the property owner at the intersection of Under the Mountain Road and the southerly extension of Legal Trail #3, which at its northerly end is the extension of Rowes Road. He recommended naming only a portion of the legal trail so as not to create confusion with the Rowes Road portion; this would be similar to the situation with Parsons Lane and Rest Haven Road. Property owner Jim Wilbur agreed that the southerly section of the road should be named separately, and he has recommended the name Flying Squirrel Lane.

O’Keefe recommended that the Town purchase and erect the road name sign at the Under the Mountain Road intersection, and Wilbur agreed to donate the cost to the Town. It was noted that by policy the Town does not maintain legal trails.

Martha Dale moved to approve the naming of the southerly end of Legal Trail #3 as Flying Squirrel Lane for a distance of 1,000 feet from Under the Mountain Road, seconded by Taylor Prouty. The motion passed unanimously.

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

The Board reviewed an overweight permit application, and it was noted that the applicable fee were paid, and insurance certificate received. Dale inquire about the type of vehicles to be permitted, and Prouty indicated it appeared to be a truck and trailer.

Taylor Prouty moved to approve the excess weight permit for Riggs Distler & Company, Inc., and authorize the Town Administrator to execute the permit on behalf of the Town, seconded by Martha Dale. The motion passed unanimously.

10. Old Business

a. Consider One Londonderry proposal for improvements to former Genser barn site

Marlene Boyaner spoke to the Board about One Londonderry’s proposal to make site improvements to the Town-owned property at the northeast corner of VT Routes 11 and 100. She stated that there would not be any fundraising efforts at this time due to competing community concerns, but that they believe it is a viable project going forward and is seeking Selectboard comment. Boyaner noted that the Beautification Committee has agreed to provide for long-term maintenance oversight subject to funding, and that Mark Wright has agreed to provide and install plantings on a pro bono basis. She added that the next step is to proceed through permitting, and she asked the Board to authorize submittal of necessary permit applications, particularly dealing with the floodplain.

There was discussion about the timing and type of the plantings.

Prouty expressed appreciation for the group holding off on fundraising given local flood recovery efforts in the community.

Cavanagh expressed concerns about seating at the facility and its attractiveness to pedestrians given traffic safety concerns at the location. He noted that the permanency of the seating may have to be considered in flood hazard permitting and by the flood buyout deed conditions.

O’Keefe suggested that the final plan be sent to the Vermont Community Development Program for a determination on compliance with the deed restrictions.

Boyaner clarified that VTrans review so far was limited to line-of-sight of plantings and benches, and not pedestrian safety.

Cindy Gubb spoke of the Planning Commission master planning efforts that call for enhanced pedestrian facilities and activity. O’Keefe noted that VTrans bicycle/pedestrian grants are offered each year which can be used for planning or implementation, and mentioned that crosswalks require sidewalks compliant with the Americans with Disabilities Act on either end.

Boyaner asked for approval for plantings to commence once needed permits are issued. It was explained that the permit and deed restriction review might change the plans, so the Board should hold off on planting approval for now. It was suggested that contact with the Vermont Community Development Program up front could be helpful to expedite deed restriction review.

Martha Dale moved to authorize the submittal of a zoning permit application related to the proposal to use the former Genser Barn site for community open space purposes, and authorize the Town Administrator to sign the application on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

b. Discuss regulation of short-term rentals

It was agreed to pass on any discussion and address this at the next meeting due to the absence of Melissa Brown.

c. Authorize additional Town Building Reserve Fund expenditures for Town Office side entrance repairs

O’Keefe explained that more repair work than expected developed with the side door repairs, particularly having to do with the roof structure, and an additional \$1,500 is to be billed. He spoke highly of the contractor, All Seasons Construction, and stated that the expense was reasonable. Prouty added that the work done so far is preventative toward further weather damage, and it was mentioned that the removal of the side door slab to reach the additional sill rot would await the larger renovation project.

Taylor Prouty moved to amend the Selectboard’s March 20, 2023 decision to limit the expenditure of funds from the Town Building Reserve Fund to \$5,000 for structural improvements to the Town Office side entrance area, and in recognition of additional work required to address needed building repair work, authorize expenditure of up to \$6,500 for this effort to be paid from the Town Building Reserve Fund, seconded by Martha Dale. The motion passed unanimously.

d. Ratify 7/11/2023 decision to authorize Sheriff coverage at Music Monday fundraiser

Jim Fleming moved to ratify the Board’s July 17, 2023 decision to authorize the use of the Town contract with the Windham County Sheriff for traffic control for the August 14, 2023 Music Monday fundraiser, seconded by Taylor Prouty. The motion passed unanimously.

11. New Business

a. Appoint members of the Londonderry Housing Commission

The Board reviewed applications for the Londonderry Housing Commission. Dale noted that Melissa Brown has expressed an interest in being appointed as the Selectboard representative.

Martha Dale moved to I move to establish three-year terms of office for the Town of Londonderry Housing Commission, and to appoint anew the following individuals to the Committee with transitional staggered terms as follows: Patty Eisenhour and Nancy Jensen to June 30, 2026; Paul Abraham for a 2-year transitional terms to June 30, 2025; and, Melissa Brown and whichever Planning Commissioner is selected by the Planning Commission for 1-Year transitional terms to June 30, 2024, seconded by Jim Fleming. The motion passed unanimously.

It was noted that the 7-member Commission is still in need of two more appointees.

b. Itinerant Vendor Permit Application – West River Farmers Market

O’Keefe explained that due to the damage to the grounds of Williams Park the West River Farmers market needs to move temporarily, and the Flood Brook School has offered the WRFM a temporary home.

Jim Fleming, in recognition of the need to temporarily move its location from Williams Park due to recent flooding, moved to approve Itinerant Vendor Permit #2023-02, submitted by the West River Farmers Market of Londonderry, Inc. for 2023, for operation at the Flood Brook School at 91 VT Route 11, seconded by Martha Dale. The motion passed unanimously.

c. Review bids and award contract for heating oil delivery for Town facilities

O’Keefe noted that only one bid had been received in response to the Town’s invitation to bid.

Jim Fleming, moved to accept the bid from Cota & Cota, Inc. in the amount of \$3.39 per gallon for FY2024 heating oil for Town buildings, and authorize the Town Administrator to sign the proposed service agreement on behalf of the Town, seconded by Martha Dale. The motion passed unanimously.

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

The Board entered executive session at 7:11 PM. O’Keefe left the executive session at 7:24 PM and returned at 7:29 PM. The Board came out of executive session at 7:35 PM.

e. Consider employee compensation matters

Taylor Prouty moved to increase Shane O’Keefe’s salary to \$70,600, effective July 1, 2023, seconded by Jim Fleming. The motion passed unanimously.

12. Adjourn

Jim Fleming moved to adjourn the meeting, seconded by Martha Dale. The motion passed unanimously.

The meeting adjourned at 7:36 PM. The next regular meeting of the Selectboard is scheduled for August 7, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved August 7, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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