

Town of Londonderry, Vermont
Selectboard
Public Information Meeting & Hearing
Meeting Minutes
Monday, February 29, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Jim Fleming.

Town Officials: Town Moderator Doug Friant, Town Administrator Shane O’Keefe, Village Wastewater Committee Chair Sharon Crossman, Planning Commission Chair Heather Stephenson, Village Wastewater Committee member Tom Metcalf, and Town Planning Commissioner Mimi Lines.

Others in Attendance: Dufrene Group Engineer Chrissy Haskins, Vermont DEC representative Emily Hackett, Jennifer Mintzer-Farrar, Jonathan Farrar, Marcia Camp, Andy Chaves, Hannah and Larry Vandervliet, Bonnie and Doug Stevens, Pauline Davison, Cynthia and Larry Gubb, Jane Schilcher, Julie Charleton, Claudia Dekany, Bob Maisy, Barbara and Gary Butts, Pete and Judy Cobb, Steve and Heather Swinburne, Emmett Dunbar, David Nunnikhoven, and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM and read aloud the hybrid meeting rules of order, as follows:

“This meeting is a hybrid meeting, which means that some or all of the public body is meeting remotely, and some are meeting physically in a previously noticed location where the public may attend to observe, listen, and participate contemporaneously. One member of this public body or other staff is present at the location to ensure the public can participate, if desired.

Please note that while we will strive to provide means for those attending remotely to participate in the public comment period, there may be technical difficulties or reasons that otherwise prevent or interrupt remote public participation. Therefore, it is important to note that the Open Meeting Law only ensures the public’s right to participate and comment, at a public meeting by attending at the designated physical location as posted in the notice and agenda.

If a member of the public or of the public body has technical difficulties accessing this meeting remotely, please alert us by using the remote software chat function, and in the event of a technical difficulty that cannot be resolved, we may continue the meeting, if necessary, to time and place certain.

Please note that all votes taken during this meeting that are not unanimous will be done by roll call vote, in accordance with the law.

As required by the Open Meeting Law, let’s start the meeting by taking a roll call attendance of all members participating in the meeting and have those members attending remotely identify themselves to ensure that they can hear and be heard throughout the meeting.”

Roll Call Attendance: Thomas Cavanagh, Martha Dale, Melissa Brown, and Taylor Prouty.

2. Additions or deletions to the agenda

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

None.

3. PUBLIC INFORMATION MEETING/HEARING – Regarding special Town Meeting bond votes on proposed community wastewater systems in the north village and south village

*Taylor Prouty moved to **OPEN** the public information meeting and hearing regarding the special Town Meeting bond votes on proposed community wastewater systems, seconded by Martha Dale. The motion passed unanimously.*

Town Moderator Doug Friant welcomed everyone to the Special Village Wastewater System meeting. He asked that everyone please note that in keeping with statutory municipal borrowing requirements, this informational meeting and hearing is being held within 10 days of the March 5, 2024 special Town Meeting bond vote, and public notice was given at least 10 days prior to this meeting by posting in at least two public places as well as the Town Clerk’s Office. Notice also appeared in the Vermont Journal on each of the past three Wednesdays.

He noted that since this is an informational meeting there will be no action taken by the Board, it’s merely to inform the decisions that the voters will make at the bond vote on Town Meeting Day. The bond vote will be voted on by Australian Ballot. He then read aloud the following resolution previously approved by the Board on 1/22/2024:

“RESOLVED, that the public interest and necessity demand certain public wastewater system improvements, namely, construction of two new separate community wastewater systems, one in the north village area and one in the south village area, with an estimated cost of Three Million Three Hundred Eighty-Five Thousand Dollars (\$3,385,000) and Four Million Five Hundred Twenty-Five Thousand Dollars (\$4,525,000), respectively; and

BE IT FURTHER RESOLVED, that funds granted to the Town through the American Rescue Plan Act (ARPA) will cover Ninety percent (90%) of the construction cost of each community wastewater system; and

BE IT FURTHER RESOLVED, that the cost of constructing such improvements, after application of available state and federal grants-in-aid, and available reserves, will be too great to be paid out of the annual revenue of the Town; and

BE IT FURTHER RESOLVED, that a proposal for the issuance of general obligation bonds or notes of the Town in the aggregate amount not to exceed Two Hundred Eighty-Two Thousand Dollars (\$282,000) for the north village area, and Five Hundred Fifteen Thousand Seven Hundred Dollars (\$515,700) for the south village area (for a total of Seven Hundred Ninety-Seven Thousand Seven Hundred Dollars (\$797,700) to pay for its local share of the cost of the same, subject to reduction through the receipt of any state or federal grants-in-aid and other financial assistance, should be submitted to the legal voters of the Town at a special meeting thereof to be duly called and held for that purpose on March 5, 2024; and

BE IT FURTHER RESOLVED, that all acts relating to the proposition of incurring bonded indebtedness and the issuance of general obligation bonds or notes of the Town of Londonderry for the purpose of acquiring and operating said improvements within the corporate limits of the Town be in accordance with the provisions of Chapters 53, 95 and 97 of Title 24 of the Vermont Statutes Annotated; and

BE IT FURTHER RESOLVED, that the attached Warning and form of Ballot be adopted for use in connection with consideration of the above-stated proposition of making said public improvements and incurring bonded indebtedness therefore.”

Project engineer Chrissy Haskins from the Dufresne Group gave a presentation on the effluent sewer system and gave handouts to those attending. She spoke about the recommended project as described in the 90% project engineering report, which was accepted by the Selectboard on 2/19/2024. Haskins recommends one treatment site for each village. The North Village would have drip disposal for 6,490 gpd (gallons per day); liquid-only sewer collection; serve 26 residential units; and the total project would cost \$3,385,000. The South Village (Phase 1) would have drip disposal with 6,480 gpd; liquid-only sewer collection; serve 26 residential units; and the total project would cost \$4,425,000. To calculate the costs per user the Dufresne Group represents the residential units and not the commercial as the per-user cost would be substantially different depending on the type of non-residential use. The South Village Phase 1 could expand to a Phase 2 but could not be included in this bond vote due to cost. It could approximately double the capacity in size, she added. Haskins recommends the village wait until additional funding is available to pursue Phase 2. Phase 1 and Phase 2 would be designed now and then separated for construction.

The North and the South Villages will be two separate bond votes and could move forward separately or simultaneously. The proposed system for the North Village (6,490 gpd) can serve current use (as of December 2023) for all properties on the south side of the North Main Street, plus up to 1,000 gallons remaining. South Village service of 6,480 gpd can serve current use of the Town Hall, First Baptist Church, Corner Market, Fire Department, Post Office, Library, Town Office, and Town Garage, plus 11 residential units or other uses. Phase 2 serves an additional 26 residential units or other uses.

The ARPA Grant covers 100% of the design, administrative, and easement acquisition costs, and up to 90% of the construction costs. Based on the updated costs the ARPA grant will cover approximately \$3.1 million in the North Village and \$4.5 million in the South Village including the bond.

The remaining costs will be local shares covered by a loan of 0% interest for 30 years. In addition to the cost of the project is the Annual Operating and Maintenance (O&M) costs. Combining the Annual Capital Payment and the Annual O&M the total annual expenses are \$24,960 for the North Village and \$32,749 for the South Village.

The annual residential user fees if only the North Village were constructed are \$960 and if the South Village were only to be constructed are \$1,260. If North and South Villages were constructed the combined amount would be \$1,110.

For the sake of comparison, Haskins noted that the construction cost for a new mound system, which is generally what will be needed, is \$30,000 to \$50,000 in addition to the engineering and permit fees. The mound system has a lifespan of typically 30 to 40 years.

The local share for the North Village is \$282,000 and \$515,669 for the South Village. The Selectboard will be responsible for setting the user fee structure.

Haskins welcomed questions and comments.

- The first question was where is the proposed North Village system? Haskins explained that it is past the end of Edge Hill Road, across from Jake's Restaurant adjacent to the fields up on the hill.
- Are all the on the south side of North Main Street in the flood zone. Haskins confirmed they are.
- Where is the funding coming from for Phase 2 in South Village? Haskins explained that another bond vote would be needed.
- Brown commented that although 26 users doesn't sound like a lot it really is something to consider as this money is a once in a lifetime offer. She urged people to read the 90% preliminary engineering report even if they aren't from Main Street.
- Another person commented that the mound system replacement numbers seem excessive.
- Dale said the ability to replace septic systems could be null and void due to flood plain regulations. This project would be a good way for property owners to get their mound systems replaced.
- A gentleman added that the lots are way too small to put in an on-site mound system.
- South Londonderry resident Emmett Dunbar said the only way to reduce taxes is to have a healthy grand list. Businesses need to grow and can only do so with wastewater. The way to reduce taxes in our town is to grow the economy businesses and expand wastewater then we would have a 1% tax on top. We need to invest in infrastructure including wastewater so we can expand our commercial economic impact through growing our grand list and increasing sales and products in our town. This would benefit our community greatly. We race to help them during a flood, why wouldn't we race to prevent wastewater flooding now.
- Haskins noted that the bond is a reimbursement program. The payments start after construction. Per the funding schedule everything must be completed by August 2026. The design and permitting would be completed by September 2024. Bids would go out to bid for the winter and be ready to start construction in the spring of 2025.
- Cindy Gubb commented that our town has an affordable housing study that was recently completed. We are in dire straits for affordable housing. We can't build affordable housing without infrastructure and infrastructure includes wastewater.
- O'Keefe said there is not necessarily any tax impact with this project, but could be if the Selectboard determines that the bond would be retired through general taxes while the users paid the operation and maintenance costs through a user fee.
- It was asked and confirmed that the Selectboard makes the decision on who covers the bond payoff and what the user fees would be.
- Frauman asked if the grandfathered State wastewater law would allow for wastewater replacement for the property owners. Haskins confirmed that property owners are

“grandfathered” for wastewater usage with the existing use as of 2007, and replacement systems not in compliance with State regulations are allowed with a “best fit” design, but no expansion of intensity is permitted.

- Larry Gubb said Londonderry is going to see roughly \$8 million in value when they are just paying 10% of that amount for the project, and there is such a need for this infrastructure in the villages due to the historic settlement pattern. He added that we will never see this kind of opportunity again and everyone should think hard about this decision.
- Another comment made was that there are several plans for Londonderry in process, such as the Williams Dam; moving the Town buildings higher out of the flood plains; and the proposed wastewater systems. Are these connected or dependent on each other in any significant way, or can they be considered separately? Cavanagh said they can be considered separately, and that the wastewater system is the only bond vote right now.
- Another attendee asked if the wastewater system doesn’t pass how does this affect the other projects. Dale answered by indicating projects included the Zoning By-Laws rewrite, the Housing Assessment Study, the Williams Dam, and the Wastewater project. They are independent of each other in the Master Village Planning process, which we have for the North Village and are contracting for the South Village. All these pieces will fit into whatever the plans are developing so it is concurrent, but we need to have each of the various projects working through as they are complimentary. There is synergy between them. Ultimately, they will benefit whatever the Planning Commission recommends for the North and South Village Master Plan.
- Swinburn asked if this had been done in any other town and with any kind of success. State of Vermont Department of Environmental Conservation representative Emily Hackett answered that Rochester, Montgomery Center, and Warren were involved with the program and there are several in the lineup. Haskins said there are several in the lineup that have been awarded the money if they continue to move forward by meeting the deadlines. If they do not, the money goes to those on the waiting list. These towns having received funding are Burke, Grafton, Greensboro, Killington, Highgate, Moretown, Morganton, Montgomery, Londonderry, South Hero, Westford, and Wolcott. There are 8 communities on the waiting list.
- Haskins noted that the wastewater collection would be in the flood plain and the septic fields would be sited placed outside the flood hazard areas. Usually, things like piping are exempt from flood hazard regulation.
- Cobb asked if the users are agreeable or if they have even been approached. Haskins said she counted the current users as these are just estimates. They do have over a half dozen requests at this point.
- Cavanagh said one thing to think about in the North Village is that there is going to be a day when the State is going to say you cannot build in the flood plains at all. Therefore, you won’t be able to fix your septic system. If we move all those stores we don’t have anything in the village. Another person questioned who would want to build a store on Main Street where it’s just a river during flooding. It’s not a great place to have a business.

- A gentleman asked if the construction costs were exceeded how would that be paid for. Haskins said if we go over the numbers shown that would be paid for by the Town but could request another bond vote in the future or the project could be cut down or not continue with the project. She added that it's up to the Selectboard if they want the Town to pay for the service line to each building or not. If this is the case, the Town would need to own the easement for that service line.
- A gentleman referred to the south side of Main Street buildings and asked how to make sense of piping to buildings that may or may not be there in the future. He said he thinks Phase 1 should be to help these owners relocate out of the flood plains. Brown said she feels it's worth a shot to help these store owners. Prouty said it's a good thing to remember that it's a good step towards a wastewater system that has been needed for a long time.
- Swinburne asked if the user needs to pay for the removal of the old system. Haskins said the connection and removal is included in all the cost estimates but it's a Selectboard decision.
- A gentleman said this is an essential project for the future of this community. This opportunity may not come around again.
- Dale encouraged people to talk with their neighbors about this and to come to Town Meeting and make an informed vote.
- O'Keefe added that, if it is decided that the cost of the bonds were to be borne by the overall tax base, the proposed cost if both projects go through is \$13 per year to the taxpayer for a \$200,000 home.
- Cudos were given to the Town government. A round of applause was given.

Friant thanked everyone for coming and reminded everyone to vote on Town Meeting Day - Tuesday, March 5th at the Londonderry Town Hall. Polls are open from 7:00 AM to 7:00 PM.

4. Adjourn

Martha Dale moved to adjourn the meeting, seconded by Taylor Prouty. The motion passed unanimously.

The meeting adjourned at 7:28 PM. The next regular meeting of the Selectboard is scheduled for 3/4/2024, with Town Meeting Day scheduled for 3/5/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved March 18, 2024.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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