

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 7, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Melissa Brown, Taylor Prouty, and Martha Dale (via remote video software until 6:50 PM).

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Hall Renovation Committee Chair Larry Gubb; Parks Board members Kelly Pajala, Marge Fish, Taylor Barton and Steve Bergleitner. Others – Champion Fire Company #5 Chief Jeff Duda; Residents Kim Ray and Paul Hendler; Bill Kearns; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:35 PM.

2. Additions or deletions to the agenda

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

There was a brief discussion on letters received that take issue with possible use of Pingree Park as part of the Village Wastewater Project.

Tom Cavanagh moved to add to the agenda a discussion about Pingree Park wastewater letters the Town has received, as item 6.c., seconded by Taylor Prouty. 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 and invite Shane O’Keefe and William Kearns to attend the executive session, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 5:40 PM and came out of executive session at 6:05 PM.

Taylor Prouty moved to hire William Kearns to the temporary part-time position of FEMA Recovery Assistant working up to 29 hours per week with an hourly rate of \$52.00 per hour, seconded by Melissa Brown. The motion passed unanimously.

4. Minutes Approval – Meeting(s) of 7/24/2023

Melissa Brown moved to approve the minutes of the Selectboard meeting of 7/24/2023, seconded by Taylor Prouty. The motion passed unanimously.

5. Selectboard Pay Orders

Melissa Brown 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:

- We still have not received any applications for the minute-taker position. He raised the idea of allowing for the position to be remote, with minutes being handled based on video of the meeting, and he'll bring this up for discussion at the next meeting.
- The Planning Commission has appointed Maryann Morris as its representative to the Housing Commission, and the Commission's first meeting is scheduled for 8/9/2023.
- At the last meeting the Board authorized the use of the Town Office meeting room as a public assistance service location for the Federal Emergency Management Agency, but FEMA chose to locate this use at the Flood Brook School. And we received notice over the weekend that it has closed already.
- The Burton Roadside Historic Marker has arrived and is in storage until the early October installation and unveiling ceremony.
- He will be on vacation beginning Thursday and through the following week.

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

- Notice of grant award for the VTrans Highway Safety Improvement Program's small scale local safety grant of \$35,000 for edge striping on all or part of Landgrove Road, Middletown Road, Main Street and Thompsonburg Road. There is no local match for this program.
- A request to cater permit issued to Ski Magic, LLC for its 8/4/2023 flood damage fundraiser.
- The July monthly report from the Windham County Sheriff's Office.

Tina Labeau mentioned that the Town Clerk's and Treasurer's office would be closed on 9/12/2023 and 9/13/2023 for training.

a. Discussion about letters received regarding wastewater at Pingree Park

Taylor Prouty read aloud letters received from Peter Doane and Stephen Doane, dated 7/3/2023 and 7/31/2023, respectively, whose father Rex Doane donated to the Town the land now used for Pingree Park. The letters reflect their opposition to the Town using the property as part of the Village Wastewater project, suggesting that such use would destroy the park and allow effluent to flow into the adjacent cemetery, and would be in violation of deed restrictions against its use for commercial purposes. Cavanagh and Prouty suggested that going against the wishes of a land donor may discourage future donations. Brown mentioned that the letters reflect what the Parks Board has been noting for a while. Dale stated that we should all take a realistic second look at what we can do to make the community survive, and that the use of the site for some elements of the wastewater systems would not include a septic pumping station nor constitute a commercial use of the property. She added that we need to address flooding in the community and ensure that businesses in the community can survive.

Cavanagh stated that this matter would be added the agenda of the next regular meeting agenda for a conclusive decision.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Updates on storm damage and recovery

O’Keefe noted that he and Cavanagh had met that day with FEMA’s state-wide director of its Public Assistance program, which proved extremely helpful. Discussed at length with the representative were the replacement of the Cobble Ridge Road Bridge, the temporary access road to the Cobble Ridge neighborhood, temporary replacement of the Spring Hill Road culvert, inspection and repair work on the Williams Dam, and improvements to Edge Hill and Rowes Roads. He added that the Town will need an engineer to assist with properly scoping out various road improvement projects and he is putting together a request for proposals for this. Brown inquired whether this project assistance would be covered by FEMA funding and O’Keefe responded that most of it would be covered at 100% due to it being an administrative cost, but that some could be subject to the 75% reimbursement limitation. Projects with well-developed scopes of work would tend to get more accurate and lower bid prices, he stated, which would minimize the Town’s 25% contribution. He also mentioned that the efforts that the Town has made to meet state road reconstruction standards and stormwater prevention measures is likely to reduce the Town’s financial contribution to below 25%.

O’Keefe noted the receipt of the following donations for flood relief, and asked the Board how it would like to see the donations used:

- David and Renee Ball of Castleton, VT, by way of Fair Haven Justice of the Peace
- Lorraine Brown of Fair Haven, VT - \$75
- Wendell Coleman of South Burlington, VT - \$500
- Crown Point Board of Realtors, Inc. of Chester, VT - \$500

Pajala suggested the funds could be directed to the Community Fund of Londonderry in connection with the 8/14/2023 Music Monday fundraiser concert, the proceeds of which would be distributed to the Londonderry Volunteer Rescue Squad and the fire departments from Londonderry, South Londonderry, Weston and Peru. This fundraiser is already connected with the Town, but there are other worthy fundraising and assistance drives that could be considered, she added. Cavanagh suggested contribution to Neighborhood Connections as well.

Labeau suggested that further donations should not be made to the Town, and instead should go to other entities, and use of cash was discouraged.

It was agreed to address the matter of directing donations at the next regular meeting.

On road conditions, Prouty mentioned that progress is still being made, with some roads needing a fair amount of repair still. The Road Crew plus 6 contractors tackled the immediate road repair needs soon after the flooding, and now the Town is into more complicated work with stiffer FEMA requirements on procurement. He stated that at the time only Cobble Ridge and Spring Hill Roads were closed to through traffic. On Spring Hill Road, Cavanagh stated that there is no definitive answer on when it will be reopened but it’s being worked on and the public will be kept informed.

Fire Chief Jeff Duda mentioned the road repairs are needed in front of the firehouse on Main Street, and asked the Board if that project could be prioritized and possibly coordinated with Fire Company’s driveway/parking lot repairs. Prouty mentioned that the normal paving contract for the year has been called off and paving funds will likely go toward repairing flood-damaged road edges and culvert repair locations. Cavanagh suggested attending to all the paving needs along Thompsonburg Road and Main Street at one time.

Duda requested of O’Keefe and Cavanagh that he be provided with a FEMA contact to help the Fire Company with setting up its public assistance account under the FEMA portal. O’Keefe mentioned the contact would most likely be from Vermont Emergency Management and that he would attempt to assist with this.

b. Parks Board – Post-flood update & Williams Park fencing near the dam

Kelly Pajala reported that Buxton and Pingree Park storm damage was minimal. Williams Park damage was limited to the area near the dam and along the river, and West River Farmers Market representatives have been helping with park cleanup efforts. The WRFM has been asked to hold off on moving back to Williams Park until 8/26/2023 to allow for repairs to be complete.

Pajala suggested fencing be placed adjacent to the Williams Dam and along the riverfront. She suggested something temporary, subject to whatever may happen with the dam, but that before the farmers market begins operations again there be some fencing. Cavanagh stated that he could put up some fencing in the coming days.

Memorial Park experienced a lot of damage from the river overflow that Pajala detailed, and it needs some more extensive attention, particularly removal of contaminated woodchips from the playground as soon as possible. Other work includes cleaning out the swimming pond of debris, replacing its filter fabric and the parks Board plans to take the opportunity to do other work to improve the pond. The pond has been drained and will not reopen this year, she mentioned.

Volunteer groups have come in to provide help with storm cleanup, Pajala mentioned, and she is tracking those efforts for FEMA reporting purposes.

Donations related to the Pingree Park Music Monday fundraiser were discussed.

Parks Board members and Selectboard member Martha Dale left the meeting at 6:50 PM.

c. Board of Listers – Acknowledgement of Notice to Reappraise [32 VSA 4041a(b)]

The Board reviewed a letter from the Vermont Department of Taxes notifying the Town that because the 2022 Equalization Study found that the Town’s coefficient of dispersion (COD) was above 20%, and therefore outside the acceptable parameters, the Town must conduct a reappraisal. Acknowledgement of the State’s notice is also required.

It was noted that Town Assessor Jeremiah Sund had informed the Board on 1/23/2023 that the COD was 21.10% and that this notification would be forthcoming. O’Keefe noted that Sund would be developing a plan for how to address the need for a reappraisal, but noted that he understands that appraisal contractors are booked out to 2027, as approximately 170 other communities received a similar notice to reappraise. He mentioned that there is consideration being given to the State conducting reappraisals, and Pajala clarified that this idea is presently being studied.

Melissa Brown moved to acknowledge the reappraisal document and for the Chair to sign the document, seconded by Melissa Brown. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

Cavanagh gave an update on the status of the new backhoe which should be delivered to the Transfer Station the following week. It was agreed to discuss disposition of the existing backhoe at the next regular Board meeting.

10. Roads and Bridges

a. Updates

None.

b. Ratify contracts for storm damage emergency/exigency engineering services

O’Keefe discussed with the Board contracts with the engineering firm of Hoyle, Tanner & Associates that were signed by Taylor Prouty the previous week to assist the Town with developing scopes of service for the emergency/exigent repair work for the severely damaged Cobble Ridge Road Bridge and Spring Hill Road Culvert #12. He explained that the firm is already under contract with the Town for the Spring Hill Road Culvert Replacement project, and had been hired by an approved qualifications-based selection process approved by the State of Vermont Department of Transportation.

He noted that while the Town’s procurement policy allows for Selectboard members to enter necessary contracts during emergency situations, he felt that it would be best practice and in the public interest for the Board to ratify the contracts.

Taylor Prouty moved to 1) determine that repairs of the Cobble Ridge Road Bridge and the Spring Hill Road Culvert #12 caused by the recent FEMA-declared flooding disasters are of either an emergency and/or exigent necessity and require immediate attention to ensure the health, safety and general welfare of the community, 2) to acknowledge that the firm of Hoyle, Tanner & Associates is already under contract with the Town for related projects, such contract having been secured via an approved qualifications-based solicitation process, 3) to acknowledge that contracts with the firm for engineering services have been executed in order to produce project scoping documents to expedite construction bidding, and 4) to ratify the project contracts of August 1 and 2, 2023 as executed by the Road Commissioner on behalf of the Town, all in keeping with the Towns procurement policy, seconded by Melissa Brown.

There was discussion about the engineering firm which, while based in Manchester, NH, has a Burlington, VT office that the Town has been working with in the Spring Hill Culvert project.

The motion passed unanimously.

c. Authorize award of contract for engineering services for road repair project scoping

O’Keefe stated that he had hoped to have information for the Board to consider on this matter but based in information gleaned from the meeting with FEMA representatives earlier that day there is less of a rush on this and the matter can be addressed at the next regular Board meeting. It was decided to pass over this matter.

11. Old Business

a. Town Hall Renovation Committee – Consider proposals for Town Hall structural repairs and use of Town Buildings Reserve Fund

Town Hall Renovation Committee Chair Larry Gubb reviewed with the Board change order work proposals from All Seasons Construction for additional roof truss structural work at the Town Hall quoted at \$75,788, and for repairs to the cupola quoted at between \$8,086 and \$14,390 depending on the length of time necessary for the effort. He discussed in detail the financial aspects of the overall renovation project, and the efforts of construction management consultant Chris Cole to help the Committee determine recommend additional work, such as the cupola repairs and finishing the new floors of the balcony.

It was recommended by the Committee that the Selectboard support these proposals plus an additional 10% contingency for each, as well as management fees for Chris Cole, and to increase the amount of reserve funds for the project overall project from the \$186,000 approved on 3/21/2022 by \$32,000 to \$218,000. As the structural work was anticipated in the previous project allocation, Gubb explained, the \$32,000 would cover the cupola work and refinishing the balcony floors, which would be bid at a later date. And he noted that the Town received a grant of \$6,000 for the structural design work from the Brattleboro Development Credit Corporation.

Gubb explained that the two prices for the cupola work was based on the uncertainty of necessary work given its height. O’Keefe noted that the 3/21/2022 Board decision required that each element of the project come back to the Board for approval.

There was discussion about the cost and procurement process of the floor finishing work, and it was acknowledged that this work was needed anytime soon and could be delayed.

Gubb mentioned the cost of refurbishing the existing balcony seats has been estimated to be in the neighborhood of \$50,000, and the Committee is hoping to find grants and do some other fundraising for this.

The Board discussed in detail various options for funding the Town Hall renovation projects.

Taylor Prouty moved to acknowledge the use of preapproved funds for structural expenses and additionally approve a project to repair the cupola, and add \$35,000 of additional money from the buildings reserve funds to the project, seconded by Melissa Brown. The motion passed unanimously.

b. Discuss regulation of short-term rentals

O’Keefe mentioned that it appeared that only thing left to decide on a draft ordinance is how to address the fee structure, and once that is finalized the Board would look to vote on whether to adopt the ordinance at a subsequent meeting. It was decided to pass on this matter due to there not being a full Board present, and to add it to the agenda of the next regular meeting.

c. Ratify 7/24/2023 decision to grant request for use of alcoholic beverages in a public place – Parks Board Music Monday fundraiser at Pingree Park

Because the Board voted on 7/24/2023 to grant a request for use of alcoholic beverages when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Taylor Prouty moved to ratify the Board’s 7/24/2023 decision to grant a request for use of alcoholic beverages in a public place for the Parks Board Music Monday fundraiser at Pingree Park, seconded by Melissa Brown. The motion passed unanimously.

12. New Business

a. Health Officer appointment recommendation [18 VSA 601(a)]

The Board reviewed an application for appointment to the Town Health Officer position by incumbent Rich Phelan.

Melissa Brown moved to recommend to the State appoint Richard Phelan as the Town’s Health Officer for a three-year term, seconded by Taylor Prouty.

Brown inquired whether this vacancy had been advertised to the public, and O’Keefe mentioned it had been included on the posted notice of vacancies. He added that the position of Deputy Health Officer is still unfilled.

The motion passed unanimously.

b. Executive session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

Taylor Prouty moved to enter executive session per 1 V.S.A 313(a)(1)(E) to consider pending or probable litigation to which the Board is a party, and invite Shane O’Keefe to attend the executive session, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 7:23 PM and came out of executive session at 7:36 PM.

13. Adjourn

Melissa Brown moved to adjourn the meeting, seconded by Taylor Prouty. The motion passed unanimously.

The meeting adjourned at 7:37 PM. The next regular meeting of the Selectboard is scheduled for August 21, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved August 21, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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