

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, November 6, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Martha Dale, Taylor Prouty, and Melissa Brown.

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk Kelly Pajala; Recycling Coordinator Esther Fishman; Williams Dam Advisory Committee member Paul Hendler; and Londonderry Housing Commission Chair Patty Eisenhour.

Others – Brattleboro Development Credit Corporation (BDCC) representatives Alex Beck and Jack Spanierman, Vermont Agency of Transportation (VTrans) representatives Laura Stone and Jonathan Griffin; New England Municipal Resource Center (NEMRC) representative Cynthia Stoddard; resident Debbie Carleton; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:30 PM.

2. Additions or deletions to the agenda

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

O’Keefe mentioned the need to change what must be considered for the Edgehill Road repair project, as it will be a separate contract as opposed to a change order to an existing contract.

Taylor Prouty moved to amend agenda item 10.b. from “Consider change order for Edgehill Road Repairs Project (RFP 2023-19)” to “Award contract for Edgehill Road Culvert Repairs Project”, seconded by Melissa Brown. The motion passed unanimously.

The Board considered whether to eliminate the Short-term Rental Ordinance from the agenda, citing the fact that Town Attorney comments have not been received as hoped, but agreed to pass over it later in the meeting.

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 appointment or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Debbie Carleton and Shane O’Keefe to attend the executive session, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 5:35 PM, and Carleton left the executive session at 5:46 PM. The Board came out of executive session at 5:51 PM.

Melissa Brown moved to hire Debbie Carlton to the part-time Minutes Taker position at a rate of pay of \$22.00 per hour effective Monday, 11/13/2023, subject to completion of a probationary period of 6 months, seconded by Taylor Prouty. The motion passed unanimously.

4. Minutes Approval – Meeting(s) of 10/16/2023, 10/26/2023 & 11/2/2023

Martha Dale moved to approve the minutes of the Selectboard meeting of 10/16/2023, 10/26/2023 and 11/2/2023, seconded by Taylor Prouty. The motion passed unanimously.

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Tina Labeau mentioned that the Town Office would be closed on 11/10/2023 for Veterans Day, and on 11/23/2023 & 11/24/2023 for Thanksgiving.

Shane O’Keefe noted the following:

- He had received a note from BDCC regarding a planned visit on 11/13/2023 from 2:00 to 3:30 PM from a US Economic Development Administration representative for a flood recovery and businesses assistance assessment, where they look to tour the impacted businesses and would like to coordinate a brief visit with Town officials and others, committee members. The Board discussed who would likely attend this.
- On the Vermont Woodchips appeal to the Vermont Environmental Court of the Town’s 2019 notice of violation, the matter is headed to the Environmental Court sometime in February and he will be filing a response to interrogatories this week.
- He would be away from the office from Wednesday through Friday that week.

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

- A letter from the Vermont League of Cities and Towns regarding insurance rates for calendar year 2024, which shows a 1.6% decrease for workers compensation, a 2.0% increase for liability, and an 8.7 % increase for property insurance.
- A 10/24/2023 letter from the Windham County Sheriff indicating the department’s FY2025 service contract rates will be increasing from \$52/hour to \$54/hour. Also an invitation to a regional policing presentation by the Sheriff scheduled for 11/15/2023 from 10 AM to Noon at the Old Ferry Road offices in Brattleboro. He said he hoped to attend this presentation.
- A 10/20/2023 letter of thanks from SEVCA for the Town’s \$1,700 FY2024 appropriation.
- A 10/21/2023 letter of thanks from the Mountain Valley Health Council for the Town’s \$5,000 FY2024 appropriation.
- A notice of the Deerfield Valley Communications Union District online public hearing on its annual report, financial statements and proposed 2024 budget, which is scheduled for 11/8/2023 at 5:00 PM, as well as a copy of the CUD’s annual report of activities.

7. Visitors and Concerned Citizens

a. Meet with representative(s) of Brattleboro Development Credit Corporation/SeVEDS

Alex Beck spoke of the work of BDCC and the Southeastern Vermont Economic Development Strategies (SeVEDS) to support local and regional business efforts, including workforce development and supporting new Vermonters with employment opportunities. SeVEDS is a board of individuals that develops long-term strategies and programs that generate growth and prosperity in the regional economy, he noted, and mentioned some of the program it has spurred. He mentioned that the flexibility of SeVEDS allowed for the organization to pivot to provide business assistance in the wake of the July flooding.

Jack Spanierman spoke to the organization’s flooding assistance, stating that the Vermont Community Foundation awarded \$30,000 to BDCC assist flood-stricken businesses. Ten

businesses in Londonderry received direct financial support totaling \$17,250 he stated, and that 7 businesses received technical assistance only. O’Keefe mentioned that Spanierman has visited his office often since the July flooding to connect on the needs of local businesses.

Beck spoke further on how BDCC and SeVEDS fit together to benefit the regional economy, and how with SeVEDS the region is different than other regional economic development agencies in the state.

There was discussion about the need for workforce housing and the efforts and role BDCC plays in this issue. While not a housing developer, Beck mentioned that the issue is at the top of BDCC’s priority list for issues facing the regional economy.

Beck asked about how best to provide the annual BDCC/SeVEDS impact report and Labeau stated that it should be sent to her. He also mentioned that the organization’s annual funding request has been submitted.

b. VTrans Regional Concern Meeting – Londonderry STP CULV(125) – Culvert replacement with cattle pass on VT Route 11 in the vicinity of the Taylor Farm

VTrans representatives Laura Stone and Jonathan Griffin gave a detailed presentation on the proposed replacement of Culvert 25 beneath VT Route 11 in the vicinity of the Taylor Farm, which includes a cattle crossing.

VTrans’ project development is at a very early stage, Stone mentioned, and spoke of the various alternatives considered and the selected alternative is to replace the culvert with a short-duration road closure, with traffic maintained on an offsite detour during construction. Culvert alignment and construction type were mentioned.

VTrans plans to close the road for 60 hours during construction to replace the cattle pass culvert. The contract will include incentives to the contractor to finish on time or early and disincentives for not opening the road on time. The regular construction season runs from April 15 through October, so the closure would likely take place in that timeframe. The Agency will work closely with the Town to determine the best timing of the bridge closure. VTrans is aware of school bus routes that utilize the roadway section and will keep that in its considerations. During the meeting, the Town said that the best time for a closure may be during stick season or over a long weekend if school is in session.

The Town has received a VTrans paving grant for reconstruction of Landgrove Road. The paving project is expected to take place during the summer of 2026. The Town does not want increased traffic from the road closure on a newly constructed roadway, and would prefer the State project to be constructed prior to the Landgrove Road repaving. There should be coordination to ensure that projects are not happening at the same time.

Dale expressed that mobile homes transported via truck on VT Route 11 will not be able to make all of the turns along the State signed detour route. And the local bypass route (Riley Road to Landgrove Road) is not navigable by large trucks. It will be important to have a public outreach effort to communicate closely with the public including the trucking community (14.8% of 4,970 vehicles per day) and local and regional businesses prior to the closure. A public outreach coordinator will be brought on early in the design process to assist in this effort.

VTrans can apply for a Local Bypass Mitigation Grant to compensate the Town for additional wear and tear on one bypass route for the project. Local Bypass Mitigation Grants are available for obvious Town roads that will be affected by the bridge closure. These grants are provided by the state and are intended to compensate the Town for possible impacts due to increased traffic on local bypass routes. The compensation amount is calculated based on a number of factors

including the closure duration, traffic volumes and the bypass length and is intended to assist with: providing police presence to deter speeding; providing enforcement to enforce weight limits; dust control; and roadway maintenance (grading/addition of gravel/general maintenance). The Town can choose the bypass to be mitigated and VTrans does not endorse local bypasses. The Town is responsible for determining what signs and controls, if any, are necessary for the bypasses. VTrans will only promote the regional detour on State routes.

There was an inquiry as to whether the Taylor Farm needs this cattle pass. Stone stated that they reached out to the Taylor Farm and it was confirmed that typically have around 9 cows, and sometimes upwards of 25 cows. Per Vermont legislation (Title 19 V.S.A. § 507), VTrans is required to provide a cattle pass for the farm, Stone stated.

Board members inquired about replacing the culvert just to the east of Culvert 25 as part of the project. The culvert to the east has been identified as PID 122392 from VTrans' small culvert inventory and is listed in poor condition. Based on this poor rating, it is likely that it will be replaced while the road is closed.

There was uncertainty regarding the Right-of-Way along VT Route 11 as all records were not available during research. The ROW lines shown on current layouts are labeled as "approximate" ROW. VTrans' Right-of-Way section will be back in touch with the Town to conduct a plans and titles search and finalize their research.

The project is currently in the budget for construction in the summer of 2025. Once conceptual plans are complete, Griffin will reach out to schedule another public meeting (this second meeting is optional). Additionally, there will be a pre-construction conference that the Town will be invited to participate in prior to the start of construction activities.

The presentation has been uploaded to the VTrans projects page:

<https://outside.vermont.gov/agency/vtrans/external/Projects/Structures/23B030>

8. Town Officials Business

a. Williams Dam Advisory Committee – Discuss Committee charge

Paul Hendler read a statement from the Williams Dam Advisory Committee as follows:

The Williams Dam Advisory Committee recently voted to move the support of additional engineering exploration to the Selectboard agenda. After careful consideration, the Committee determined that existing studies do not provide enough data to make a responsible recommendation for the Board. The Committee has identified specific areas and data that need further exploration to fill the gaps. Obtaining this information is crucial to ensure a responsible recommendation is made.

1. Outdated FEMA Mapping and Inconsistencies. Multiple experts have pointed out that the FEMA mapping used for modeling and the D&K study is outdated, causing concerns about the accuracy and reliability of the data in our current Town studies. The committee has identified inconsistencies in data collection and model calibration, further undermining confidence in these studies. During our recent meeting, the engineer who submitted the recent proposal, emphasized the need for updated data. It is crucial to address these issues and ensure that any future recommendations are based on the most accurate and up-to-date information available.
2. Long-Term Change of Rivers During Unsteady Flows. The Committee is interested in studying the long-term changes in rivers during unsteady flows, especially for people living or owning businesses downstream. However, this information has not been included in any

existing Town study or data. Understanding the behavior of rivers during unsteady flows is crucial in developing effective flood management strategies.

3. *Water Flow Attenuation at the Utley and West Rivers Junction. The Committee needs more information about how the water flow is affected at the junction of the Utley Brook and West Rivers. This particular data is crucial in understanding the dynamics of the rivers in the area and developing appropriate flood mitigation measures. Therefore, it is important to clarify the water flow attenuation at this specific location.*
4. *Expanding the Scope of Flooding Studies. The Committee has decided it would be beneficial to widen the scope of their study on flooding to include the Marketplace Plaza and other areas upstream that have not been covered in the previous studies. By doing so, the Committee aims to gain a comprehensive understanding of the flood risks in these areas and create effective strategies to mitigate them. It is crucial to gather data and information from these previously unexplored locations to ensure a thorough assessment of the flooding situation.*
5. *Fire Safety in the North Village. The Committee has been struggling to find a viable solution for a dry hydrant that ensures fire safety for the residents of the north village, especially during the winter season. It is crucial to have a reliable and accessible source of water to combat fire outbreaks and protect the north village community. However, identifying a suitable solution has been a challenge due to the specific requirements and accessibility issues during winter and the consistency of the Mill Pond. Therefore, further exploration and consideration of various options are necessary to address this issue effectively and provide a safe and secure environment for the residents.*

With this in mind the Committee is asking the Board to approve the approval from SLR International Corporation while at the same time extending the Committee tenure until after the study is finished on or about 3/31/2024.

When asked about the status of the Committee going forward, Hendler mentioned that while there is some work that the Committee can address between now and when the report is finalized, the Committee would for the most part be on hiatus.

Brown spoke about the interview with SLR International Corporation, as well as the approach and experience of the company, which is noted in the firm's proposal, which had been provided to the Board.

There was general support to help the Committee do its work by extending the life of the Committee to a bit beyond the estimated study completion date scheduled for early March.

Martha Dale moved to amend the charge given to the Williams Dam Advisory Committee, originally approved by the Selectboard on April 3, 2023, to allow for the deadline for providing a recommended course of action with regard to alternatives to the dam to be extended to 4/15/2024, seconded by Melissa Brown. The motion passed unanimously.

b. Williams Dam Advisory Committee – Consider award of contract for flooding analysis

It was noted that SLR International Corporation was the only one firm that submitted a response to the Town's Request for Proposals for this service.

Kelly Pajala mentioned that there are other efforts organizing to address regional flooding to include the Towns of Weston and Jamaica, and the work with SLR should be organized so as not to duplicate efforts.

Cavanagh mentioned that he has reached out to those towns suggesting that each appoint Board members to meet with Londonderry and send a letter to the State of Vermont requesting mitigation to address watershed matters. The meeting would be an open meeting for all to attend, he added. This cooperative regional effort was discussed at length by Pajala and the Board members.

On the intersection of the West River with Utley Brook, Cavanagh mentioned he'd found a study that indicates that by lessening the angle between the streams it can reduce the backwater by up to 54%, which he has forwarded to the regional State River Engineer.

A slightly revised scope of work will be generated by the consultant engineer according to Hendler, which would include some additional work while removing less essential tasks, and Board members were amenable to this provided there is no cost increase. Hendler noted that if in the end there is a recommendation to remove the dam, the work to do so would take between 3 and 5 years.

Melissa Brown moved to accept the proposal from SLR International Corporation for flooding analysis engineering services related to the Williams Dam, and to authorize the Town Administrator to execute any documents necessary for the hiring of the firm to provide the necessary services, seconded by Martha Dale. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman mentioned that the 10/7/2023 hazardous waste collection event attracted 100 cars, even in the rain. Beginning in January, compact fluorescent lightbulbs and 4' linear fluorescent will no longer be sold in the state, but can still be disposed of for free. She distributed an information sheet on this.

Fishman mentioned that there is a rat problem at the Transfer Station, and they ate through the compactor connections. An exterminator was contacted and for an initial cost of \$520 ten 10 traps will be set and rebaiting will take place monthly to keep down the population. Cavanagh confirmed that the number of rats is considerable, and suggested that the rats may have arrived due to the July flooding.

Brown expressed concern about the use of poisons for the extermination, noting that the poison may make its way to other animals. Fishman will report back to the Board on this.

b. Review bids and award contract for Transfer Station winter maintenance

The Board reviewed the one bid received, which more than twice the cost from the previous year. There was discussion about reissuing the Invitation to Bid and sending directly to even more contractors. It was noted that a number of contractors had received it and are either too busy or getting out of the business.

Cavanagh noted that if reissued there may be an immediate need for the services given the weather forecast. It was agreed to look for an interim plow contractor until such time as the Board can act on a new bid process.

Brown suggested the possibility of employing one contractor to handle the maintenance requirements of all Town properties, including parks.

Whether to keep hold of the initial bid was briefly discussed in case no other bidders come forward.

O’Keefe suggested rebidding it with alternatives for either lump-sum or per event pricing. It was agreed to bid it out for one year with an alternative for additional years.

There was discussion on whether equipping the new backhoe with snow removal equipment would make financial sense.

Martha Dale moved to readvertise the Invitation to Bid for Transfer Station winter maintenance, and in the interim to have the Town identify somebody to cover us for the intervening weeks before that new contract is awarded, seconded by Melissa Brown. The motion passed unanimously.

It was agreed to have bids due on 10/16/2023 for the Board to consider at the 11/20/2023 meeting. How best to communicate with the firm that bid on the initial solicitation was discussed, and it was agreed to inform him of the new Invitation to Bid and invite him to submit a bid.

10. Roads and Bridges

a. Updates/storm damage and recovery

Cavanagh gave an update on the paving efforts, which should conclude soon, and the status of the several road repair projects underway, and noted that the Town was almost back to normal.

b. Award contract for Edgehill Road Culvert Repairs Project

O’Keefe explained that a culvert crossing Edgehill Road from the intersection of VT Route 11/Middletown Road to the edge of Williams Dam was found to be crushed, presumably by the storm-related dam overflow, and was repaired. As Hunter Excavating was repairing Edgehill Road in the immediate vicinity it was assumed the work could be treated as a change order to that contract, but the Town’s FEMA project manager stated that the culvert must come under its own contract. He added that the work has already been done and he is waiting for cost figures from the contractor, which he predicts would be less than \$5,000 as the Town supplied the culvert pipe.

Martha Dale moved to accept a proposal from Hunter Excavation, Inc. of less than \$5,000 for culvert repair work related to ongoing storm-related roadway repairs to Edgehill Road, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary services, seconded by Taylor Prouty. The motion passed unanimously.

c. Access Permit 2023-04 – Middletown Road, Parcel 062001.000

Prouty mentioned he was unsure whether anyone had contacted the property owner about the fact that the culvert already installed without a permit at this old accessway is too small. He suggested that the Board not approve the permit as is until a properly sized culvert is installed, and some roadside brush cleared. Or the Board could approve the permit subject to meeting the changes.

It was agreed to pass over the matter until the next regular next meeting, and Prouty said that either he or Road Foreman Josh Dryden would contact the property owner.

11. Old Business

a. Discuss regulation of short-term rentals

Brown stated that there had been a meeting to review the proposed Short-term Rental (STR) Ordinance language changes with the Town Attorney and the Board is still waiting to hear back

with comments in order to generate a new draft, and suggested that the Board put this matter on the agenda for the next regular meeting.

Dale inquired into whether the Town is losing out on any revenue by virtue of delays in adopting an ordinance. O'Keefe mentioned that delay constricts the rollout of on the administrative side, as the plan was to hire an STR administrator by 1/1/2024 and begin allowing registrations in April. Brown suggested that the Board is still on a good timeframe.

b. Review and discuss governmental operations/structure audit study

[Note: this matter was taken out of order and discussed prior to agenda item 10.a.]

Cynthia Stoddard of NEMRC spoke about the experience and qualifications of the firm, the process of gathering Town information and putting together the report to assist the Town with its organizational structure. She spoke about discouraging trends she has seen in other Vermont communities, but noted, as indicated in the study, that Londonderry is in very good shape organizationally, and there was good feedback on general communications. She commended the Town on its openness to shared services with other towns.

According to the study, after an overall review of the structure, policies and current operations of the Town's government, the following were findings:

- Londonderry should be proud of its current organizational policies and procedures. The Town is above average in the development and implementation of its policies and procedures. Written documentation is thorough and is available via the Town's webpage. Job descriptions are well developed (with a couple of exceptions). Cross training exists in the office.
- General recommendations for improvement are:
 1. Include employee benefits values on pay stubs or produce a year-end report for each employee showing the financial value of benefits.
 2. Increase availability of financial and other information on your web page in an effort to increase transparency and accountability.
 3. The Town should develop and implement a social media policy.
 4. More clarity is needed on the responsibility of hired assessor.
 5. Capital Plan should be developed.
 6. Add bank reconciliation as a part of the monthly reporting.
 7. Review procedures at the detail level and refine documents to include continuity plans that would cover turnover or abrupt staffing changes.
 8. Consider developing a municipal mission statement for the Town.
- Recommended staffing considerations are:
 1. Change from a Town Administrator to a Town Manager form of government.
 2. Maintain the Town Clerk position as an elected position.
 3. Change Town Treasurer to an appointed or figurehead position.
 4. Bring the position of Delinquent Tax Collector In-house.
 5. Maintain the positions of Elected Listers.
 6. Add one additional road crew position.
 7. Add a shared grant writer/manager position.
 8. Increase access to Web-IT professionalism.

Establishment of a social media policy was discussed by the Board with Stoddard. She mentioned that almost everyone she spoke with raised social media communication as an issue.

Stoddard mentioned that while the Town has good people involved, both staff and volunteers, it doesn't take much for things to change with a staff turnover or loss of volunteers. She mentioned that for some of the recommendations, it would require a Town Meeting vote to establish.

Stoddard spoke further on the recommendations, and clarified the suggestions on the Delinquent Tax Collector position and the elected Listers with the Board.

It was agreed that some of the recommendations could be addressed easily and quickly, and that the Board should discuss the study and its recommendations in greater detail at an upcoming meeting.

c. Ratify 10/16/2023 decision on employee compensation matter

Because the Board voted on 10/16/2023 to adjust the pay rate of an employee 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 10/16/2023 decision to adjust the hourly rate of pay for Town Highway Department employee Nick Doane, seconded by Melissa Brown. The motion passed unanimously.

12. New Business

a. Discuss FY2025 budget goals

Labeau described the proposed budget timeline and the start of budget work and scheduling of meetings. She asked the Board members for any comments or suggestions, and whether they'd like to sit in on specific budget discussion with departments, hoping that a Board member would be in attendance for each. And mentioned she'd send out a revised timeline with new dates soon.

Board members volunteered to attend specific budget meetings as follows: Melissa Brown – Administration and Housing; and Martha Dale – Beautification Committee and Parks Board.

O'Keefe inquired whether the Board had any general budget direction to departments such as whether to level fund or otherwise limit expenses. Labeau mentioned that, as in the past, a social security cost of living increase would be used to structure the proposed budget. That amount is presently 3.2%, it was mentioned.

The Highway Department budget was briefly discussed, including whether an additional road crew member would be considered at Town Meeting. Road crew staffing was discussed.

The Board also discussed the annual appropriations to social service agencies, and whether to set limitations and/or consider a new allocation of funds.

b. Discuss participation in the Vermont 250th Anniversary Commission celebration of the American Revolution

The Board reviewed a state-wide request from the Vermont Division for Historic Preservation for towns to establish a committee or assign an individual to work with the Vermont 250th Anniversary Commission on this celebration. It was suggested that the Londonderry Arts and Historical Society would be the best entity to handle this and suggested that Bob Wells be contacted, and that this matter be brought up again at the next regular meeting.

c. 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 employment or 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 Melissa Brown. The motion passed unanimously.

The Board entered executive session at 8:06 PM, without O’Keefe present. O’Keefe was invited into the executive session at approximately 8:35 PM, and the Board came out of executive session at 8:53 PM. No decisions were made.

13. Adjourn

Martha Dale moved to adjourn the meeting, seconded by Melissa Brown. The motion passed unanimously.

The meeting adjourned at 8:54 PM. The next regular meeting of the Selectboard is scheduled for 11/20/2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved November 20, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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