

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, January 9, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Taylor Prouty, Jim Fleming and Melissa Brown.

Board Members Absent: Vincent Annunziata.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk Kelly Pajala; Road Foreman Josh Dryden; Planning Commissioner Chair Sharon Crossman, Town Hall Renovation Committee Chair Larry Gubb; and Village Wastewater Committee Chair Gail Mann. Others – Trout Unlimited representative Erin Rodgers; Business owner David Johnson; Residents Cindy Gubb, Jim Wilbur, Chad Stoddard, Trevor Dryden, Paul Hendler, Marcia Camp, Lisa Ward and Eryn Ryan; 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)]

None.

3. Minutes Approval – Meeting(s) of 12/19/2022

Melissa Brown moved to approve the minutes of the Selectboard meeting of 12/19/2022, seconded by Jim Fleming. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Shane O’Keefe noted the following:

- Wishing everyone a happy new year, he reminded the public that the next regular meeting this month will be on 1/23/2023.
- That day Town Office staff, along with Planning Commissioners Sharon Crossman and Larry Gubb, met with architect Jon Saccoccio to discuss and confirm the program and building improvements for the Town Office renovation project.
- Last week he sent out to staff and chairs of boards and commissions a link to a YouTube video produced by the Vermont League of Cities and Towns on compliance with the Vermont Open meeting Law.

- That week he planned to send out an email to all those with Londonderryvt.org emails about our cybersecurity program where we'll be sending out occasional fake phishing emails to help people to spot real ones and take necessary precautions.

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

- A 1/6/2023 memo from the Lister Office on the 2022 equalization study and their intent to try to regionalize a reappraisal, as well as a copy of the study itself, dated 12/23/2022. They'd be coming to a future Selectboard meeting to discuss this, he added.
- Regarding the Contos tax deed litigation, letters from the opposing attorneys requesting oral argument before the VT Supreme Court, dated 12/19 & 12/20/2022.
- A notice from VLCT, dated 12/20/2022, of allocation of additional local ARPA funds to come to the Town from State ARPA. Tina Labeau noted that it was approximately \$150.
- A 12/20/2022 letter from VTrans confirming the Vermont Traffic Committee's approval of the Selectboard's 8/29/2022 recommendation to establish lower speed limits on VT Route 100 at the northbound approach to VT Route 11.
- A thank you note from the Champion Fire Company #5 for the Town's annual contribution.
- A petition, dated 12/27/2022, filed on behalf of Green Mountain Power to the VT Public Utility Commission for a certificate of public good for upgrades to the Londonderry substation located on Thompsonburg Road. A notice on this project was mentioned to the Board on 8/15/2022, he added, and if the Town wishes to intervene it must do so soon.
- Windham County Sheriff's monthly report for December 2022.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Village Wastewater Committee – Project updates

Gail Mann spoke on behalf of the Village Wastewater Committee. On the Library-owned land, soil percolation tests have been conducted which have confirmed the suitability of soils that can accommodate an inground system of approximately 6,000 gallons per day. Also the process uncovered an abandoned water line that needs further investigation.

Regarding the north village area, the soils are too wet to conduct auger tests at Pingree Park as previously hoped, and instead use of a piezometer is recommended to determine groundwater level, which is also a non-invasive process with very little site disturbance.

On the Custer Sharp property, she noted that the Town Attorney's deed research has determined that the property is limited to use as either a municipal park or forest preserve, and that a portion of the site will need to be designated as parkland to best accommodate the proposed wastewater system, which is expected to require only 3 of the 27 acres of the property. Test pits are hoped to be done there, with an archaeological consultant present, before the ground freezes, she added.

Mann referenced the timeline for use of ARPA funds for the project that had been provided to the Board, and noted that the project is under extremely tight schedule, with property

acquisition required by 12/31/2023 and overall construction completed by 8/31/2026. She noted that the timelines are State-mandated and non-negotiable, and that alternative sites are still being reviewed.

Mann asked for the Board's and the community's support for the project as this is a once-in-a-generation funding opportunity that should not be missed, and there appears to be a lack of understanding of its importance in the community. She stated that the project is critical to the town's future as it will support businesses and housing opportunities in the villages.

Melissa Brown moved to allow for a piezometer to make an exploratory hole at Pingree Park in the mapped area provided, to determine its sustainability for a community wastewater system, seconded by Jim Fleming. The motion passed unanimously.

Marcia Camp asked about ways that the community can be better informed about the project. Mann responded by saying there have been a number of public meetings in the past and planned for the future, and that the Village Wastewater Committee posts notice of its public meetings.

David Johnson also spoke about lack of public knowledge of the project, and Mann mentioned that in-person small group meetings with individual property owners are planned as well as a public information campaign assisted by the Windham Regional Commission.

Trevor Dryden inquired about the extent of the system and the costs of the project and impacts on taxpayers. Gubb spoke about the preliminary stage of the project and that much more information is needed before project costs are discussed in any detail.

Pajala inquired about how the Town would be raising the 10% matching funds for the project. O'Keefe spoke to this and the need for a bond, which could be paid back through user fees, and Pajala noted that timing of the bond would be important.

Johnson inquired about whether connection to a community wastewater system would be required of all property owners on the route, and it expressed that connection would be voluntary but may be necessary for business expansions or failed systems under State requirements.

Chad Stoddard spoke to issues he had with the number of users a community wastewater system could accommodate, and whether a system operated by the Town would be considered a municipal system. He expressed concerns about taxpayers having to pay for the project, and also spoke of a number of issues affecting the north village and timing of projects.

Mann suggested getting people together with the Town's engineer to help answer questions and address misperceptions, and Johnson stated he'd appreciate that.

b. Village Wastewater Committee – Consider proposal from Windham Regional Commission for Village Wastewater project coordination

The Board reviewed a proposal from the Windham Regional Commission to provide project coordination services for the Village Wastewater project. O'Keefe explained that the \$250,000 Clean Water Program grant from the State of Vermont includes \$15,000 for each of the villages for this type of service, which will be critical for moving the project forward for the Town, and that the Village Wastewater Committee voted to recommend that the Board approve this proposal. He added that the proposal includes public outreach to better inform

the community of the need and process for providing community wastewater treatment facilities, and that he anticipated that the actual amount spent on this contract will not likely approach the proposed budget.

Jim Fleming moved to 1) accept the proposal from the Windham Regional Commission to provide project coordination services related to the Village Wastewater project, estimated to cost \$29,966, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, including a service contract subject to review by the Town Attorney and approval of the Vermont Department of Environmental Conservation, and 3) authorize expenditure of up to \$30,000 for this effort to be reimbursed through the State of Vermont Clean Water State Revolving Fund program, seconded by Taylor Prouty.

Melissa Brown inquired about the cancellation provision included in the proposal that provides that either party can back out of the contract with adequate notice, and O’Keefe noted that this is a common provision.

The motion passed unanimously.

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

Larry Gubb spoke of the ongoing efforts to restore the Town Hall to its former glory, with recent improvements to the roof and the next phase being structural work to allow for use of the balcony. He described the work proposal from All Seasons Construction Corp., which was arranged by the Town’s construction manager Chris Cole, and is based on coordination with the Town’s structural engineer. If approved, work can start later in the month Gubb mentioned.

Jim Fleming inquired about some of the structural materials proposed., and Brown emphasized the need to maintain the aesthetic integrity of the interior O’Keefe noted that additional funds beyond the \$36,411 proposed will be needed for items such as finishing the flooring. He added that there is a need to remove the fixed seats from the balcony area for the needed repairs. Larry Gubb raised the question of whether to cart them off and replace them or to store them to see if it’s worth refurbishing them. The Preservation Trust of Vermont is being contacted to provide advice and possibly funding on the refurbishing alternative, he added, and that the Committee will come back to the Board on recommendations.

O’Keefe noted that there will need to be project coordination to ensure there are no impacts on Town Meeting, scheduled for 3/7/2023.

Trevor Dryden raised the issue of the possibility for unseen circumstances that could increase the scope of the project, and O’Keefe responded by saying that any increases beyond that approved by the Board would need to come back to the Board for approval, and that there are adequate funds in the Town Buildings Reserve Fund to accommodate increases.

Melissa Brown moved to 1) accept the quote from All Seasons Construction Corp. for structural improvements to the Town Hall, estimated to cost \$36,411, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, and 3) authorize expenditure of up to \$40,000 for this effort to be paid from the Town Building Reserve Fund, seconded by Jim Fleming. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that 2023 Transfer Station stickers are available at the Town Office. Brown inquired about what happens when someone goes the facility without a sticker, and Labeau mentioned that people are not necessarily turned away and are directed to come by the Town office to secure a sticker.

b. Discuss solar array construction and facility gate security

O’Keefe noted that the solar array project on the former septage fields is under construction for the next 6-8 weeks, and there have been issues with the facility gate being unlocked at times, and while the construction crew is under instruction to keep the gate closed there have been instances when it is open and it is disputed who is leaving it open: the construction crew or illegal users of the facility. The developer is suggesting installation of locks on the gate.

Esther Fishman provided a letter on the issue indicating reluctance to using combination locks, and suggested new signage and video surveillance. There was discussion about whether to use a lock and, if so, what type. Cavanagh noted he is working with Labeau on erecting no trespassing signs.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of December 2022:

Salt – 176 tons Sand – 751 yards

Fuel (gallons): Vehicles – 1,566, Town Office Generator – 10, Transfer Station – 0

He noted that there are equipment troubles, with the small red truck needing to be towed away for repairs, and his truck has also been out for repairs, The replacement plow has been received, he mentioned. He discussed replacement of the little red truck and/or the Mack truck, and mentioned that he’d like to come to the Board at the next regular meeting with the truck specifications. Prouty agreed that both vehicles are overdue for replacement and are unreliable. Josh Dryden said his plan is to purchase a new tandem truck and a new 6-wheeler for small work that would be a backup vehicle. Prouty mentioned that the loader is also due for replacement.

There was discussion about the Town’s vehicle replacement schedule and the difficulty sticking to it. The availability of trucks due to supply chain matters was also discussed.

Fleming applauded the job of the Road Crew with addressing the recent snowstorm.

10. Old Business

a. Williams Dam Project – Discuss USDA-NRCS report and determination of program eligibility for Watershed and Flood Prevention Operations program

Cavanagh inquired whether Board members had had the opportunity to read the report from the USDA Natural Resources Conservation Service.

Read aloud a letter from resident Rachel Febbie on the report that expressed concern that no community committee was set up by the Selectboard to consider all options and their impacts for the Williams Dam, and suggested that the Town could appeal the hazard reclassification of the dam.

Larry Gubb spoke at length about the dam, and raised issues about the hazard classification matter and potential for downstream impacts if the dam were removed. He also questioned whether the Town's application should have classified it as flood control dam, and whether the dam should have been considered for hydropower. Cavanagh read from the report which suggested that this use would not be of substantial benefit.

Prouty spoke of the cost of repair of the dam, which would be required if the dam were to be used for hydropower. The differences in repair and replacement costs between this report and the previous report from DuBois & King, Inc. were raised by Brown. Prouty noted that the removal option had no cost and would restore the original river corridor.

Cavanagh noted that there were no other funding sources for repair or replacement that he could find.

Potential for flooding impacts with or without the dam was discussed at length.

Cindy Gubb spoke about the use of the mill pond for firefighting purposes, and upstream wetlands impacts. O'Keefe noted that the Connecticut River Conservancy is working with the Town of Wilmington on a dam removal with firefighting water source impacts and have offered to meet with Londonderry representatives on solutions.

Erin Rodgers noted that the Williams Dam is essentially a run-of-the-river dam and that there would be little change in flooding potential by removal of the dam. She added that there is significant funding available for dam removal at the State and federal levels that can assist the Town with removal.

Recreation and tourism opportunities related to the dam were discussed.

Stoddard asked the Board to opine on its preferred alternative. It was noted by Prouty that the Board had not settled on a preferred alternative yet, and that no funding is available at this time for anything but removal.

b. Williams Dam Project – Discuss next steps

Cavanaugh suggested that there should be a floor vote at some point on which way to proceed.

O'Keefe suggested a bond vote for the reconstruction of the dam to get a question to the Voters that finalizes a decision on the matter.

Rogers noted that costs for reconstruction are likely to have increased significantly over the past year or so. Prouty noted that probably everyone in town wants the dam to stay but that the cost is the big issue.

Whether to include something on the Town Meeting warning was discussed. The matter was passed over at last year's Town Meeting. Brown suggested looking at all the options and coming up with a more reasonable option to consider. Prouty recalls that people were encouraged last year to form a group on the matter. It was noted that no formal invitation to

form a committee came from the Selectboard. Brown suggested that the Board discuss forming a group or committee at its next regular meeting.

Cavanagh noted the significant efforts he has made to reach out to interested parties on this and he estimates that either the Town raises funds to repair or replace it, or remove at no cost. If the Town does nothing then the State will likely force the Town to make a decision, he added.

Trevor Dryden suggested a Town Meeting poll to inquire whether the Voters want to address this at a future meeting Town meeting.

It was agreed to keep this matter on the agenda for the next regular meeting.

c. Septage Fields Project – Consider annual PFAS groundwater sampling plan

O’Keefe reminded the Board of the annual groundwater sampling and reporting requirement for Per-and Polyfluoroalkyl Substances (PFAS) at the former septage fields required of the State-approved corrective action plan. He noted that the monitoring results for 2022, which had been provided in the meeting packet, showed continued presence of PFAS but no indication of migration to the West River or the drinking water well at the Riverside Condominiums on Boynton Road across the river. The sampling plan for the coming year proposed by Waite-Heindel Environmental Management was reviewed and discussed, and it was noted that the cost had increased due in part to the State requiring an additional sampling well location. Engineer hourly costs also increased, O’Keefe stated, and Prouty raised the fact that the solar array annual rent will fall short of the annual PFAS sampling and reporting costs.

Taylor Prouty moved to 1) accept the estimate of cost for 2023 groundwater monitoring estimate of PFAS at the former septage fields from Waite-Heindel Environmental Management, to cost approximately \$7,660, and 2) authorize the Town Administrator to execute necessary documents to employ the consultant firm for this service on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

d. Discuss regulation of short-term rentals

O’Keefe noted no recent progress with short-term rental (STR) ordinance research due to the holidays.

Sherwood Forest resident Eryn Ryan spoke to the Board at length about difficulties she was having with an STR unit next door to her home that shares a driveway and well. She noted a recent incident involving nighttime gunfire that required State police response, and a pattern of tenants being disruptive and disrespectful. She mentioned that the house and residential garage contain 7 bedrooms with 16 beds for up to 26 people in the house at one time. She asked the Board to do something about this, and said she has no issues with long-term rentals or STR’s with on-site owners, only those with absentee property owners that don’t have a connection with the community.

South Londonderry resident Lisa Ward also spoke to the Board at length in opposition to uncontrolled STRs and described a similar situation, with a shared driveway to a newly-build cabin listed as an STR. She mentioned safety and congestion concerns, and requested that the Board establish an ordinance to provide some controls and oversight.

Ryan and Ward each spoke of the detrimental effects of the STR tenants, that these are businesses and not residences, and each mentioned they had to increase their property insurance.

There was discussion about State of Vermont oversight of STRs and lack of inspections. Prouty mentioned ordinances being proposed by other communities and that the Selectboard has been working toward establishing one for Londonderry. Funds raised through STR registration fees and a 1% rooms tax, if approved by the Voters, could be used toward regulation and enforcement it was noted.

Pajala noted that State law and precedents in Vermont courts provide that STRs are considered to be residential uses of properties and not commercial uses, and that Londonderry's zoning bylaw doesn't address this. She suggested that changes should be made at the State level on definitions of STRs, differentiating between residential and commercial uses.

Brown supported establishing an STR registry with fees to better know what is taking place in the community. Prouty suggested getting a draft ordinance for the Board to review and approve, and it was generally agreed an ordinance should address both the impacts of party houses and the impacts on local housing resources.

Ward raised the idea of requiring consent between neighbors on impacts on STRs on rights such as shared driveways. Ryan briefly mentioned negative impacts of the STR on the National Forest lands adjacent to her property.

It was agreed that a draft of an ordinance should be available for review by the Board at the next regular meeting, and O'Keefe will work with the Town Attorney on this.

e. Review and discuss proposed FY2024 Budget

Labeau presented the Board with the latest version of the proposed FY2024 budget and noted that per the discussion at the previous meeting employee salaries were calculated using a 9% cost-of-living increase. There was discussion about the overall budget strategy and the need to slowly address deferred maintenance that has had negative effects on equipment and facilities. Brown asked to meet one-on-one with Labeau on some specific questions she had.

Labeau distributed spreadsheets showing a preliminary tax rate calculation showing a 5-cent rate increase, and provided a 4-year comparison of tax rates.

O'Keefe suggested holding a special Board meeting to go over the budget line-by-line. It was agreed to do It was agreed to schedule a special meeting to coincide with upcoming employee evaluations.

11. New Business

a. Consider proposals for Town Meeting appropriations to agencies and community services

The Board reviewed requests from organizations previously funded, as follows (with changes from previous year underlined):

Londonderry Conservation Fund	500
Champion Fire Company #5	20,000

Phoenix Fire Company #6	20,000
Londonderry Volunteer Rescue Squad	15,000
South Londonderry Library Association	<u>15,000</u>
American Red Cross	\$500
Flood Brook Athletic Association	\$2,500
Grace Cottage Foundation	<u>\$1,000</u>
Greater Northshire Access TV	\$2,000
Green Mountain RSVP	\$415
Green Up Vermont	\$100
Health Care & Rehabilitation Services	\$1,513
Londonderry 4th of July	\$1,500
Mountain Valley Health Council	\$5,000
My Community Nurse program	\$2,500
Neighborhood Connections	\$6,000
Senior Solutions	<u>\$970</u>
SVEDS	\$5,307
SEVCA	\$1,700
The Collaborative	\$1,000
Valley Cares	\$2,742
Visiting Nurse Assoc. of VT & NH	\$7,000
Vermont Rural Fire Protection	\$100
West River Montessori School	\$3,000
Windham County Youth Services	\$315
Women's Freedom Center	\$800

Requests not on the previous Town Meeting Warning proposed to be included as special stand-alone articles on the draft warning as follows:

Londonderry Arts and Historical Society	\$1,000
Londonderry Transport - Neighborhood Connections	\$1,000
Windham County Humane Society	\$500

Labeau mentioned that she had one new unspecified request from an organization called the Safe Place, which was assumed to be \$1,900, but that no follow up documentation has not been received. Pajala noted that the Brattleboro-based organization provides services and support for youth and families that have experienced domestic and sexual violence. It was suggested that its request was late so the organization should have to petition to get on the Warning.

Labeau also mentioned that she had received a late funding request from the Friends of the West River Trail, and the organization was told that a petition would be required.

Taylor Prouty moved to require the Safe Place and the Friends of the West River Trail to provide a signed petition to get on the Town Meeting Warning and to approve all other requests that had their paperwork in in a timely manner, seconded by Jim Fleming. The motion passed unanimously.

b. Review draft Town Meeting Warning

O’Keefe gave an overview of the draft of the Town Meeting warning. He noted that, regarding the bond vote for the Town Office restoration, the bond counsel has recommended a separate warning for a special Town Meeting that would take place at the same time as the annual Town meeting. This is because of the very different requirements for public notice for bond votes. As a result, the bond would be removed from the Annual Meeting warning, leaving one Australian ballot matter: a vote on whether to allow the Selectboard to appoint the 1st and 2nd Town Constables instead of the position being elected.

Regarding the Constables, in addition to the vote on appointing the positions, the 1st Constable and 2nd Constable positions are still listed with those officials up for election. O’Keefe clarified that if the Australian ballot measure were to pass, those elected to the positions would be replaced by those appointed by the Selectboard.

Also included on the draft Warning, for the sake of providing the Board with all of its choices with regard to the Constable positions, was an article proposing to eliminate them based on new statutes passed in the last year. It was noted that even if the positions were eliminated the Board would have to appoint someone to handle the Constable duties.

O’Keefe was asked to reach out to the Windham County Sheriff to see if that office could handle Constable responsibilities under contract. Another option would to have a regional Constable.

It was generally agreed to seek to have the Constable positions elected and to drop the article seeking to eliminate the positions.

Budget and appropriations articles were briefly reviewed.

An article proposed by O’Keefe seeking approval for a new part-time minute-taker position was considered.

The article for funding the Windham County Sheriff shows an increase of \$5,000 to \$55,000.

The article for the Highway Improvement Reserve Fund shows an increase of \$40,000 to \$260,000 in keeping with the Town highways capital plan.

The Board discussed at length the proposed article to fund a new fire truck for the Phoenix Fire Company #6. The proposed article is based on the 2013 purchase of a truck by the Champion Fire Company #5 in 2013 and was approved by the Town Attorney. Prouty mentioned that Chief Ameden requests an article similar to that in 2009 where the Department was given a large lump sum to purchase a truck on its own. It would take two years to build and deliver the vehicle, he added, though interim payments would be required. Labeau pointed out that in order to finance the vehicle purchase the Town would have to be the owner until such time as the vehicle note is paid off. The Town would lease the apparatus to the Department in the meantime, with the department insuring and maintaining it. Raising all of the funds in one year to hand over to the Department would add 8-cents to the tax rate, Labeau stated. In addition to funds independently raised by the Department, funds from the

Town of Landgrove would offset the amount to be financed by the Town it was noted. Labeau was asked to work with Chief Ameden to clarify the article and amounts to be raised and financed.

O’Keefe noted that he had retained the Williams Dam article from last year so the Board could either keep it, remove it, or amend it. He added that it could be changed to allow for some engineering assistance but not to make a recommendation for its use. Prouty suggested wording to the effect of “allocating \$20,000 for engineering costs related to the Williams Dam”, and there was general support for this.

On the proposed article for a regional recreation director, there was discussion about including only Londonderry’s share or the entire cost of the position in the article. It was the consensus to include the entire cost for the sake of transparency. Brown noted that amount as \$95,386.

The Board briefly discussed an article seeking approval of a 1% local option tax for rooms (only) was discussed, with proceeds directed toward reduction of taxes. The Board members generally supported this.

Pajala raised whether a bond vote for renovation of the Williams Dam was to be considered, and there was discussion about this. Brown spoke against having a bond vote without additional community input.

c. Schedule special meeting for annual performance evaluations

O’Keefe noted that annual evaluations for he, Zoning Administrator Will Goodwin and Assessor Jeremiah Sund were due to be scheduled as each has an anniversary date of January 1st.

Schedules were discussed and it was tentatively agreed by the Board members to hold a special meeting on the budget and evaluations on Thursday, 1/19/2023 at 5:00 PM. O’Keefe will contact Annunziata, Sund and Goodwin to confirm their availability.

12. Adjourn

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

The meeting adjourned at 9:44 PM. The next regular meeting of the Selectboard is scheduled for January 23, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved January 23, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

**Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, January 19, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT**

Board Members Present: Tom Cavanagh, Melissa Brown, Jim Fleming, Taylor Prouty, and Georgianne Mora (appointed at meeting).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Lister Sandra Clark, Town Assessor Jeremiah Sund. Others – Residents Martha and Dick Dale; Rachel Febbie Georgianne Mora; Barbara Wells; Cynthia Gubb; Elsie Smith; and Jim Wilbur; and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:00 PM.

2. Additions or Deletions to the Agenda [1 VSA 312(d)(3)(A)]

None.

3. New Business

a. Appoint new Selectboard member to fill vacancy [24 VSA 963((a)]

In response to Selectboard member Vincent Annunziata’s recent resignation a notice was posted seeking applicants to fill the vacancy. Brown inquired whether there has been enough time for all those interested in the position to apply for it. Cavanagh noted that there are only four Board meetings scheduled before Town Meeting at which time an election will be held to fill the position.

O’Keefe noted that applications had been submitted by Georgianne Mora, Martha Dale and Rachel Febbie. Cavanagh suggested appointing former Board member Mora due to her Board experience and that others interested in serving on the Board could run for the office at Town Meeting. Other Board members supported this idea.

Febbie, Martha Dale and Mora each spoke on their background and interest in serving on the Selectboard. Board members discussed whether an appointment should be made right away or to wait until the next regular meeting.

Taylor Prouty moved, in light of the resignation of Vincent Annunziata from the Londonderry Selectboard on January 11, 2023, whose term in office was scheduled to end at the 2023 Town Meeting, and with public notice of such vacancy having been publicly posted on January 12, 2023 in keeping with 24 V.S.A. Section 961(a), to appoint Georgianne Mora to fill the vacancy in the position of Selectboard member, effective immediately, pursuant to the authority granted under 24 V.S.A. Section 963(a), and to file a written notice of said appointment with the Town Clerk for recording in the Town records, seconded by Jim Fleming. The motion passed with a vote of 3-0-1, with Melissa Brown abstaining.

Cavanagh thanked Annunziata for his service as Selectboard member, and Mora was sworn into office by Tina Labeau, and then took her seat with the Board.

b. Election a Vice-Chair

[24 VSA 871(a)]

Jim Fleming stated that he was willing to serve as the Vice Chair if no one else was interested.

George Mora moved to elect Jim Fleming as Selectboard Vice Chair, seconded by Taylor Prouty. The motion passed unanimously.

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 officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O’Keefe, Sandra Clark and Jeremiah Sund to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 5:20 PM and came out of executive session at 5:40 PM. No decisions were made.

4. Old Business

a. Review and discuss proposed FY2024 Budget

Tina Labeau reviewed the draft budget with the Board line-by-line, providing detailed explanations of most matters that have changed year-over-year. There were various questions posed by the Board, and Labeau and O’Keefe each offered responses as appropriate.

The proposed budget, scheduled for finalization at the next meeting, is as follows:

	FY2023	FY2024	\$ change	% change
Expenses	\$2,087,528	\$2,217,860	\$130,332	6.24
Non-tax Revenues	\$823,780	\$883,494	\$59,714	7.25
Tax Revenues	\$1,263,748	\$1,334,366	\$70,618	5.59

b. Review draft Town Meeting Warning

Shane O’Keefe reviewed with the Board the draft of the annual Town Meeting warning as well as the warning for the special Town Meeting, to be held simultaneously with the annual meeting, for the Town Office renovation bond vote. It was explained that the bond vote is scheduled for its own meeting due to the very different public notice requirements. The bond vote will require an informational hearing, which is tentatively scheduled for 2/27/2023.

There was extended discussion about the Williams Dam and Article 20, which seeks to raise funds for further engineering costs. No changes were made to the draft annual Town Meeting warning.

5. New Business

a. 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 in 5 minutes to consider the employment or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O’Keefe to attend the executive session, seconded by George Mora. The motion passed unanimously.

The Board entered executive session at 7:00 PM. O’Keefe left the executive session at 7:24 PM, and the Board came out of executive session at 7:40 PM. No decisions were made.

6. Adjourn

George Mora moved to adjourn the meeting, seconded by Melissa Brown. The motion passed unanimously.

The meeting adjourned at 7:41 PM. The next regular meeting of the Selectboard is scheduled for January 23, 2023.

Respectfully Submitted,

Shane O’Keefe
Town Administrator

Approved January 23, 2022.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, January 23, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Taylor Prouty, Melissa Brown and Georgianne Mora.

Board Members Absent: Jim Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk Kelly Pajala; Zoning Administrator/Flood Hazard Administrator Will Goodwin; and Town Assessor Jeremiah Sund. Others – Residents Paul Hendler, Michael Goodbody, Bob Forbes, Marcia Camp, Lisa Ward and Eryn Ryan; *Chester Telegraph* reporter Shawn Cunningham; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:00 PM.

2. Additions or deletions to the agenda

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

O’Keefe explained that a request to use the Town Office Meeting room had been received from the Act 250 Commission.

Taylor Prouty moved to add to the New Business section of the agenda the consideration of request to use the Town Office meeting room, seconded by George Mora. 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)

George Mora moved to enter executive session to consider the employment or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Will Goodwin to attend the executive session, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 5:02 PM. Goodwin left the executive session at 5:38 PM and the Board came out of executive session at 6:00 PM. No decisions were made.

The meeting proceeded after a 10-minute delay needed to set up video recording.

4. Minutes Approval – Meeting(s) of 1/9/2023 & 1/19/2023

George Mora moved to approve the minutes of the Selectboard meetings of 1/9/2023 and 1/19/2023, seconded by Taylor Prouty. The motion passed unanimously.

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Cavanagh reminded the public that the 2023 Transfer Station stickers are available.

Tina Labeau noted that the Wednesday office hours for the Town Clerk and Town Treasurer's offices will change to 8:30 AM to 4:30 PM, beginning on 4/3/2023. Notice of this will be posted to the Town website, she added.

Shane O'Keefe noted the following:

- That the deadline for ARPA funding requests is 2/1/2023.
- The results from the soil tests at Pingree Park indicate that a mound system is possible, and that the Village Wastewater Committee will likely be at the next meeting to discuss this further.

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

- A 1/16/2023 email from the Windham County Sheriff noting that his office can handle most Constable responsibilities, as well as a copy of 24 V.S.A. 1936a, which outlines the Constable duties.
- A 1/13/2023 letter from the Sheriff, giving notice of a 2/9/2023 meeting in Newfane to discuss regional policing, which requests that the Town send a representative. O'Keefe noted that he planned to attend unless someone else would prefer to do this.
- An email, dated 1/20/2023, from the Vermont Land Trust about the "Welcome to Londonderry" sign on the westbound side of VT Route 11 just east of Little Pond Road, indicating that a new license agreement to allow the sign will not be permitted, but that the new property owner is fine with the sign remaining as is.
- A hearing calendar from the Vermont Supreme Court noting that the arguments on the Contos v. Town of Londonderry & Sandra Superchi tax deed case will take place on the morning of 2/8/2023.

7. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

It was mentioned that a One Londonderry representative had indicated that monthly reports will no longer be needed, and that the organization would instead meet with the Board as necessary.

b. Other Citizens

Main Street resident Michael Goodbody spoke to the following:

- Policing of overweight vehicles. O'Keefe noted that the Windham County Sheriff's Office has hired an officer trained and equipped to address trucking matters. Goodbody questioned why excess vehicle weight permits were issued at all. O'Keefe noted that there is business that needs to be transacted with trucks on Town roads, but that through-trucking of overweight vehicles is not permitted on Middletown Road or Main Street/Thompsonburg Road. Goodbody expressed concerns with trucking activities of Hunter Excavating.

- Goodbody stated that he believed it was not prudent for the Town to accept a single bid for Town service needs, and suggested that the Town always require 3 bids.
- He expressed concerns about the Act 250 permit extension process regarding the gravel pits on Rows Road, and lack of Town participation.
- Regarding the Village Wastewater Project, he raised a question about the need for this in the south village and whether there would be property owners interested in connecting. Prouty spoke to the need for replacement systems, and growth or changes to commercial uses.
- Goodbody questioned the Town accepting free services from contractors in the community who may wish to do work for the Town in the future, stating that this is influence peddling in his opinion.

8. Town Officials Business

a. Board of Listers – Discuss results of the 2022 Equalization Study

Jeremiah Sund presented to the Board a memo on the 2022 Equalization Study, which notes that the Town had a Common Level of Appraisal (CLA) of 85.33% and a Coefficient of Dispersion (COD) of 21.10% based on an analysis of 3 years of sales. He noted that with a COD of below 85% or COD above 20% a community is mandated to reappraise the education grand list properties. Due to Londonderry's COD figure the Town must arrange for a reappraisal in the not to distant future, he said, and noted that the increase in property values throughout the state has produced about 150 municipalities needing to do this work.

He recommended that Londonderry try to join with other communities to have a larger number of parcels on which to bid, which could allow for better pricing. He has contacted 10 communities and is still waiting to hear back from some.

Sund also spoke of other alternatives to address the reappraisal requirement, and software alternatives as well. He has also spoken with some reappraisal vendors on recommended strategies and learned that some vendors are booking out to 2026.

Pajala noted that the Vermont Legislature is working on a solution to this matter.

Sund mentioned that once he hears back from other towns, he'd firm up options before coming back to the Selectboard on how to proceed.

b. Planning Commission – Monthly update

None. Planning Commission Chair Sharon Crossman had sent a message that she would not be able to attend the meeting.

c. Town Treasurer – Year-to-date budget review

None. Tina Labeau noted that the budget report was not yet available.

9. Transfer Station/Solid Waste Management

a. Updates

None.

b. Site security

Cavanagh noted that there was illegal dumping on the recent Martin Luther King Jr. holiday, and he suggested steps that can be taken to better secure the facility. It was noted that new signage was recently put up, and there was discussion about putting up a new gate and/or cameras. O’Keefe will inquire of Green Lantern Solar, the developer of the new solar array behind the facility, whether the company would be willing to erect a new gate.

Cavanagh stated he would be in contact with the Sheriff’s Office to assist with security and investigations of illegal facility usage. He asked the public to keep an eye out as well.

Prouty noted that the hardware store was looking for ways to better provide information to the public and has inquired whether the store could sell permits. The store owner is also asking for more frequent battery collection. How best to disseminate information to the public was discussed. It was suggested that a QR code could be posted at the hardware store with links to recycling and trash disposal information.

10. Roads and Bridges

a. Updates

Prouty noted that the trucks have been repaired and the Road Crew handled the storm that day very well, with reports of any snags.

b. Discuss radar feedback signs

Timing on the installation of radar feedback signs was discussed. Cavanagh stated that Road Foreman Josh Dryden assumes he needs to wait until the spring for this, and O’Keefe clarified that the Town can install them at its discretion as State permits are in hand. He mentioned that there are two signs that could be installed right away with the exiting posts, and that 4 longer posts are required for the other signs. Prouty mentioned that it would be hard for the Road Crew to do the installation now due to road maintenance activities, but that the posts and other components would be ordered right away.

It was recommended that if there is a lull in the weather that the signs should go up. There was discussion about practicalities of sign installation, including work along the State highway, and it was suggested that hiring someone to put up the signs could work, which could be done in tandem with an effort to install speed limit signs throughout the community.

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

c. Annual VTrans Certificate of Highway Mileage

[19 VSA 305(b)]

O’Keefe mentioned that this is an annual requirement, and this year includes changes involving Hells Peak Road that make it Town Highway #13 for its entire length, as approved by the Selectboard on 8/29/2022.

Taylor Prouty moved to approve the annual VTrans certificate of highway mileage, indicating changes involving Town Highways 9, 11, 13 and 36, and authorize the Selectboard Chair to execute it on behalf of the Board, seconded by George Mora. The motion passed unanimously.

d. Discuss special weight limits for highways and bridges [23 VSA 1400b & 1400c]

By February 10 each year the Town must declare to VTrans whether it wishes to establish special weight limits on Town highways, and the Board discussed this briefly. O’Keefe mentioned that in the past the Board has passed over this, but that the Cobble Hill Road bridge over the West River should be considered at some time in the future for lowered weight limits.

The Board did not take action on this matter.

e. 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 fees were paid, and insurance certificates received. More of these would be coming in the next month or so. O’Keefe reminded the Board of the attachment that goes with the approved permits which give local contacts, notes that through traffic for overweight trucks is not permitted on Middletown Road or Thompsonburg Road/Main Street and requests adherence to speed limits.

George Mora moved to approve the excess weight permit(s) for:

- *Newport Sand & Gravel Co., Inc./Carroll Concrete Co., Inc*

and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

11. Old Business

a. Review and adopt Ordinance on regulation of short-term rentals

O’Keefe handed out the latest draft of the ordinance as provided by the Town Attorney. Board members and members of the public discussed this at length. Specific matters covered included:

- Level of registration fees
- Overcrowding of properties and impacts on neighbors
- Differentiation between hosted or non-hosted use of units
- Administration and enforcement of the ordinance
- Applicability of State inspection

On the adoption process, O’Keefe mentioned that once adopted by the Board, the ordinance would be effective 60 days later unless a petition is received to have it voted on at a Town Meeting. Prouty mentioned that it could always be a Town-wide vote.

b. Williams Dam Project – Discuss next steps

Brown stated that she wanted to give people in town an opportunity to come together to further explore alternatives for the Williams Dam, and it was noted that there is an article on the Town Meeting warning allocating additional funds for project engineering.

Prouty spoke to the potential liability to the Town posed by the dam’s condition, and Cavanagh mentioned that the State of Vermont Dam Rules could require immediate action on the part of the Town to eliminate any potential problems at Town cost. Mora suggested

that any additional community efforts have a specific timeframe so as not to extend the period of study.

Resident Bob Forbes stated that he disagreed with the conclusions of the engineering studies done and offered that he believes there are opportunities for preservation and reuse of the dam. He spoke at length about repair and maintenance efforts on the dam over the years and distributed an old study and related plans and photographs for review by the Board. He stated that he believed there was no urgency for the Town to act and that further study was warranted. Forbes also described flooding characteristics of the West River over the years.

There was a discussion about interest expressed during the previous Town Meeting about forming a committee directed toward further exploring options for the Williams Dam, and no one has stepped forward to do that.

Cavanagh pointed out that the only significant funding source available for renovation of the dam is from the USDA and the Town was recently informed that the Williams Dam is not eligible for that specific program.

Brown asked the other Board members if she could reach out to some community members about forming a committee, and all agreed. How \$20,000 of funds proposed under Town Meeting article 20 would be used was briefly discussed, and it was agreed that, if approved by the Voters, it would be at the discretion of the Selectboard.

c. Town Office Renovation Project – Declaration of Necessity for bond vote

O’Keefe noted that in order for the Town Office renovation bond vote to proceed a declaration of necessity as prepared by the Town’s bond counsel was required.

George Mora moved to approve the following declaration of necessity and resolution:

RESOLVED, that the public interest and necessity demand certain public building improvements, namely, renovations to the town office building at an estimated cost of One Million Three Hundred Thousand Dollars (\$1,300,000); 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 One Million Three Hundred Thousand Dollars (\$1,300,000) to pay for its 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 7, 2023; 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 Chapter 53 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 therefor.

And furthermore to request that the Town Clerk certify and attest same, seconded by Taylor Prouty. The motion passed unanimously.

d. Review and approve Special Town Meeting Warning for Town Office Renovation bond vote

O’Keefe mentioned the warning for the special Town Meeting for the bond vote requires a vote of the Board.

Taylor Prouty moved to approve and sign the Warning for the Special Town Meeting for the Town Office renovation bond vote, scheduled for March 7, 2023, seconded by Tom Cavanagh. The motion passed unanimously.

e. Review and approve Annual Town Meeting Warning

The Board reviewed the warning for the annual Town Meeting, with changes agreed to at the previous meeting.

George Mora moved to approve and sign the Warning for the Annual Town Meeting, scheduled for March 7, 2023, seconded by Taylor Prouty. The motion passed unanimously.

f. Review and approve proposed FY2024 Budget

The Board briefly reviewed the proposed budget for fiscal year 2024.

Melissa Brown moved to approve the proposed Fiscal Year 2024 budget in the amount of \$2,217,859.67, subject to Town Meeting approval, seconded by George Mora. The motion passed unanimously.

12. New Business

a. Consider employee compensation matter

Tom Cavanagh moved to amend the employment contract for Town Administrator Shane O’Keefe by increasing the Town’s contribution to his retirement by 5%, effective with the current pay period, and to authorize the Selectboard Chair to execute the contract amendment on behalf of the Board, seconded by George Mora. The motion passed unanimously.

O’Keefe inquired whether there would be compensation changes for other employees, noting that Jeremiah Sund and Will Goodwin had not received increases since this time last year. There was discussion about adjusting schedules so that all cost-of-living increases occur at the beginning of the fiscal year. It was suggested that employee compensation matters be discussed at the next regular meeting.

b. Consider request for use of Town Office Meeting Room

The Board reviewed a proposal from the Act 250 District Commission to use the Town Office meeting room for a hearing on an application.

George Mora moved to authorize use of the Town Office Meeting Room on Wednesday, February 8, 2023 by the Vermont Act 250 District Commission for an Act 250 hearing, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

13. Adjourn

George Mora moved to adjourn the meeting, seconded by Tom Cavanagh. The motion passed unanimously.

The meeting adjourned at 8:51 PM. The next regular meeting of the Selectboard is scheduled for February 6, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved February 6, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

ATTACHMENTS:

Attachment A - Special Town Meeting Warning
Attachment B – Form of Ballot

Attachment A – Special Town Meeting Warning

WARNING

The legal voters of the Town of Londonderry, Vermont, are hereby notified and warned to meet at the Town Hall, 139 Middletown Road, South Londonderry in Londonderry on Tuesday, March 7, 2023, between the hours of seven o'clock (7:00) in the forenoon (a.m.), at which time the polls will open, and seven o'clock (7:00) in the afternoon (p.m.), at which time the polls will close, to vote by Australian ballot upon the following Article of business:

ARTICLE I

Shall general obligation bonds or notes in an amount not to exceed One Million Three Hundred Thousand Dollars (\$1,300,000), subject to reduction by the application of federal and state grants-in-aid and reserve funds, be issued for the purpose of financing the cost of improvements to the town office building, the estimated cost of such improvements being One Million Three Hundred Thousand Dollars (\$1,300,000)?

The legal voters of the Town of Londonderry are further notified that voter qualification, registration and absentee voting relative to said meeting shall be as provided in Chapters 43, 51 and 55 of Title 17, Vermont Statutes Annotated.

The legal voters of the Town of Londonderry are further notified that an informational meeting will be held on Monday, February 27, 2023, at six o'clock (6:00) in the evening at the Londonderry Town Office, 100 Old School Street, South Londonderry, for the purpose of discussing the proposition.

Adopted and approved at a regular meeting of the Selectboard of the Town of Londonderry duly called, noticed and held on January 23, 2023. Received for record and recorded in the records of the Town of Londonderry on January 23, 2023.

ATTEST:

Kelly Pajala
Town Clerk

Thomas Cavanagh

Taylor Prouty

Melissa Brown

Georgianne Mora

James Fleming

Attachment B – Form of Ballot

OFFICIAL BALLOT

TOWN OF LONDONDERRY

SPECIAL MEETING MARCH 7, 2023

ARTICLE I

Shall general obligation bonds or notes in an amount not to exceed One Million Three Hundred Thousand Dollars (\$1,300,000), subject to reduction by the application of federal and state grants-in-aid and reserve funds, be issued for the purpose of financing the cost of improvements to the town office building, the estimated cost of such improvements being One Million Three Hundred Thousand Dollars (\$1,300,000)?

If in favor of the proposition,
make a cross (x) in this square:

☐

If opposed to the proposition,
make a cross (x) in this square:

☐

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

Board Members Present: Tom Cavanagh, Taylor Prouty, Melissa Brown, Georgianne Mora and Jim Fleming

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Road Foreman Josh Dryden; Planning Commission and Village Wastewater Committee members Sharon Crossman and Larry Gubb. Others – Residents Paul and Shelly Hendler, Lisa Ward, Jessica Citera, Barthley Thomas, and Patricia Gagnon; 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)]

None.

3. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Jim Fleming moved to enter executive session to consider the employment or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O’Keefe to attend the executive session, seconded by George Mora. The motion passed unanimously.

The Board entered executive session at 6:01 PM and came out of executive session at 6:16 PM. No decisions were made.

4. Minutes Approval – Meeting(s) of 1/23/2023

Jim Fleming moved to approve the minutes of the Selectboard meetings of 1/23/2023, 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 Jim Fleming. The motion passed unanimously.

6. Announcements/Correspondence

Shane O’Keefe noted the following:

- A notice was received that day from the Public Utility Commission that Wednesday is the deadline for the Town to request a public hearing on the Green Mountain Power proposal to upgrade the substation on Thompsonburg Road.

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

- A 1/23/2023 letter from the Vermont Department of Housing and Community Development announcing the renewal of the village designations for Londonderry's two village areas, along with a statement of benefits of the designations.
- A notice from the Windham Regional Commission's Project Review Committee about a meeting to be held the following evening on the Act 250 applications related to the quarries on Rows Road.
- A letter from VTrans, dated 2/1/2023, on various upcoming requirements for various State programs. He mentioned upcoming an application for Class II highway paving grant.
- A 1/23/2023 letter from Comcast providing contact information for network issues.
- The year-to-date budget through December 2022.
- Windham County Sheriff's monthly report for January 2023.

George Mora mentioned that the Windham Regional Commission recently decided to transition the Transportation Committee to a broader transportation advisory committee with membership extending beyond just WRC Commissioners, and an invitation to the Town for appointees will be forthcoming.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Village Wastewater Committee – Project updates

Larry Gubb referred the Board to a memo from the Village Wastewater Committee in its meeting packet regarding the process of determining potential sites for community wastewater treatment systems, and which requests approval to continue to explore possibilities for Pingree Park.

He stated that several other properties are being explored and that one property owner had reached out to the Committee offering their property for consideration.

He spoke to the need to conduct additional testing at the Library-owned property in the south village due to the fact that previous soil percolation testing revealed that only a small wastewater system was feasible for the property.

He noted the continuing need for the State of Vermont to authorize the contract with the Windham Regional Commission before WRC can begin to provide project assistance, which will at first provide public information and outreach services. O'Keefe mentioned that comments had been received that day from the State, including its request to extend the contract term to include the ARPA-funded implementation stage of the project.

He spoke about the Town-owned Custer Sharp property, and referred to the Town Attorney's deed research that determined that the property is limited to use as either a municipal park or forest preserve, as mentioned on 1/9/2023. He stated that the Conservation Commission has discussed this and voted to recommend to the Selectboard that the portion of the Custer Sharp property needed for a wastewater treatment system be designated as a Town park.

Gubb reiterated the importance of the overall project to the long-term health and economic viability of the community, and that the funds appropriated to the Town for the project represent a unique and substantial opportunity. He stated that the Committee is committed to continuing the project and requested that the Board also commit to the project and keep it going.

Gubb referred to a chart showing timelines for use of ARPA funds and need to meet certain project funding deadlines.

Mora stated that a Board decision continuing to explore the use of Pingree Park does not mean that the Board is approving a wastewater system there. Cavanagh noted that the location in Pingree Park proposed for further exploration is no longer in the wooded area. Gubb responded by saying the auger sampling in the wooded area did not return very good results and it is hoped that a system in the developed area of the park would be less disruptive to the woodlands and could allow for the project to contribute some park improvements. Similar co-location projects in other communities were described by Gubb

Differences of opinion between the Parks Board and the Village Wastewater Committee on co-location was raised, and Brown suggested that the two bodies should get together to work things out. Cavanagh suggested that the Pingree Park memo should have been first shared with the Parks Board directly. Gubb agreed that a middle ground should be sought.

There was a discussion on how the Town would raise its 10% local match for the \$7.9 million ARPA project funding allocation. Mora noted feedback she has received on people's concerns that taxpayer funds should not be used to fund something that only a limited number of property owners would use. O'Keefe pointed out that estimating user fees at this time is not possible due to uncertainties with site acquisition and construction costs. He added that system users would normally cover the ongoing cost of system maintenance, including the carrying cost of the bond, but if that overall user cost is prohibitive the Board could seek to have some portion covered by the general fund budget.

Gubb stated that if Town can't meet the required timelines and milestones the funding will go to other communities, and O'Keefe mentioned that the first major deadline is for land acquisition, which must be completed before 12/31/2023.

Patricia Gagnon, an abutter to Pingree Park, spoke at length about the Town Attorney's opinion with regard to whether a community wastewater treatment is in keeping with deed restrictions, noting that she disagrees with its conclusions. She stated that location of a septic system in Pingree Park would not really affect her as an abutter, but the deed restriction against commercial use of the land was her concern.

George Mora moved to allow for continued consideration of the concept of collocating the decentralized wastewater disposal beds within the developed portions of Pingree Park and of exploration of Pingree Park, seconded by Jim Fleming. The motion passed unanimously.

It was reiterated that in order to conduct test pits with State project funds, archaeological review is first required and that will take some time to get done, and time is of the essence to determine site suitability. Sharon Crossman stated that Hunter Excavating reached out to help with the project. Brown expressed concern with accepting free services from vendors. Prouty stated that as long as it remains out in the open and above-board he supports local businesses showing their support for Town efforts.

Jim Fleming moved to accept the donation of a day of work by Hunter Excavating, Inc. to do additional test pits on the South Londonderry Free Library property for the purpose of testing additional potential wastewater system sites on that property for soil suitability, seconded by George Mora. The motion passed unanimously.

b. Village Wastewater Committee – Consider proposal from Brattleboro Development Credit Corporation for Village Wastewater project financial administration

O’Keefe spoke to the need for assistance with financial administration and grant administration for the Village Wastewater Project and suggested that the Town contract directly with the Brattleboro Development Credit Corporation instead of BDCC being a subcontractor to WRC, primarily to remove any appearance of conflict of interest. The Clean Water State Revolving Fund program funding provides \$30,000 between the two villages, which O’Keefe suggests be allocated \$25,000 to WRC and \$5,000 to BDCC. He stated that he expects BDCC’s efforts to constitute only between 3-5 hours per month.

Taylor Prouty moved to 1) authorize the Town Administrator and Selectboard Chair to negotiate the terms of an agreement with the Brattleboro Development Credit Corporation to provide financial management and administration services related to the Village Wastewater project, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, including a service contract subject to review by the Town Attorney and approval of the Vermont Department of Environmental Conservation, and 3) authorize expenditure of up to \$5,000 for this effort to be reimbursed through the State of Vermont Clean Water State Revolving Fund program, seconded by George Mora. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

None.

b. Discuss Site security

Cavanagh noted he’d looked into sliding entry gates and found an example for \$3,500 but suggested contacting fencing companies for a quote. O’Keefe noted he had contacted but not heard back from Green Lantern Solar on the company’s willingness to contribute to this effort.

Various fencing and camera alternatives were mentioned, and O’Keefe will try to get a firm answer from Green Lantern Solar.

10. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of January 2023:

Salt – 412 tons Sand – 1,100 yards

Fuel (gallons): Vehicles – 2,268, Town Office Generator – 10, Transfer Station – 140

He noted that one of the trucks is heading for repairs, and that one of the highway garage bay doors at the was backed into by mistake.

b. Discuss radar feedback signs

O’Keefe noted that the radar feedback sign vendor has contacted the Town on its plans for continued remote monitoring and control of the radar feedback signs, the cost of which is included for one year and then comes at an annual per-sign cost thereafter. One year is \$450/unit but is less with a multi-year commitment.

It was generally agreed that the signs should get set up and the controls put to use before a decision is made on continued remote controls.

The timing of installation of these signs as well as speed limit signs around the community was discussed.

O’Keefe was asked to concentrate on the radar feedback signs first and to have proposals for their installation at the next regular meeting.

c. Review invitation to bid for new tandem truck

Dryden reviewed with the Board proposed specifications for a new Highway Department vehicle to replace the 2016 International. It was mentioned that the older Mack truck would be kept for a few more years. Funding for the truck was briefly discussed.

Taylor Prouty moved to approve of the proposed specifications for a new tandem truck and direct the Town Administrator to solicit bids for consideration by the Board, seconded by George Mora. The motion passed unanimously.

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

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received.

Jim Fleming moved to approve the excess weight permit(s) for:

- *Frost Wells and Pumps, Inc., and*
- *Record Concrete, Inc.*

and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by George Mora. The motion passed unanimously.

11. Old Business

a. Williams Dam Project – Discuss next steps

Brown spoke about her outreach to people in the community to gauge interest in forming a committee to further explore alternatives for the Williams Dam and reported that there is a decent amount of interest. Any efforts on that front would likely wait until the Town Meeting vote of providing funds for this effort, she added.

Mora spoke about the “After the Flood” workshop report from 2013 on reuse of the FEMA buyout properties and mentioned that a lot of that effort dealt with the dam, but that not much has come of that work. She stated she’d arrange for copies of the report to be distributed to the Board members.

O’Keefe referenced an email included in the meeting packet from the Connecticut River Conservancy noting the difficulty with pursuing hydroelectric use of the dam.

b. Review and adopt Ordinance on regulation of short-term rentals

O’Keefe handed out the latest draft of the ordinance, which includes a registration requirement if properties are transferred to owners, and highlights the maximum number of days that units can be rented at 150, the latter of which is a subject of debate by several of those that have provided comments. Correspondence was also provided to the Board.

Brown spoke about her information gathering and efforts to speak with people on various sides of the issue. The limitation of use of 150 days per year is considered too many from some, including the Town Attorney, and too few for others, she offered. Prouty offered that it may not be the number of nights that is a problem, but may be the activities that are taking place on any given night. Cavanagh added that the limitation was included to help encourage property owners to consider renting properties long term to help alleviate the housing shortage.

Jessica Citera, who is a realtor and STR owner, spoke to the market pressures that are affecting the community. She noted that the purchase of a ~\$250,000 home would have a mortgage of over \$2,400/month, but most average renters can only afford to pay between \$1,200 and \$1,600/month. People buying second homes need to rent them out as STRs in order to cover carrying costs. She had no issues with regulation but that there should be a healthy balance, she noted.

On the limitation on rental nights, O’Keefe brought up that enforcement of that would be difficult. And if a 1% local rooms tax is authorized at the upcoming Town Meeting, a limitation on nights would likely mean less revenue to the Town from this source.

Barthley Thomas, co-owner of the STR with Citera, spoke of the monthly costs of their building and, noting various census statistics for the community, indicated that most people can’t afford to pay long-term rents that match the carrying costs of the building.

Affordable housing stock is very limited in Londonderry, mentioned Mora. Fleming raised the specter of people having to do their own property maintenance as locals providing those services will be unable to live in town any longer.

Lisa Ward suggested that 20 % of property purchasers are buying homes for investment purposes only. She added that as a neighbor to a STR, it is discomfoting to have a stream of strangers coming and going for so many nights in a year.

Several in attendance agreed that once an ordinance is in place, a structure created and the requirements properly communicated, STR owners will fall in line and many of the issues will wane. Citera mentioned that structure is needed and that she herself has established internal policies that have reduced poor behavior. Thomas mentioned that residents can also be disruptive.

The likely number of STRs in the community was discussed, as was safety for STRs with regard to fire safety and occupancy. Citera suggested that if State inspections will be needed there will need to be a long compliance timeframe for implementation due to staff shortages at the Fire Marshall’s office. She added that because people have been going back to work and school there is less demand on STRs, with occupancy down 40% in her experience.

Ward spoke to some of the issues of STRs, and suggested using proceeds from the 1% local option tax on supporting affordable housing.

O’Keefe suggested, with regard to administration of the STR Ordinance, that if the 1% local option tax for rooms passes at Town Meeting, having the ordinance become effective on 1/1/2024 and at the same time bring on a new staff person for STR administration would allow for tax funds to build for 6 months and allow for 6 months for STR owners to come into compliance by 7/1/2024.

Prouty suggested that we keep an eye on what other communities are doing for administration to learn from them. Mora mentioned that there may be some action by the Legislature to address STR concerns at the State level.

Cavanagh suggested hiring a firm to help determine the number of STRs in town to help better create the STR registration fee structure.

c. Platt Elevation Project – Discuss project status and closeout

O’Keefe reported that the property owner and contractor, who are one in the same for this project, were directed by the State of Vermont Office of Emergency Management (VEM) to provide any proposed project budget increase for the project to the Town in time for a request to be made to VEM by 1/31/2023, and that this budget amendment was not received before the deadline. But on 2/3/2023, after the deadline, a request for additional payment in the amount of \$18,334.69, which is above the project budget, was received by the Town, a copy of which was included in the Selectboard meeting packet.

He explained that the next step in the process is to request preapproval of VEM as to whether the Town would be reimbursed for any portion of the requested amount before the Town would initiate payment. O’Keefe mentioned that there is a bit over \$8,000 available of unexpended funds under the existing contract.

Cavanagh noted that the property owners still have yet to fulfill their obligation to procure flood insurance, which is a requirement of closing out the project. He explained that if flood insurance is not obtained then VEM could come back to the Town for the grant funds and that the Town would have to sue the property owners.

O’Keefe explained that he’s making every effort to close out this project as soon as possible.

d. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board reviewed the requests for the second year of ARPA funds, which total 13 requesting \$611,652, which exceeds the existing funds of about \$235,000 by approximately \$376,000. There was discussion about when funds would be allocated to requestors.

Prouty suggested developing guidelines to help the Board make its allocation decisions due to the breadth of the requests, and added that the funds in his view should benefit the most people possible. Brown stated that the level of need should be given strong consideration.

There was discussion about other possible funding sources for requestors, such as for infrastructure, and opportunities such as the recently approved Inflation Reduction Act were mentioned.

The question of allocations from last year was raised and O’Keefe offered to supplement the list of present year requests with last year’s figures.

It was agreed to address this further at the next regular meeting.

e. Ratify 1/23/2023 decision on request to use Town Office meeting room

Because the Board voted on 1/23/2023 to authorize the use of the Town Office meeting room when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

It was noted that the Act 250 hearing for which the meeting room was reserved had been postponed at the request of the applicant.

Taylor Prouty moved to ratify the Board's 1/23/2023 decision to authorize use of the Town Office Meeting Room on Wednesday, 2/8/2023 by the Vermont Act 250 District Commission for an Act 250 hearing, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town, seconded by Jim Fleming.

Melissa Brown spoke about the previous application not having had times of use specified, and that the letter from the Act 250 Commission on the postponement of the hearing had not been sent to her as a Selectboard member via email. Cavanagh noted that the Act 250 email only went to the Selectboard Chair, the Planning Commission Chair and the Town Clerk. Distribution of Act 250 correspondence was further discussed.

The motion passed unanimously.

12. New Business

a. Consider change to February Selectboard meeting schedule

Due to the next regular meeting being scheduled for the Presidents' Day holiday and there being the bond hearing scheduled for 2/27/2023, it was suggested that the 1/20/2023 meeting be moved to 1/27/2023. O'Keefe clarified that the bond meeting does not need to be held at a Selectboard meeting. The bond hearing matter was briefly discussed.

Taylor Prouty moved to reschedule the next regular meeting of the Selectboard from 2/20/2023 to Monday, 2/27/2023 at 6:00 PM, seconded by Jim Fleming. The motion passed unanimously.

b. Consider employee compensation matter

George Mora moved to adjust the hourly rate of pay for Jeremiah Sund to \$48.50 and for Will Godwin to \$24.25, effective this pay period, seconded by Melissa Brown. The motion passed unanimously.

c. Executive Session(s) – The negotiating or securing of real estate purchase or lease options, per 1 V.S.A. 313 (a)(2)

George Mora moved to enter executive session to discuss negotiating or securing of real estate purchase or lease options, pursuant to Title 1 V.S.A. Section 313(a)(2), and invite the Town Administrator to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 8:48 PM and came out of executive session at 9:02 PM.

Melissa Brown moved to request an extension to 3/31/2023 to the South Londonderry Free Library's request for a 2/15/2023 response regarding an option proposal on its property

due to the need to gather further information, seconded by George Mora. The motion passed unanimously.

13. Adjourn

George Mora moved to adjourn the meeting, seconded by Jim Fleming. The motion passed unanimously.

The meeting adjourned at 9:03 PM. The next regular meeting of the Selectboard is scheduled for February 27, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved February 27, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, February 27, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Taylor Prouty, Melissa Brown, Georgianne Mora and Jim Fleming

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Recycling Coordinator Esther Fishman; Planning Commission and Village Wastewater Committee members Sharon Crossman and Larry Gubb; Village Wastewater Committee Chair Gail Mann; Parks Board members Kelly Pajala, Marge Fish, Steve Bergleitner, Chad Stoddard, Elizabeth Labeau and Taylor Barton. Others – Residents Bonnie Cobb, Paul Hendler, Judy Charlton and Cindy Gubb; 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)]

None.

3. Minutes Approval – Meeting(s) of 2/6/2023

George Mora moved to approve the minutes of the Selectboard meetings of 2/6/2023, seconded by Taylor Prouty. The motion passed unanimously.

4. PUBLIC INFORMATION MEETING/HEARING – Regarding special Town Meeting bond vote on proposed improvements to the Town Office building

George Mora moved to open the public meeting and hearing regarding the special Town Meeting bond vote on proposed improvements to the Town Office building, seconded by Taylor Prouty. The motion passed unanimously.

The hearing was opened at 6:02 PM. Cavanagh mentioned that in keeping with statutory bonding requirements, the meeting was being held within ten days of the March 7, 2023 special Town Meeting bond vote, and that public notice was given at least 10 days prior to the meeting by posting in two public places as well as the Town Clerk’s Office.

Shane O’Keefe gave a brief overview of the history of the project, noting that it had been in process for quite a few years, and that a bond vote was originally anticipated in early 2020 but was postponed due to the COVID-19 pandemic. He added that the building was in significant disrepair and that the Town has been working with an architect to determine needed fixes and recommended changes to the use of the building. And estimator has just provided an updated cost estimate for the project of approximately \$1.2 million, he added, but with architectural and engineering costs the project would likely come in at a bit over the \$1.3 million bond amount. O’Keefe stated that it is anticipated that borrowing would not be for the full bond amount, as a number of elements of the project can be funded through various grants, such as for accessibility

upgrades, emergency management center needs and for elections-related enhancements. He mentioned that the basement level is proposed to be upgraded for use again, to include long-term needs for the emergency operations center, and the parking area would be replaced. He offered to answer any questions from the public.

Cindy Gubb stated that this project is very much needed to address changing needs, and added that the Town needs to invest in its infrastructure. She inquired about grant funding opportunities to help reduce the bond amount, and whether there would be upgrades to building technologies.

Sharon Crossman agreed with the need to renovate the Town Office building. She mentioned that the Planning Commission has been part of this project for years and that the facility is important to the community.

O’Keefe suggested that the project, if the bond is approved, would be well served by assembling a meeting of potential funders who can target funding for various parts of the project.

Cavanagh asked for further comments or questions from the public. There were none.

*Tom Cavanagh **moved to close the public hearing**, seconded by Melissa Brown. The **motion passed** unanimously.* The hearing closed at 6:09 PM.

5. Selectboard Pay Orders

*George Mora **moved to approve the pay orders for payroll and accounts payable**, seconded by Jim Fleming.*

O’Keefe noted that in the accounts payable was a check in the amount of approximately \$135 to The Collaborative as funds passing through from the National Opioids Settlement.

*The **motion passed** unanimously.*

6. Announcements/Correspondence

Tina Labeau mentioned that a public information meeting would be held at 6:00 PM on 3/2/2023 by the Parks Board regarding the proposed Town Meeting article on the Mountain Towns Recreation Director position.

Shane O’Keefe noted the following:

- Emergency Management Director Rich Phelan has completed almost 70 hours of course work and practical application towards the Vermont EMD Certification, passed his test, and is now certified by the State of Vermont and is working toward his Federal Emergency Management certification.

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

- A notice from the Front Porch Forum about an informational meeting scheduled for 3/1/2023 regarding the transfer of the Glebe Mountain property from the Nature Conservancy to the Silvio Conte National Fish and Wildlife Refuge. He stated that to his knowledge the Town was not contacted directly on this meeting; nor was the Town of Windham.
- Information from Senator Sanders’ office on its accepting applications for funding under the Congressionally Directed Spending program. He mentioned he’d like to apply for funding for either the Town Hall or Town Office renovations.

- A document from the Windham County Sheriff's Office, dated 2/9/2023, on regional policing.
- A 2/2/2023 letter from the Londonderry Conservation Commission regarding its position on One Londonderry's proposal for recreation trails on the Shamburg Town Forest.
- The Vermont Supreme Court decision in favor of the Town in the case of Contos v. Town of Londonderry, issued on 2/10/2023.
- A thank you letter, received on 2/1/2023, from Neighborhood Connections regarding annual Town funding.
- A catering permit from Pear Ridge Productions, LLC, D/B/A Adventure Dinner
- A Tobacco license application from AGS Vermont, Inc., D/B/A Londonderry Village Market.
- The Year-to-date budget through January 2023.

Kelly Pajala, speaking as Londonderry's State Representative, updated the Board on the school choice issues now before the Legislature, specifically H.258 and S.66, identical bills which would entirely change the way the State funds schools. They would cut off the flow of public dollars to almost all private schools in or outside the state, religious or not. Instead, students would be able to use public dollars only to attend other public schools or one of the so-called "four historic academies": St. Johnsbury Academy, Thetford Academy, Burr and Burton Academy, and Lyndon Institute.

That proposal drew swift opposition from independent schools and school choice advocates, she mentioned.

She spoke at length on the details of education funding, and stated that those concerned with the proposed legislation should reach out to their legislators, and she will speak further at Town Meeting on the matter. She referred meeting participants to the Vermont League of Cities and Towns' website as a good source of information.

It was noted that at the Taconic & Green School District vote there is an article regarding support of school choice, and the Town of Winhall as well. The legislation most negatively affects rural communities in Vermont, Pajala stated. Cavanagh recommended that the Board write a letter to the House Education Committee and the Governor in opposition to the legislation, which Pajala supported doing, and it was agreed that Cavanagh Melissa Brown would work on this.

The Board thanked Pajala for her explanation on the issue.

Unrelated to the above, Cavanagh mentioned that the Selectboard Rules of Order limit public comment to a maximum of 3 minutes.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Village Wastewater Committee – Project updates, discuss joint meeting

Sharon Crossman spoke about the recent meeting of the Village Wastewater Committee, which was moderated by Windham Regional Commission Executive Director Chris

Campany, and included several members of the Parks Board. The gist of the discussion had been to poll the members of both public bodies to determine if they were interested in working together by consensus. The end result was that there was a willingness to work together, she reported.

Cavanagh mentioned that the Parks Board was looking to survey the public on whether a wastewater system is appropriate for location in Pingree Park, and that a meeting of the Parks Board, Village Wastewater Committee, Planning Commission and Selectboard would be helpful to the process.

Taylor Barton stated that siting a septic system in Pingree Park should be a community decision, and Steve Bergleitner suggested that there should be a moderated public hearing on the matter.

Marge Fish suggested a poll with a Parks Board statement with one question: “The Parks Board has been asked to weigh in on the potential use of Pingree Park as the location for a decentralized wastewater system to serve the north village. The Parks Board is asking for public input. Should there be a wastewater system built in Pingree Park – yes, no and any comments?” She confirmed that the Parks Board is seeking comments to assist it in making a recommendation to the Selectboard, and that it has voted against it in the past a number of times.

Mann suggested that, because the Village Wastewater Committee is now beginning a public education campaign on the village wastewater project with the Windham Regional Commission, there should be some time for this public information to be disseminated before a poll of this sort is taken.

Brown suggested that the chairs of the above-mentioned public bodies should get together first to come to agreement on a meeting joint meeting format.

O’Keefe mentioned that the Vermont DEC has indicated the property acquisition deadline of 12/31/2023 is more flexible than previously indicated.

There was public comment on the wording of the poll and whether there are other potential sites being considered in the north village.

To address the question of capacity and what a wastewater system could accommodate, Mann noted that a 6,500 gallon/day wastewater system would accommodate all of the following: 20 housing units (would use up 4,900 gpd), a café, a deli, 3 dry goods/retail stores, a 20-seat restaurant and a 10-child day care center and 8-10 office spaces.

Larry Gubb noted that until there are test pits conducted and analyzed for Pingree Park there is no way to determine if it is even suitable for a wastewater system. Only hand auger tests have been conducted so far. Fish noted limitations of the Pingree Park site, such as with areas within the flood hazard zone.

Crossman spoke to how critical public outreach is to the project, and that having the proper amount of engineering is important to decision-making.

There was an update on analysis of the library-owned Janeway property adjacent to the Town Office. O’Keefe mentioned that the second set of test pits have been conducted but the results of the soils analysis are not encouraging and further design work is in process to see if an affordable system with adequate capacity is possible.

b. Board of Listers – Annual certificate of no appeals/suits [32 VSA 4155]

O’Keefe noted that this is an annual action required of the Board, and stated he had received a memo from Town Assessor Jeremiah Sund that there are no appeals pending because of the actions taken by the listers/assessor for the 2022 Londonderry Grand List.

Taylor Prouty moved to approve and sign the annual Certificate of No Appeal or Suit Pending, seconded by George Mora. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman raised the issue of continued site security issues during the ongoing solar array installation behind the Transfer Station. Cavanagh stated that he has contacted Springfield Fencing and is expecting cost estimates, but that fence installation would not happen before late summer. O’Keefe added that array construction is all but done at this point, and the issue with the contractor is soon to run its course. It was agreed that better site security is desired to avoid illegal use of the facility.

b. Discuss purchase and use of storage shed

Fishman spoke about the desire to purchase precut materials for a storage shed from Jamaica Cottage Shop for \$1,894, including delivery, for glass storage. She suggested that revenue from bottles and cans could go to purchase the shed. There was discussion about whether the vendor would offer the shed as a donation to the Town.

Taylor Prouty noted that Flood Brook School students could construct the shed as a community project.

Jim Fleming offered to construct the shed if the Town provides the materials, which would cost a lot less than the price mentioned by Fishman. He stated that having the students help out would be preferable.

There was no objection to reallocation of revenue funds to this project as recommended by Fishman.

10. Roads and Bridges

a. Updates

Prouty noted that the Road Crew has been busy with the little storms of late. Fleming mentioned that they have done a nice job on the roads.

b. Access Permit #2023-01 – Cross Road, Parcel 037006.200

Taylor Prouty spoke to this application and that Road Foreman Josh Dryden has visited and given recommendations. There was a brief discussion on the proposed use of the land, and O’Keefe mentioned that Zoning Administrator Will Goodwin was aware of the application and the proposed use of the land.

Bonnie Cobb stated that she would issue an E911 locatable address if the Board approves the application.

Jim Fleming moved to approve access permit application No. 2023-01, submitted by property owner Benjamin Sargent, for parcel #037006.200, located on the south side of Cross Road, and authorize the Chair to sign the permit on behalf of the Board, seconded by George Mora. The motion passed unanimously.

c. Discuss/Award contract for installation of radar feedback signs

O’Keefe noted that, following up on the directive given at the previous Board meeting, he had issued an Invitation to Bid for the installation of six radar speed feedback signs the previous week, but that given the short submission timeframe he had not received any bids. He was asked to again put the Invitation to Bid out for consideration at the 3/20/2023 meeting.

d. Adopt annual VTrans Certification of Compliance with Town Road & Bridge Standards and Network Inventory

This is an annual approval required by VTrans.

Taylor Prouty moved to approve the annual VTrans certification of Town Road and Bridge Standards and Network Inventory, and authorize the Chair to sign the certification on behalf of the Board, seconded by George Mora. The motion passed unanimously.

e. Discuss VTrans FY2024 Municipal Highway Grant application

O’Keefe described the VTrans Municipal highway grant program, which has two components: the structures program, and the class II roadway program, each of which provide for grants of up to \$200,000. Last year the Board agreed to apply for funding for the reconstruction of Landgrove Road in keeping with the capital plan specified in the RSMS Paved Road Evaluation, but the grant was not approved. He noted that VTrans has stated that the Town is very likely to receive funding this year, and he recommended again applying for paving funds for Landgrove Road.

Jim Fleming moved to authorize the Town Administrator to submit an application for funding under the VTrans Municipal Highway Grant program for reclamation and repaving of Landgrove Road, seconded by George Mora. The motion passed unanimously.

f. Consider posting of highways with temporary vehicle weight limits

The Board reviewed letters from VTrans regarding posting Town Highways with temporary weigh restrictions from November 15 to December 31 and January 1 to May 15, inclusive, per 19 VSA 1109, as follows:

- Two-axel Trucks 15,000 lbs.
- Three-axel Trucks 18,000 lbs.
- Two-axel Trucks 20,000 lbs.

He explained that if the Board were to adopt these reduced limits, each Town road would have to be posted accordingly, and that vehicles with excess weight limit permits would be exempt from the limits. And that the Board can limit weights in cases where roads are in significant disrepair.

Prouty stated that having information from excess weight limit permittees allows the Town to have better communication with truck owners, and recommended passing on this.

It was agreed to pass on adopting reduced temporary weight limits for Town Highways.

g. Consider application(s) for excess vehicle weight permits

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received.

George Mora moved to approve the excess weight permit(s) for:

- **G.W Tatso Construction, Inc.**
- **Valley Crane Services, Inc.**
- **Renaud Bros, Inc.**
- **New England Quality Service, Inc., AND,**
- **Bazin Bros Trucking, Inc.**

and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

11. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board reviewed and discussed at length the final list of requests for funding under the American Rescue Plan Act and how best to allocate funds. O’Keefe noted that there are available ARPA funds of ~\$235,700 and that there are requests for \$629,692, leaving a request shortfall of ~\$393,980.

Brown noted that she had gone back to review last year’s allocations and also reviewed proposed Town Meeting allocations for this year, and provided her recommended ARPA allocations. She proposed providing all requestors with some funds, but not necessarily what was requested. She spoke on the need to support housing in the community through the funds, and mentioned that the Town should hold true to the original funding concepts of the ARPA funds.

Prouty went over his recommendations for allocations, and stated that his approach is to provide allocations to fully fund some requestors, particularly those serving the community as opposed to funding individual members of the public.

Cavanagh stated that his priorities were to fund the Town’s culvert project and the Montessori School request, and mentioned that every taxpayer in town would benefit from funding the culvert project. There was discussion about grant funding for the culvert project.

Mora mentioned she was inclined toward Prouty’s allocation model and that the Board should attempt to serve the greatest number of people possible in the community. She said she was uncomfortable with the funds going toward a businesses’ taxes, rent and utilities.

Fleming said that the Town would help the most people by giving requestors a single shot at the funding, not multiple allocations.

Cavanagh stated that it appeared that there was little Board interest in funding the Town’s culvert project and that if that is the case he would be more inclined to agree with Prouty’s model. He asked if it may make sense to remove any allocations now in order to make the Board’s decision-making easier, and it was generally agreed that later on the Board would make decisions on who to fund and avoid deciding who not to fund.

It was agreed to discuss this next at the first regular meeting following Town Meeting.

12. New Business

a. **Municipal Energy Resilience Program – Designate primary point of contact for WRC**

O’Keefe explained that the Windham Regional Commission has established a Municipal Energy Resilience Program and is seeking a designated point of contact for the Town. He volunteered to do this but thought it might be a good opportunity to help rekindle the Energy Committee. Bruce Frauman expressed an interest in serving as the designated point of contact. O’Keefe explained that the program could provide funding for either the Town Hall or Town Office projects.

George Mora moved to designate Bruce Frauman as the Town’s primary point of contact for the Act 172 Municipal Energy Resilience Grant program, seconded by Jim Fleming. The motion passed unanimously.

b. **2nd Class Liquor License – AGS Vermont, Inc., DBA Londonderry Village Market**

Jim Fleming moved to approve a 2nd Class Liquor License for AGS Vermont, Inc, doing business as the Londonderry Village Market, related to property located at 5700 VT Route 100, seconded by George Mora. The motion passed unanimously.

13. Adjourn

Tom Cavanagh moved to adjourn the meeting, seconded by Taylor Prouty. The motion passed unanimously.

The meeting adjourned at 8:23 PM. The next regular meeting of the Selectboard is scheduled for March 6, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved March 6, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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

Board Members Present: Tom Cavanagh, Taylor Prouty, Melissa Brown, Georgianne Mora and Jim Fleming

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk Kelly Pajala; Town Moderator Doug Friant; Planning Commission Chair Sharon Crossman; Town Hall Renovation Committee Chair Larry Gubb; Village Wastewater Committee Chair Gail Mann. Others – Resident Paul Hendler; 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)]

None.

3. Minutes Approval – Meeting(s) of 2/27/2023

Jim Fleming moved to approve the minutes of the Selectboard meetings of 2/27/2023, seconded by Taylor Prouty. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Shane O’Keefe noted the following:

- He has issued invitations to bid for installation of radar feedback signs and for delivery of a new tandem dump truck, with bids due on 3/14 & 3/29, respectively. Invitations to bid can be found on the Town’s web site, he added.

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

- A notice in the VLCT News advertising for the Assistant Town Clerk position due to Bonnie’s retirement from Town service. The notice is also on the Town website.
- An estimate for improvements to the Town Office side entrance, dated 3/3/2023, which ranges from \$3,500 to \$5,000. Whether to pursue this is dependent on the bond vote the following day.
- A notice from the Vermont Supreme Court on closure of the Town’s case of Contos v. Town of Londonderry, issued on 3/3/2023.
- A notice from Mance Engineering regarding the Act 250 permit applications for the Mad King Quarry and the Rowe Pit.

- Windham County Sheriff's monthly report for February 2023.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Discuss upcoming annual Town Meeting – Tuesday, March 7th at Town Hall

Kelly Pajala noted that the polls would be open the following day from 7:00 AM to 7:00 PM at the Town Hall. Doug Friant mentioned complaints he had heard about noise in the back of the Town Hall caused by the location of the polls. He spoke about trying to limit the amount of time that the public can speak at the Town Meeting, and to make sure that all interested Voters can speak before going back to someone who has already spoken.. He stated that the Selectboard did a nice job with the Warning.

Friant spoke about the Windham County Sheriff's wish to address the Voters, and the desire to accommodate the Sheriff's need to be at a number of to other communities as well.

There was discussion about various articles and how best to anticipate and addressed issues that may arise. Those articles likely to generate discussion or confusion were discussed in greater detail.

Pajala and Labeau left the meeting at 6:18 PM.

b. Village Wastewater Committee – Discuss project status, soil testing at Pingree Park, and joint meeting of boards & committees

Gail Mann stated that the Committee was at a standstill in some respects and needs more support, and is asking other boards and committees to provide that support for the Village Wastewater Project. A public information campaign has started, she added, and asked the Board to authorize the establishment of a Facebook page in order to better inform the public.

O'Keefe updated the Board on the Library's Janeway property, noting that test pits were not as fruitful as hoped, and the system looks to accommodate less than 3,000 gallons per day. Further discussion by the Town's with the State DEC later in the week may allow for greater capacity, he noted. O'Keefe stated that the site may not be suitable for the project's needs, and the Board will need to convey the Town's intentions to the Library Board before the end of the month to accommodate the Library Board's agreed upon deadline for a decision on property acquisition.

Mann spoke about other siting options being considered for the south village.

Regarding the north village, Mann stated that letters were going out to property owners regarding the potential benefits of community wastewater systems. She noted that the chairs of the Selectboard, Planning Board, Parks Board and Village Wastewater Committee would be meeting the following Monday.

She noted that the Board's decision early on in the project never allowed those involved in the project to sit down with the Parks Board to determine if there were benefits that the project could bring to Pingree Park through cooperation. Mann mentioned the need for park improvements and that the project could help with them.

Mann read aloud the following motion that had been recently passed by the Village Wastewater Committee:

“The Village Wastewater Committee moves to request the Selectboard to authorize soils test pit tests at Pingree Park to determine the suitability of the soils for a wastewater disposal field at the park. The cost of the tests shall not exceed \$4,000 to be paid from a source to be determined at a later date.”

Mora recommended going forward with the test pits to determine if the Pingree Park is suitable for a community wastewater system, and if it's not then there's no need for further discussion. Cavanagh mentioned that going forward on this motion without the meeting of the chairpersons first would likely be troubling to the Parks Board and be detrimental to the cooperative process. Brown concurred with Cavanagh's sentiment.

Mora suggested that the Committee should have Selectboard representative.

Mann spoke of her concern with the lack of civility being directed toward the project, and it's impact.

Brown mentioned that there is a lot of misunderstanding in the community about the scale of the project and that the grass roots efforts of the Committee to educate the community will pay off in the end. She spoke to the difficulty of getting information out to the community.

Mann referred to the value of the 60% project report presented to the Selectboard in December 2021, which had significant information about the project that did not make it out into the community.

Taylor Prouty suggested that the sticking point for the project is the potential use of Pingree Park as a system location. Mann spoke of efforts to consider other properties in the north village. Larry Gubb noted that the project has been targeting Town-owned properties to reduce project cost, as use of private properties would generate acquisition costs which in turn reduce the amount of funds for the systems and related expenses. He recommended coming to a decision on Pingree Park as it is important to the project schedule.

There was discussion about the original target areas for location of community systems and Mann noted that the State DEC has allowed the project to expand the study area due to soils limitations and property availability. She added that project costs would escalate the further out the systems are from the village centers due to the added distance from properties to be served.

There was a brief discussion on the Committee's proposed Facebook page, and it was agreed that comments from the public would not to be allowed as it would become a limited public forum, which does not allow for filtering.

Melissa Brown moved to allow for the Village Wastewater Committee to have a Facebook page to get information out to the community and it will presented without comments, seconded by George Mora. The motion passed unanimously.

It was agreed to hold off on the proposed motion from the Committee regarding Pingree Park until the next regular meeting.

Mann left the meeting at 6:42 PM

c. Town Hall Renovation Committee – Discuss project status, use of facility during renovation activities, and disposition of balcony seats

Larry Gubb mentioned that the Town's contractor for the first phase of the Town Hall structural work will begin its efforts this week, and will start off by removing the seats and the Town Hall Renovation Committee is seeking the Board's direction on what to do with them. The Preservation Trust of Vermont recommends keeping and refurbishing them and the Board

acknowledged receipt of the restoration proposal from the Davis Furniture Company, a Wisconsin company, and one of the few firms that do this work. The quote was \$47,250 for the 70 seats. Gubb mentioned that replacing the seats would be more expensive than restoring them. O’Keefe noted the intention to apply for historic preservation grants to pay for this work.

If the decision is to keep them, as opposed to disposing of them, the seats would need to be stored and the Committee recommends storing them on the Town Hall stage behind the curtain.

Cavanagh mentioned he had heard a report of a roof leak on the stage area.

Gubb further described this stage of the project, where once the seats and flooring are removed the structural engineers will inspect the balcony and develop plans to better support it.

Taylor Prouty moved to accept the recommendation of the Town Hall Renovation Committee and allow for further consideration of preserving and refurbishing the Town Hall balcony seating, and to direct that they be stored to the rear of the Town Hall stage until a final decision on its disposition is determined by the Board, seconded by Jim Fleming. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that he has not heard back from Springfield Fence on a quote for a front gate.

9. Roads and Bridges

a. Updates

Prouty noted the following usage for the month of February 2023:

Salt – 183 tons Sand – 876 yards

Fuel (gallons): Vehicles – 1,816, Town Office Generator – 0, Transfer Station – 0

He noted that the recent small storms have each used a lot of resources.

Cavanagh noted the positive public comments of the efforts of the Road Crew.

b. Consider application(s) for excess vehicle weight permits

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received.

George Mora moved to approve the excess weight permit(s) for:

- *Connecticut Valley Trucking, Inc., and*
- *David Chaves Excavating, Inc.*

and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

10. Old Business

None.

11. New Business

a. Consider requests to use Town Hall

Larry Gubb mentioned the two requests received to use the Town Hall over the summer and the Town Hall Renovation Committee is of the opinion that anything that would interrupt the ongoing contract work could be problematic for the renovation process, and recommends no use of the facility for now. The Committee recently passed the following motion:

“The Londonderry Town Hall Renovation Committee recommends to the Selectboard, in the interest of ongoing renovation construction projects to the Town Hall, that there be no other use of the building for the foreseeable future.”

O’Keefe described the next likely phases of work over the coming months. Cavanagh raised the potential for liability issues with use of the property during construction.

O’Keefe mentioned that the requests for Town Hall rental came in from the First Baptist Church of South Londonderry for Kid’s Club activities July 11-13, and the Weston Theater Company for rehearsals July 5-28. He added that the long-term use by the theater company would be particularly difficult to manage.

The Board briefly discussed the mats that had been stored in the Town Hall stage area for a number of years, most of which have now been removed, and how the remainder could be disposed of.

Brown suggested that the First Baptist Church could use the Town Office meeting room if the number of participants is small enough.

Jim Fleming moved to accept the recommendation of the Town Hall Renovation Committee that, in the interest of ongoing renovation construction, there be no further use or rental of the building for the foreseeable future, seconded by George Mora. The motion passed unanimously.

It was clarified that the Town itself could use the building for its own purposes as appropriate.

12. Adjourn

George Mora moved to adjourn the meeting, seconded by Jim Fleming. The motion passed unanimously. Mora was thanked by the other Board members for stepping in to serve on the Selectboard to fill the recent vacancy.

The meeting adjourned at 7:04 PM. The next regular meeting of the Selectboard is scheduled for March 20, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved March 20, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, March 20, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Taylor Prouty, Martha Dale and Jim Fleming

Board Members Absent: Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Clerk Kelly Pajala; Planning Commission Chair Sharon Crossman; Village Wastewater Committee Chair Gail Mann; and Recycling Coordinator Esther Fishman. Others – Resident Paul Hendler, Hubert Schriebl, Marty Trombetta, Jim Wilbur, Barbara Wells, and Gale Kuhlberg; Business owners Judy and Tom Platt; 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 add to the Roads and Bridges section of the agenda the consideration of applications for excess vehicle weight permits, seconded by Jim Fleming. The motion passed unanimously.

3. Organization

a. Elect a Selectboard Chair and Vice-Chair

[24 VSA 871(a)]

Cavanagh and Fleming volunteered to continue in their roles as Chair and Vice Chair, respectively.

Jim Fleming moved to elect Tom Cavanagh as Selectboard Chair, seconded by Taylor Prouty. The motion passed unanimously.

Taylor Prouty moved to elect Jim Fleming as Selectboard Vice Chair, seconded by Martha Dale. The motion passed unanimously.

b. Set Regular Meeting Schedule & Location

[1 VSA 312(c)(1)]

Jim Fleming moved to hold regular meetings of the Selectboard on the first and third Mondays of the month at 6:00 PM at the Town Office building at 100 Old School Street in South Londonderry, or at the discretion of the Selectboard Chair and as permitted by applicable law, meetings may be held without a physical presence using publicly available remote meeting software, seconded by Taylor Prouty. The motion passed unanimously.

c. Designate newspaper of record

[17 VSA 2641(b)]

It was noted that the *Vermont Journal* no longer distributes via US Mail in South Londonderry, but does drop off copies at a number of locations.

Jim Fleming moved to designate the Vermont Journal as the Town's newspaper of record, seconded by Taylor Prouty. The motion passed unanimously.

d. Designate location of posting of notices

[1 VSA 312(d)(1)]

O'Keefe suggested that the Board adopt this new designation regarding the posting location of public notices for all boards, commission and committees for the sake of consistency.

Taylor Prouty moved to designate the Londonderry Town Office (Twitchell Building), the Londonderry Post Office and the South Londonderry Post Office as the locations for posting agendas of the meetings of public bodies and other required public notices, seconded by Martha Daley. The motion passed unanimously.

e. Designate member with authority to sign warrants & pay orders

[24 VSA 1623(a)(1)]

Jim Fleming moved to appoint Tom Cavanagh as the designated Selectboard member with authority to sign warrants and pay orders, seconded by Martha Daley. The motion passed unanimously.

f. Adopt Rules of Procedure

The Board reviewed the proposed Rules of Procedure. O'Keefe noted a few minor amendments, such as making it clear that the Chair can sign all Board-approved documents per State statute.

Taylor Prouty moved to adopt and execute the Selectboard Rules of Procedure, as amended, seconded by Jim Fleming. The motion passed unanimously.

4. Minutes Approval – Meeting(s) of 3/6/2023

Jim Fleming moved to approve the minutes of the Selectboard meetings of 3/6/2023, 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 Jim Fleming. The motion passed unanimously.

6. Announcements/Correspondence

Shane O'Keefe noted that there is new Selectboard member training offered by the Vermont League of Cities and Towns both in-person and online, and he distributed registration information.

Sharon Crossman noted that new public information materials regarding the Village Wastewater Project have been developed and made available to the public, with new information on the way. It was noted that there is one vacancy on the Village Wastewater Committee.

Kelly Pajala noted that the deadline for dog registration is 4/1/2023, and the rabies clinic will be held on the morning of 3/23/2023 at the Green Mountain Veterinary Hospital's South Londonderry location, with no appointments necessary.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

It was agreed to consider the recreation director matter first due to scheduling concerns.

h. Parks Board – Discuss Mountain Towns Recreation Director position

Noting that the Mountain Town Recreation Director position was approved at Town Meeting (Article 21), Kelly Pajala spoke to the Board about moving forward with the process of establishing and hiring the position. The first step she recalled involved forming an advisory committee with representatives from the various Towns and participating organizations to handle details. Other work includes drawing up a job description, creating a framework for the interlocal agreement, and drafting policies for recreation programming.

Pajala noted that the recreation director position could start as soon as 7/1/2023, but that organizational matters were necessary first, and meetings every other week for the committee for the coming months could be expected. Martha Dale offered to participate on the advisory committee for the Selectboard. An at-large committee member representing Londonderry will also need to be appointed, and Pajala suggested that a Parks Board member could fill that role.

Pajala suggested sending out an invitation to other participating communities to establish a representative and to include a proposed first meeting of the committee during the week of 4/10/2023.

Whether the Selectboard or Parks Board would send out the invitation was briefly discussed, and it was agreed that it would be the Selectboard.

Tom Cavanagh moved to appoint Martha Dale as the Selectboard representative to the Mountain Towns Recreation Director Advisory Committee, seconded by Jim Fleming. The motion passed unanimously.

a. Appoint Road Commissioner [17 VSA 2646(16) & 2651(a)]

Jim Fleming moved to appoint Taylor Prouty as the Town's Road Commissioner, seconded by Martha Dale. The motion passed unanimously.

b. Appoint Emergency Management Director [20 VSA 6(a)]

O'Keefe noted that Rich Phelan has volunteered to continue serving in this position.

Taylor Prouty moved to appoint Richard Phelan as the Town's Emergency Management Director, seconded by Jim Fleming. The motion passed unanimously.

c. Appoint Windham Regional Commission Representatives (2)

O'Keefe noted that incumbents George Mora and Denis Pinkernell have volunteered to continue serving, with Denis offering to step aside if anyone else was interested.

Martha Dale moved to appoint Georgianne Mora and Denis Pinkernell as the Town's representatives to the Windham Regional Commission, seconded by Jim Fleming. The motion passed unanimously.

d. Appoint Tree Warden

[24 VSA 871(b)]

Sharon Crossman noted that her spouse Kevin Beattie was interested in staying on in this position.

Jim Fleming moved to appoint Kevin Beattie as the Town's Tree Warden, seconded by Taylor Prouty. The motion passed unanimously.

e. Appoint 911 Coordinator

[30 VSA 7056(a)]

It was noted that incumbent Kelly Pajala no longer wishes to serve in the position and that Will Goodwin has applied to do it, which he does already in other communities.

Taylor Prouty moved to appoint Will Goodwin as the Town's E911 Coordinator, seconded by Jim Fleming. The motion passed unanimously.

f. Appoint Animal Control Officer

[20 VSA 3549]

O'Keefe noted that Pat Salo has requested to continue serving in this position.

Jim Fleming moved to appoint Pat Salo as the Town's Animal Control Officer, seconded by Martha Dale. The motion passed unanimously.

g. Village Wastewater Committee – Consider use of Library-owned Janeway property

O'Keefe recalled that the South Londonderry Free Library Board has kindly held off on marketing the Janeway property adjacent to the Town Office to accommodate the Town's interest in it for use as a community wastewater system. The Library Board agreed to the Town's 2/6/2023 request for extension to 3/31/2023, to allow for further site exploration.

The Board reviewed an email from the Town's engineer indicating that the site is not economically feasible, as only a small system could be permitted and it would be very costly to construct and maintain. Gail Mann mentioned that the Village Wastewater Committee members are very disappointed by this news. O'Keefe added that the Selectboard does not need to make a decision if it does not wish to pursue the property as the Library Board's offer would expire on its own at the end of the month.

There was brief discussion about other potential sites in the south village area, and O'Keefe noted that the ARPA funds dedicated to the project by the State of Vermont would be reallocated to another community if unused by Londonderry.

Cavanagh stated that it does not look like the Town would be moving forward with the library property.

9. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman updated the Board on the progress being made on designing and constructing the glass bottle shed project.

10. Roads and Bridges

a. Updates

Prouty mentioned the great efforts of the Road Crew in handling the recent heavy wet snowfall, mentioning that there were vehicle issues, trees and utility wires down, and a child born to one of the staff after the storm. Cavanagh noted that a rumor that one of the rucks had caught fire was untrue and Prouty clarified that a building smoke alarm was triggered by steam from an overworked wet vehicle.

Cavanagh noted that Town roads appeared to be in better condition than State roads during the storm, and it was agreed all around that the Road Crew had done a great job.

Hubert Schriebl spoke to road conditions on Parsons Lane, and mentioned that it has been widened over the years which has been detrimental to roadway drainage and as a result the overall quality of the road.

Cavanagh mentioned that mud season is getting worse each year and that the roads were never properly constructed in the first place, and that he'd speak to the Road Crew on this. Prouty spoke to the difficulty of properly maintaining narrow roads, and added that the Town has seen staff turnover in the past few years and does not have the same level of grader experience as in the past, but things are improving. Schriebl was thanked for his concern and input.

O'Keefe mentioned that he had met with the VTrans staff that day and was advised that the Town will almost certainly receive a Class II Town Highway paving grant this year, and he added that the application has already been submitted.

b. Discuss installation of radar feedback signs

O'Keefe noted that the Town had again received no bids for the installation of the radar feedback signs. There was discussion about alternatives for installation. It was agreed that the Town would reissue the invitation to bid, with advertising in in the newspaper.

c. Spring Hill Road culvert replacement project – Project Update

O'Keefe briefly mentioned the history of the project and shared with the Board a diagram of proposed permanent and temporary easements that will be needed, and asked for the Board to authorize Town representatives to meet with the two property owners to discuss property rights acquisition. It is hoped that the properties will be donated in order to keep down the cost of the project, he added.

He added that the VTrans Transportation Alternatives Grant applied for to fund the project construction was likely to be announced on 3/29/2023.

Jim Fleming moved to authorize the Road Commissioner, Road Foreman and Town Administrator to meet with property owners adjacent to the Spring Hill Road culvert #12 replacement project to discuss acquisition of temporary and permanent easements necessary for the project, seconded by Martha Dale. The motion passed unanimously.

d. Consider application(s) for excess vehicle weight permits [added to the agenda]

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received.

Taylor Prouty moved to approve the excess weight permit(s) for:

- ***R.K. Miles, Inc.***
- ***St. Pierre, Inc.***
- ***Cardinal Logistics Management Corp., and***
- ***Consolidated Communications, Inc.***

and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Jim Fleming.

There was a brief discussion on the process and reason for issuing these permits.

The motion passed unanimously.

11. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Cavanagh suggested waiting for Board member Melissa Brown to be in attendance before any decisions on ARPA allocations. Fleming spoke of his interest in exploring use of the funds for the culvert replacement project. Prouty mentioned his interest in seeing funds serve as many people in town as possible and that the Board should come up with format for decision-making due to the excess of requests in comparison to available funds.

It was agreed to hold off further discussion until the next regular meeting.

b. Discuss hiring of a part-time minutes-taker (Town Meeting Art. 12)

This matter was discussed, and it was noted that the Town Meeting article on this matter was amended slightly by the Voters, but that it did not change the meaning in any significant way.

O’Keefe asked what the Board would like to do going forward on this position, and spoke to the cost and resource allocation benefits of hiring someone to prepare minutes for the Board instead of him doing this work. Board members agreed that his time was best spent on other critical matters.

There was discussion about the needs of other boards and committees and whether there would be time from this position available for them. The value of objectivity with minute-taking was noted.

With an aim toward having a person on board for this position by 7/1/2023, O’Keefe volunteered to prepare a draft job description for review by the Board as a next step.

c. Williams Dam – Discuss next steps (Town Meeting Art. 20)

Cavanagh suggested taking applications for those interested in serving on a project committee, and stated that further discussion should await Board Member Melissa Brown attendance. There was discussion about the makeup of the committee, its purpose and what its timeframe should be.

There was also reference to the previous two dam studies having been conducted.

O’Keefe offered to draft up a charge for a committee as a starting point for discussion at the next meeting.

d. Town Office Project – Discuss next steps (Special Town Meeting Art. 1)

The Board reviewed an estimate of cost for the Town Office side door area repairs provided by All Seasons Construction, the same company hired to work on the Town Hall renovations. O’Keefe mentioned that the Town’s architect suggested moving forward with this repair work now instead of waiting, citing that we have an interested contractor and the cost would not likely go down if we wait for the larger building restoration project. O’Keefe recommended proceeding with the contractor on this effort. The cost for this would be paid for by the reserve fund, he added, but the reserve fund can be replenished in the future with the bond if necessary.

O’Keefe stated that coordination with the Town Clerk and Town Treasurer to maintain continuity of their operations will be important.

Jim Fleming moved to 1) accept the estimate of cost from All Seasons Construction Corp. for structural improvements to the Town Office side entrance area, estimated to cost up to \$5,000, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, and 3) authorize expenditure of up to \$5,000 for this effort to be paid from the Town Building Reserve Fund, seconded by Taylor Prouty. The motion passed unanimously.

Sharon Crossman inquired about how the overall restoration project would be handled: would there be a steering committee? O’Keefe responded that he would be bringing that up to the Selectboard to discuss in the coming weeks when he receives an architectural proposal for the Board to consider. Prouty offered to be a Selectboard liaison to the project, albeit with limits due to his work schedule.

There was some discussion on continuity of operations, and options such as moving to the Town Hall, use of on-site trailers, and phased construction were all mentioned.

e. Town Hall Renovation Project – Discuss rewiring of balcony

The Board reviewed correspondence from the Town’s electrician Gary Barton on suggestions for rewiring in and around the Town Hall balcony now that it has been opened up for structural repairs. Crossman noted that the Town’s engineer Chris Cole is in agreement with getting this work done now, and she added that 12-14 lights would be replaced.

O’Keefe recognized Barton for taking the initiative to inspect the balcony work for electrical needs, and suggested allocation \$3,000 for this upgrade effort. Cavanagh suggested that \$5,000 might be appropriate in case there were unforeseen conditions.

Taylor Prouty moved to authorize the hiring of Electrician Gary Barton to conduct wiring and lighting improvements at the Town Hall, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, and 3) authorize expenditure of up to \$5,000 for this effort to be paid from the Town Building Reserve Fund, seconded by Jim Fleming. The motion passed unanimously.

12. New Business

a. Follow-up discussion on 2023 Town Meeting

It was agreed that the Town Meeting went very smoothly. Prouty noted that he had replaced the broken windowpane since it was mentioned.

Past complaints of noise in the back of the room from polling operations was discussed and it was agreed that it was not a significant issue this year.

It was recalled that Town Meeting the previous two years was held outside due to the COVID-19 pandemic, and it was good to be back indoors. Crossman noted that a lot of people from past years were missing but it was good to see a number of younger people attending.

There was discussion about holding Town Meeting at other times or ways to increase participation, such as with evening meetings or with Australian balloting. Cavanagh mentioned that he thought there would not likely be community support for Australian ballot voting.

Barbara Wells suggested holding a candidates night in the future, such as with the League of Women Voters. It was agreed that this warrants further research.

Crossman suggested including childcare, food service and better access at the entryways.

b. Annual appointments – Planning Commission

O’Keefe noted that incumbents Elsie Smith and Larry Gubb have expressed an interest in reappointment. Crossman thanked them for their work over the years and willingness to serve.

Martha Dale moved to appoint Elsie Smith and Larry Gubb to the Planning Commission, each for a three-year term ending 3/31/2026, seconded by Jim Fleming. The motion passed unanimously.

c. Consider request for use of Town Hall parking area

The Board discussed the request to use a portion of the parking area of the Town Hall for temporary parking in relation to the building construction soon to be underway across the street. Prouty expressed concern about interference with the ongoing Town Hall interference, and it was mentioned that the Town’s contractor was aware of the request and had no major concerns.

O’Keefe noted that the insurance is not necessarily required, but he recommends it and the policy information provided so far was inadequate in his opinion. He also suggested a revocation clause in case of impacts on the Town’s project.

Jim Fleming moved to authorize use of the Town Hall parking lot for up to three small trucks for the period 3/22/2023 to 4/5/2023, excluding nights and weekends, by Andrew J. Tarantino for parking purposes only related to construction on a neighboring property, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town. Such authorization is subject to the following conditions: 1) A certificate of insurance acceptable the Town Administrator, naming the Town as an additional insured, shall be provided to the Town Administrator prior to issuance of the written authorization, and 2) The Town Administrator may revoke this authorization if such use of the property is deemed by the Town administrator and Selectboard Chair to interfere in any way with ongoing construction activities at the Town Hall, seconded by Martha Dale. The motion passed unanimously.

O’Keefe added that the user is offering to make a donation to the Town of \$200.

Jim Fleming moved to accept the generous offer of \$200.00 for parking in the Town Hall lot, seconded by Tom Cavanagh. The motion passed unanimously.

d. Authorize Town credit card for Town Administrator

O’Keefe requested that the Board authorize a Town credit card for his business use, noting that he otherwise would need to use his own card or Tina Labeau’s Town-issued card for Town purposes for such things as training expenses or other business purchases.

Dale inquired about checks and balances, and O’Keefe explained that receipts are turned in to the Treasurer who includes them with the credit card company’s invoice, which is not aid until the Selectboard approves the pay order.

Prouty mentioned that this is not uncommon for small businesses.

Martha Dale moved to authorize Town Administrator Shane O’Keefe to receive and use a Town credit card exclusively for Town business, seconded by Jim Fleming. The motion passed unanimously.

13. Adjourn

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

The meeting adjourned at 7:45 PM. The next regular meeting of the Selectboard is scheduled for April 3, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved April 4, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, April 3, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Tom Cavanagh, Taylor Prouty, Martha Dale, Melissa Brown and Jim Fleming

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Bettina Labeau; Road Foreman Joshua Dryden; Emergency Management Director Richard Phelan; Planning Commission Chair Sharon Crossman; Village Wastewater Committee members Gail Mann and Larry Gubb; Recycling Coordinator Esther Fishman; and Housing Needs Assessment Committee member Paul Abraham. Others – Residents Paul Hendler, Nancy Jensen, and Denise Phelan; Business owners Judy and Thomas Platt; Neighborhood Connections Executive Director Nikki Wengerd; The Collaborative Executive Director Maryann Morris; and GNAT camera operators Bruce Frauman and Brandon Perra.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:02 PM.

2. Additions or deletions to the agenda

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

It was noted that Town Clerk Kelly Pajala asked to have the Selectboard approve the Town Meeting minutes.

Taylor Prouty moved to add to the Town Officials Business section of the agenda, as item 7.c, the approval of both the annual and special Town Meeting Minutes of March 7, 2023, seconded by Melissa Brown. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 3/20/2023

Jim Fleming moved to approve the minutes of the Selectboard meetings of 3/20/2023, seconded by Taylor Prouty. The motion passed unanimously.

4. Selectboard Pay Orders

Taylor Prouty 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:

- He has advertised invitations to bid for 1) installation of radar feedback signs once again and 2) for garden maintenance at Memorial and Buxton Parks, with bids due on April 12 for Selectboard review on April 17. Invitations to bid can be found on the Town’s web site, he added.

- He distributed to the Board members two mailers from the Vermont League of Cities and Towns:
 - Login instructions for VLCT's new website portal
 - The 2023 member guide, which includes a summary of benefits

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

- A copy of the 3/27/2023 letter from Chair Tom Cavanagh to the Selectboards of Landgrove, Peru, Weston and Winhall on the creation of an advisory committee regarding the Mountain Towns Recreation Director position.
- A press release from Governor Scott and an award notification on the Town being awarded a \$22,000 Municipal Planning Grant for a Main Street Study & Master Plan for the south village area. O'Keefe congratulated Sharon Crossman for putting together an excellent grant application.

There was discussion about the makeup of the Mountain Towns Recreation advisory committee, and who makes which appointment. It was recommended that the Board should advertise for an at-large advisory committee member.

Tina Labeau noted that Assistant Town Clerk Bonnie Cobb is retiring and that Jennifer Lawrence started that day as her replacement.

6. Visitors and Concerned Citizens

Rich Phelan mentioned the great job that the Road Crew has done this winter, and especially the most recent heavy wet storm, and thanked the Board for its work running the Town.

7. Town Officials Business

a. Housing Needs Assessment Committee – Present Housing Needs Study

Paul Abraham spoke about the housing needs assessment that was just released by the Housing Needs Assessment Committee. He mentioned the hiring of Camoin Associates and the survey and other data collection efforts. There were 304 survey responses received, with 62% of respondents being older adults, and 80 % of respondents felt that housing needs were not being met in the community. Housing supply does not meet needs, he noted, but rental prices are not as high as would be expected, but rentals only constitute 15% pf the housing stock.

Abraham noted that the median house price has raised ~60% since 2020 to ~\$415,000. And that 30% of local workers live in Londonderry, which is a historically high number. As to income, he mentioned that low area wages make housing unaffordable, even for two wage earner households. The median household is \$64,000 short of being able to afford a typical home in the community, a significant gap.

Seasonal housing constitutes 43% of the housing stock, he added, while 46% of local housing has out-of-state ownership, and the number of seasonal units grew by 32% over the last decade. Approximately 50% of housing in the community is vacant, he mentioned, and there is a need for housing for seniors wishing to downsize from existing homes, added Abraham.

Regarding short-term rentals, Abraham stated that there has been a 60% increase in them over the past two years, and it is estimated that there are 140 in the community, with 45% actively full-time rentals.

And the key findings of the survey and analysis were as follows:

Supply Side:

- Critical challenges to building needed housing.
- Limited options for changing empty nest/senior housing needs and preferences.

Demand Side:

- Housing price increases outpacing wage/income growth.
- Shifting balance between seasonal and year-round residents (and STR's play a role).
- Need for seasonal worker housing options.
- Housing challenges are displacing workers out of the community.

Collateral Impacts:

- Workforce housing shortage is constraining local economy and business vitality.
- Many households are cost burdened by housing expenses.

Conclusion:

Without action to address housing issues, Londonderry will continue to shift towards being a more seasonal community.

Abraham mentioned that there is an immediate urgency to act to address housing needs in the community, and both mentioned elaborated on the following housing strategies:

Goal 1 – Grow capacity to address local housing needs.

Goal 2 – Sustain and grow the number of homes owned by and occupied by local workers.

Goal 3 – Expand the number of quality long-term rental units.

Goal 4 – Assist local residents and workers to acquire local housing.

Martha Dale applauded the work of the Committee and agreed with the urgency of the steps needed to be taken to address the housing situation. Abraham noted that a public presentation on the housing needs study was scheduled for 4/11/2023 at 5:30 PM at Neighborhood Connections and on Zoom meeting software.

Sharon Crossman spoke of the status of the Zoning Bylaw rewrite process. O'Keefe suggested that the Committee should vote to adopt the study before the Selectboard considers whether to do so.

Dale differentiated between short-term rentals owned by outside operators and those owned by locals who operate them for income purposes. Fleming stated that those from afar who have created these housing issues should bear the financial burden of remediating them. He also congratulated the Committee on a great job.

Nancy Jensen mentioned that the inventory of homes is extremely low, and the number of offers on homes, while not as strong as a year or two ago, is still very significant.

b. Parks Board – Review bids and award contract for Pingree Park basketball Court resurfacing

The Board reviewed bids received from an Invitation to Bid for basketball court resurfacing issued on 3/13/2023 as follows:

Vendor	Bid	Bid Alt.	Notes
Advantage Tennis, Inc. Passumpsic, VT	\$7,300	\$6,300	Reduced price with no pressure washing
New England Courts, LLC Candia, NH	\$10,688		

It was noted that the low bidder did the work on the Pingree Park tennis court two years ago and did a fine job, and their machinery negates the need for pressure washing. O’Keefe recommended the low bid without pressure washing.

Martha Dale moved to accept the bid from Advantage Tennis, Inc. for repair and resurfacing of the basketball court at Pingree Park in the amount of \$6,300, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, seconded by Jim Fleming. The motion passed unanimously.

c. Town Clerk – Approve Annual and Special Town Meeting minutes of 3/7/2023
[added to the agenda]

The Board reviewed the draft minutes of the Town Meetings that took place on 3/7/2023.

Melissa Brown moved to approve the minutes of both the Annual and Special Town Meetings of March 7, 2023, seconded by Martha Dale. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman updated the Board on a recent solid waste implementation grant in the amount of \$6,659.50 for hazardous materials collections, and announced that collections events would be on the 1st Saturdays in June and October.

b. Discuss solid waste legislation

Fishman updated the Board about a number of bills in the Legislature involving solid waste management, such as landfill siting, producer responsibility for household products containing hazardous materials, management of biosolids and septage, expansion of the current bottle bill, and the study of Per- and polyfluoroalkyl substances (PFAS) in leachate.

9. Roads and Bridges

a. Updates

Josh Dryden noted the following usage for the month of March 2023:

Salt – 180 tons

Sand – 659 yards

Fuel (gallons): Vehicles – 2,044, Town Office Generator – 25, Transfer Station – 140

He added that he's researching the purchase of a hydraulic press. Prouty and Dryden mentioned that the department would be short on salt, and that the salt shed needs some work to keep out the weather and better store the salt. And the old salt shed adjacent to the Highway Garage needs repairs as well.

b. Review bids and award contract for tandem truck

The Board reviewed bids received for a new tandem truck, as follows:

Vendor	Year/Make/Model	Engine	Delivery	Bid	Trade	Net Bid
ATG Patriot, Westminster, VT	2024 Freightliner 114SD	DD13	11/2023 - 12/2023	\$241,696	\$(20,000)	\$221,696
ATG Patriot, Westminster, VT	2024 Western Star 47X	DD13	12/2023 - 1/2024	\$251,972	\$(20,000)	\$231,972
HP Fairfield, Hopkinton, NH	2023 Int'l HV613 SBA	A26 515 HP	7/2023	\$288,295	\$(20,000) -assumed-	\$268,295
Reed Truck Svcs, Claremont, NH	2024 Int'l HX620 6X4	Cummins X-15	11/2023 +	\$251,450	\$(23,500)	\$227,950

Prouty spoke to the many details of the truck specifications, and noted that the recommended bid, while not the least cost, would be that submitted by Reed Truck Services, Inc., as it best aligns with the equipment the Highway Department already has and provides consistency and familiarity with driver operation, repair and parts needs. Dryden added that that vehicle is the only one that included the specified engine, which is set up well to maintain Londonderry's roads.

There was discussion about the pros and cons of the various bids, and it was noted that the bid calls for the trade-in vehicle to remain in service until delivery of the new vehicle.

Jim Fleming moved to accept the bid from Reed Truck Services, Inc. for a new Highway Department tandem truck and body with specified equipment in the amount of \$227,950, 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 Taylor Prouty. The motion passed unanimously.

c. Approve contract for garage door maintenance at Town Garage

O'Keefe spoke to the need to maintain the garage doors on a consistent and annual basis to make sure they're operable when needed and last as long as possible.

Taylor Prouty moved to 1) accept the proposal from Overhead Door Company of Rutland for annual planned maintenance of garage doors at the Town Garage for 2023 as submitted, and 2) authorize the Town Administrator to sign any documents necessary for the hiring of the firm to conduct the necessary work, seconded by Martha Dale. The motion passed unanimously.

d. Approve rustproofing Release and Hold Harmless Agreement

O'Keefe explained that this is a document that must be signed each year.

Taylor Prouty moved to approve the rustproofing release and hold harmless agreement with Carrara's Rustproofing and authorize the Town Administrator to execute it on behalf of the Board, seconded by Melissa Brown. The motion passed unanimously.

e. Acceptance of VTrans funding for the Spring Hill culvert replacement project

O'Keefe explained that the Town had received a VTrans Transportation Alternatives grant of \$300,000 for the Spring Hill Road culvert replacement after four tries, and the project is already well along due to the engineering procurement and scope of work being conducted in anticipation of receiving this grant, which carries with it a number of federal compliance requirements. It was noted the grant comes with a 20% local match of \$75,000. The estimated overall project cost is \$567,500, and the project also has received a \$175,000 VTrans Structures Grant which itself has a 10% local match, for a total project match of \$92,000. O'Keefe was asked to look into whether the VTrans Structures Grant can be used toward meeting the Town's 20% local match for the VTrans Transportation Alternatives grant.

Jim Fleming moved to 1) accept funding in the amount of \$300,000 from the Vermont Agency of Transportation through the SFY 2023 Transportation Alternatives Program for the Spring Hill Road culvert replacement project, which shall require \$75,000 of local matching funds; 2) appoint Town Administrator Shane O'Keefe as the employee in "Responsible Charge" of the project; and 3) authorize the Town Administrator to execute the VTrans Municipal Assistance Bureau Grant Recipient Project Commitments Form, and any other documents necessary for grant acceptance and administration, including a grant agreement with the State of Vermont, seconded by Taylor Prouty. The motion passed unanimously.

f. Annual Town Highway Financial Plan certification [19 V.S.A. §306(j)]

O'Keefe explained that this is an annual approval required by VTrans. It is prepared by VTrans based on the Town's annual highway spending budget and is used to calculate reimbursement to the Town in cases of storm damage losses to roadway infrastructure.

Taylor Prouty moved to adopt and execute the annual financial plan for Town highways pursuant to 10 V.S.A. Section 306(j), seconded by Melissa Brown. The motion passed unanimously.

g. Consider application(s) for excess vehicle weight permits

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received. There was discussion about the number of applications received this year.

Taylor Prouty moved to approve the excess weight permit(s) for:

- *Huntington Homes, Inc.*
- *Beacon Sales Acquisition*
- *Gurney Brothers Construction, Inc.*
- *Fuller Sand & Gravel, Inc.*
- *Fabian Earth Moving, Inc.*
- *Camp Precast Concrete products, Inc., and*
- *Hunter Excavating, Hunter Transport & Hunter Timber Harvesting*

and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

h. Ratify 3/20/2023 decisions on applications for excess vehicle weight permits

Because the Board voted on 3/20/2023 to approve excess vehicle weight permits 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 March 20, 2023 decision to approve the excess weight permit(s) for:

- *R.K. Miles, Inc.*
- *St. Pierre, Inc.*
- *Cardinal Logistics Management Corp., and*
- *Consolidated Communications, Inc.*

and to authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

10. Old Business

a. Discussion of use of funds from the American Rescue Plan Act (ARPA)

The Board members discussed at length the requests for funds. Brown proposed allocations that took into account previous year ARPA requests and allocations, Town Meeting allocations, and other matters such as comparisons with other requests. She stated that she'd like to support community housing efforts.

Prouty spoke of his interest in benefiting the most number people in the community with the ARPA funds, and to provide less funding for individual requestors.

Fleming stated that he felt that the funds should go to something that benefits everyone in the community.

O'Keefe mentioned that the request for funds for the Spring Hill Road culvert replacement project was not necessarily required any longer due to receipt of the VTrans Transportation Alternatives grant, but that ARPA funds could be used for local matching fund requirements.

The Board reviewed each request in detail and compared the merits of each in relation to available funds. Representatives of Neighborhood Connections and One Londonderry recommended cuts to their respective requests in an effort to help ensure adequate funding of other request. The Board generally agreed upon the following expenditures.

- | | |
|---|-----------------|
| 1. Neighborhood Connections | \$40,000 |
| • Transportation services | |
| 2. West River Montessori School | \$28,000 |
| • Portion of building insulation & window replacement | |
| 3. Derry Downtown LTD/Tom & Judy Platt | \$18,000 |
| • Construct new apartment at 2136 North Main Street | |
| 4. One Londonderry | \$8,500 |
| • Community resource guide | |

5. Mike & Tammy's Main Street Market and Deli	\$10,000
• Portion of rent, electric bills & taxes	
6. South Londonderry Free Library	\$40,000
• Various building and site repairs	
7. Mountain Towns Housing Project	\$15,000
• Construction materials for the Perry Lane housing project	
8. Community Fund of Londonderry	\$50,000
• Establish a community housing fund	
9. Magic Wastewater Association, Inc.	\$3,000
• Sump pump replacement/inflow pipe replacement	
10. One Londonderry	\$1,700
• Ways and trails map & brochure	
11. Londonderry Planning Commission	\$5,000
• A/V equipment for hybrid public meetings (balance to be paid from other Town budgeted funds)	
12. Londonderry Arts & Historical Society	\$16,512.38
• Electricity upgrades and chimney repairs	
<u>TOTAL</u>	<u>\$235,712.38</u>

O'Keefe suggested that any interest should go to the Londonderry Arts and Historical Society.

Melissa Brown moved to approve the following Fiscal Year 2023 allocations of funds from the American Rescue Plan, and authorize the Town Treasurer to make payments from funds received by the Town:

1. Neighborhood Connections	\$40,000
2. West River Montessori School	\$28,000
3. Derry Downtown LTD/Tom & Judy Platt	\$18,000
4. One Londonderry	\$8,500
5. Mike & Tammy's Main Street Market and Deli	\$10,000
6. South Londonderry Free Library	\$40,000
7. Mountain Towns Housing Project	\$15,000
8. Community Fund of Londonderry	\$50,000
9. Magic Wastewater Association, Inc.	\$3,000
10. One Londonderry	\$1,700
11. Londonderry Planning Commission	\$5,000
12. Londonderry Arts & Historical Society	\$16,512.38

and if there is any interest it should go to the Londonderry Arts & Historical Society, seconded by Martha Dale. The motion passed unanimously.

Nikki Wengerd thanked the Board for its decision to provide funding for the Neighborhood Connections transportation program as the need and demand has increased explosively. Judy and Tom Platt also thanked the Board.

b. Williams Dam – Discuss formation of an advisory committee

Following up on the discussion at the meeting of 3/20/2023, the Board reviewed a charge for the Williams Dam Advisory Committee as drafted by O’Keefe.

Martha Dale moved to determine that the effort to further explore options for the Williams Dam is best handled through the establishment of a committee, and the Board hereby establishes the “Williams Dam Committee”, as authorized under 24 V.S.A. Section 4433, which shall be made up of 5 Londonderry residents, whose responsibility is to advise the Selectboard with regard to the disposition of the Williams Dam as set forth in a specific charge to the committee, which shall be signed by the Selectboard Chair and included in the minutes of this meeting. The Town Administrator is directed to advertise the availability of the Committee positions, which the Board will seek to fill at the first Board meeting in May 2023, seconded by Melissa Brown. The motion passed unanimously.

Sharon Crossman inquired about the expectations of the new committee. O’Keefe explained that the Committee would advise the Selectboard with regard to the disposition of the Williams Dam, and read from the approved charge that to fulfill its responsibility to the Selectboard, the Committee will:

1. Review existing studies, inspections and analyses of the Williams Dam.
2. Determine whether additional study of the Williams Dam is warranted, and which can be conducted within a reasonable timeframe and within available financial resources.
3. Work with knowledgeable specialists involved with dam management, safety, engineering and construction to help the Committee with its work.
4. Consult and coordinate Committee activities with Town staff, officials, boards and commissions.
5. Based on what the Committee believes is in the best interest of the community now and in the future, provide a recommended course of action with regard to one of the following alternatives to the Selectboard by no later than November 30, 2023:
 - a. Replacement
 - b. Repair/restoration
 - c. Removal

The approved committee charge is attached to these minutes.

c. Consider request for extension of use of Town Hall parking area

The Board reviewed a request to extend the 3/20/2023 approval to use the Town Hall parking lot until 4/14/2023, which is requested due to construction delays.

Jim Fleming moved to amend the Board’s 3/20/2023 decision authorizing the use of the Town Hall parking lot by Andrew J. Tarantino for parking purposes by extending the permitted term of use to 4/14/2023, seconded by Taylor Prouty. The motion passed unanimously.

11. New Business

a. Review and discuss State Hazard Mitigation Plan

Rich Phelan spoke to the Board about the State's effort to update its hazard mitigation planning, and mentioned the need to meet with new E911 Coordinator Will Goodwin to update the enhanced E911 system, and to begin an outreach program that would allow for better communication with residents on emergency matters. He recommended creating space on the Town's website to keep residents and visitors better informed. The enhanced E911 system allows for the ability to communicate with those with special needs if necessary, Phelan mentioned.

He also stated that the Town's Local Emergency Management Plan (LEMP) must also be updated soon. O'Keefe volunteered to work with him on this. Phelan stated that the LEMP provides all the answers to the questions posed by the State of Vermont in its outreach to the Town.

O'Keefe added that a local E911 ordinance is in draft form and would be shared with Phelan and Goodwin before it comes to the Board for review and consideration.

The Board members thanked Phelan for his training efforts and service to the community.

b. Participation/Distribution of National Opioids Settlement funds

O'Keefe updated the Board on additional agreements under the National Opioids Settlement with the following opioid manufacturers and distributors: Teva, Allergan, CVS, Walmart, and Walgreens. These are in addition to previous settlements discussed by the Board in December 2021, and he noted that subsequent Board decision that all settlement funds would go to the Collaborative for prevention activities.

It was noted that if the Town does not participate in the new round of settlements, the funds would be directed to the State of Vermont for distribution. Maryann Morris mentioned that the State's efforts to address harm reduction and treatment would not likely benefit rural areas such as Londonderry, and suggested to the Board that the funds could best be used to help local prevention efforts. She noted that not a lot of other communities are taking the step to participate in the settlement program, and thanked the Board for its efforts.

Morris spoke about the extensive prevention efforts and programs that The Collaborative in involved with.

O'Keefe mentioned that to date when checks come in from the settlement the Town turns around and sends a check in the same amount to The Collaborative.

Jim Fleming moved that the Town of Londonderry, in keeping with Selectboard vote on 12/6/2021, opt into and participate in newly approved national opioid settlements, and authorize the Town Administrator to execute any documents necessary to ensure this participation, and continue to distribute all funds received by the Town from the national opioids settlement to The Collaborative to be used for its drug prevention activities in Londonderry as previously approved on 9/12/2022, seconded by Melissa Brown. The motion passed unanimously.

c. Consider request for use of Town Office Meeting Room

O’Keefe noted that the Act 250 Board is requesting to use the Town Office meeting room for a rescheduled Act 250 hearing.

Dale inquired why the Board itself needs to authorize use of the Town Office Meeting room instead of delegating this to staff, which would likely be more efficient. O’Keefe agreed it could be more expedient but that depending on the user or use it may be a political decision requiring Board input. Prouty stated that it is good the Board to know and weigh in on the use of Town facilities.

Martha Dale moved to authorize use of the Town Office Meeting Room on Thursday, May 18, 2023 by the Vermont Act 250 District Commission for an Act 250 hearing, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

d. 1st & 3rd Class Liquor Licenses – Manzana, Inc. (Solo Farm & Table)

Jim Fleming moved to approve 1st and 3rd Class Liquor Licenses for Manzana Inc., Inc., also known as SoLo Farm & Table, related to property located at 95 Middletown Road, seconded by Taylor Prouty. The motion passed unanimously.

12. Adjourn

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

The meeting adjourned at 8:25 PM. The next regular meeting of the Selectboard is scheduled for April 17, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved April 17, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * Attachment is on the following page * *

ATTACHMENT

Williams Dam Advisory Committee

The Town of Londonderry Selectboard hereby establishes the Williams Dam Advisory Committee, an advisory commission established under authority of 24 V.S.A. § 4433, whose responsibility is to advise the Selectboard with regard to the disposition of the Williams Dam.

Charge

To fulfill its responsibility to the Selectboard, the Committee will:

6. Review existing studies, inspections and analyses of the Williams Dam.
7. Determine whether additional study of the Williams Dam is warranted, and which can be conducted within a reasonable timeframe and within available financial resources.
8. Work with knowledgeable specialists involved with dam management, safety, engineering and construction to help the Committee with its work.
9. Consult and coordinate Committee activities with Town staff, officials, boards and commissions.
10. Based on what the Committee believes is in the best interest of the community now and in the future, provide a recommended course of action with regard to one of the following alternatives to the Selectboard by no later than November 30, 2023:
 - d. Replacement
 - e. Repair/restoration
 - f. Removal

Membership

The Committee membership shall consist of five (5) members, each of whom shall have a vote on the Committee. Members shall be appointed by the Selectboard and shall each be residents of the town of Londonderry. All members shall serve on a voluntary basis.

In addition to the appointed members, both the Selectboard and the Planning Commission may each appoint one of its respective members to serve as ex-officio members and actively participate as appropriate in a non-voting capacity.

Conduct of Meetings

All business of the Committee shall be conducted in accordance with the Vermont Open Meeting Law (1 V.S.A. §§ 310 et seq.). All meetings of the Committee, as called by its Chair, shall be noticed publicly, open to the public and minutes made publicly available.

As approved by the Londonderry Selectboard on April 3, 2023.

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, April 17, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Martha Dale, Melissa Brown and Taylor Prouty (via telephone).

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Bettina Labeau; Town Clerk Kelly Pajala; Road Foreman Joshua Dryden; Road Crew member Troy Maynard; and Emergency Management Director Richard Phelan. Others – Resident Paul Hendler; Consolidated Communications representatives Scott Brooks and Greg Povey; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda

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

Melissa Brown moved to add to the New Business section of the agenda the consideration of the a 2nd Class Liquor License for Michael and Tammy Clough (Mike & Tammy’s Main Street Deli/Market) and 1st & 3rd Class Liquor Licenses & Outside Consumption Permit for Upper Tamarack, Inc. (The Upper Pass Lodge), and add a request by the Cemetery Commission to have a discussion over some question they have to the Town Officials Business section of the agenda, seconded by Martha Dale. 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)

Martha Dale moved to enter executive session to consider the employment or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O’Keefe, Tina Labeau, Josh Dryden and Troy Maynard to attend the executive session, seconded by Taylor Prouty. The motion passed unanimously.

The Board entered executive session at 6:03 PM and came out of executive session at 6:40 PM. No decisions were made.

Dryden, Maynard and Board member Taylor Prouty left the meeting at 6:40 PM.

4. Minutes Approval – Meeting(s) of 4/3/2023

Martha Dale moved to approve the minutes of the Selectboard meetings of 4/3/2023, seconded by Melissa Brown. The motion passed unanimously.

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O’Keefe noted the following:

- A letter received that day from the South Londonderry Free Library Board thanking the Selectboard for its ARPA funding allocation was distributed.
- He has readvertised the invitation to bid for garden maintenance at Memorial and Buxton Parks, with bids due on 4/27/2023 for Selectboard review on 5/1/2023. Invitations to bid can be found on the Town’s web site.
- We’re still advertising for 5 positions on the Williams Dam Committee, and have received two applications so far.
- After this meeting, we’ll be seeking to fill vacancies on the Parks Board, Beautification Committee, Village Wastewater Committee, and Energy Committee. Those interested in open positions should refer to the Notice of Vacancies on the Town website and on the bulletin boards at the two post offices.

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

- The VTrans press release of 4/11/2023 regarding the Transportation Alternatives Grants, which highlights Londonderry’s grant of \$300K to replace the Spring Hill Road culvert.
- A notice from the VLCT on upcoming lunchtime question & answer training with their staff attorneys on the Vermont Open Meeting Law for Municipal boards members. It’s scheduled for noon on 4/27/2023 and he’ll send the email out to all boards and committees.
- An email dated 4/4/2023 from the Village Wastewater Committee to the South Londonderry Free Library Board of Directors thanking the Board for the opportunity to explore the use of the Janeway Property for the Village Wastewater property.
- Notice of a webinar sponsored by the Windham Regional Commission on its proposed regional plan update, scheduled for 5/10/2023 at 6:00 PM.
- A 4/11/2023 letter of opinion to the Vermont Bond Bank from Primmer & Piper, the Town’s bond counsel, noting that the bond approval process for the Town Office renovation project meets all Vermont statutes and can proceed when deemed appropriate.
- A 4/5/2023 letter from Blue Flame Gas Company providing its bi-annual notice to the Town of its underground propane pipeline distribution system.
- A 4/10/2023 notice from VTrans about posting new signs with weight limits for emergency vehicles on some Town bridges this summer. Dale noted that she had seen one already.
- A notice from the Vermont Rural Fire Protection Task Force about the availability of its Rural Fire protection Grant program
- Windham County Sheriff’s monthly report for March 2023.

Kelly Pajala noted that Assistant Town Clerk Bonnie Cobb is retiring the following week, and Brown asked that the Board be kept apprised of any retirement event for her.

7. Visitors and Concerned Citizens

Consolidated Communications representatives Scott Brooks and Greg Povey spoke to the Board about the recent kick-off of installation of a new fiber cable network in the community on top of existing copper lines, noting that the project is a result of the efforts of the Southern Vermont Communications Union District. It was noted that work has started and is likely to be completed over the next 9-12 weeks.

Povey spoke about the other towns also being built out in the SVCUD region. Brooks commended the SVCUD on its advancing the project faster than most other CUDs in the state.

There was discussion about how residents will be able to sign up for the fiber service, and Brooks mentioned that there will be direct sales representatives to work with property owners to buy into the service. He also noted that different type of services provided and that everyone in the community will have access to the fiber network.

There was discussion about whether there were any community events that might conflict with the wiring installation efforts. It was recommended that information on the project could be distributed at the West River Farmers Market and on the local community Facebook forum.

Brook and Povey left the meeting.

8. Town Officials Business

a. Emergency Management Director – Approve updated Local Emergency Management Plan

Rich Phelan spoke to the Board briefly about the need to annually update the Local Emergency Management Plan, which provides contact and responsibility information, and confirms adherence the National Incident Management System.

Martha Dale moved to adopt the 2023 update of the Town of Londonderry Local Emergency Management Plan, and authorize the Selectboard Chair to execute any documents necessary for this action, seconded by Melissa Brown. The motion passed unanimously.

Phelan left the meeting.

b. Cemetery Commission – Discuss questions regarding cemetery deeds

Kelly Pajala mentioned that there are least two occupied plots without recorded deeds, and the Commission would like to create some legal document that can be created and filed for situations like this. She referenced a deed template that her office uses but that this circumstance is different and there is a need to confer with the Town Attorney on creation of an alternate template to address existing conditions and future conditions.

Melissa Brown moved to allow Kelly Pajala to contact Attorney Bob Fisher to sort out the documentation for lost deeds for cemetery lots, seconded by Martha Dale. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

Cavanagh and O’Keefe spoke about the verbal agreement of the new lessee of the solar array to contribute to the cost of a new entrance gate at the Transfer Station. This is being worked on and will be reported on a future meeting.

O’Keefe noted that the solar array began generating electricity on 2/28/2023, and the first quarterly rent payment is expected soon. Rent is \$6,000/year with a 2% annual increase.

10. Roads and Bridges

a. Updates

None.

b. Discuss/award contract for installation of radar feedback signs

The Board reviewed and discussed bids received from an Invitation to Bid for installation of 6 radar feedback signs issued on 3/24/2023 as follows:

Vendor	Bid
Hunter Excavating, Inc., So. Londonderry, VT	\$3,850
Typestries Sign & Digital, Londonderry, VT	\$7,200
Lafayette Highway Specialties, Essex Junction, VT	\$16,000

O’Keefe noted that Typestries did the recent fabrication and installation of the “Welcome to Londonderry” signs, and added that since the time the Invitation to Bid was issued the State of Vermont installed new speed limit signs on VT Route 100 south of VT Route 11, as requested by the Board, but did not set posts tall enough to accommodate the radar feedback signs as had been promised, so the successful bidder will have to provide a price for an additional sign.

Of the funds still available from the \$40,000 approved for traffic calming at the 2022 Town Meeting there is approximately \$15,000 it was noted, and O’Keefe suggested that the Board should discuss use of the funds, which must be used “to control speeding by designing and installing mechanical means, such as radar signs, rumble strips, and speed tables, at the selectboard’s discretion”.

Martha Dale moved to accept the bid from Hunter Excavating, Inc. for installation of 6 radar feedback signs in the amount of \$3,850, and to authorize the Town Administrator to negotiate and accept up to an additional 15% for one additional sign, and to execute all necessary documents to secure the required services, seconded by Melissa Brown. The motion passed unanimously.

c. Consider contract renewal for equipment/supply of de-icing & dust control products

The Board discussed the proposed contract with Innovative Surface Solutions, which is an extension to the 3-year equipment rental agreement from 2020 for liquid chloride equipment for winter road maintenance operations.

Melissa Brown moved to 1) determine that Innovative Surface Solutions, Inc. is the only possible source for equipment and supplies for specialized liquids for road surface treatment, and is hereby approved as a sole source vendor for that equipment, and 2) authorize the Town Administrator to execute the 3-year equipment rental agreement on behalf of the Town, which includes a minimum annual supply purchase of 12,500 gallons, seconded by Martha Dale. The motion passed unanimously.

d. Approve letter of intent for the FY2024 Municipal Roads Grants-in-Aid Program

O’Keefe noted that a letter of intent was required to again participate in this program, which assists town with compliance with their Municipal Roads General Permits. The Town is eligible for an approximately \$22,500 project and would receive \$18,000 of grant funds and

must contribute roughly \$4,500 (20%) which could be in-kind services. The desired project location would be developed through reference to needs mapping prepared by the Windham Regional Commission.

Martha Dale moved to seek funding through the VTrans 2024 Grant-in-Aid Program and authorize the Selectboard Chair to execute the required Letter of Intent on behalf of the Town, and the Town Administrator to execute any necessary grant-related documents thereafter, seconded by Melissa Brown. The motion passed unanimously.

e. Consider VTrans concerns with ownership of former VT Route 11 right-of-way

O’Keefe spoke to the Board about a confusing matter having to do with the State of Vermont seeking to clear up right-of-way matters in support of a culvert project on VT Route 11. It appears that the State relinquished ownership of a part of the north side of the State highway in the vicinity of the Taylor Farm and Riley Road to the Town in 1948. The Town then discontinued the right-of-way in 1961. O’Keefe noted that 19 V.S.A. Section 775, in part, provides that “(i)f the discontinued highway is not designated as a trail, the right-of-way shall belong to the owners of the adjoining lands...”

There was discussion about the documentation of the 1961 discontinuance, and whether or not that Town needs to take any action at all at this time.

Melissa Brown moved to determine that, given the Selectboard’s action in 1961 to discontinue a portion of the former right-of-way of VT Route 11 in the vicinity of Riley Road (Town Highway #8) that had been relinquished to the Town by the State of Vermont in 1948, and the fact that Title 19 V.S.A. Section 775 provides that once discontinued the right-of-way of a former Town Highway shall belong to the owners of adjoining lands, the Town needs to take no further action with regard to Town conveyance of the former right-of-way at this time, and hereby authorize the Selectboard Chair to communicate this position to VTrans as appropriate, seconded by Jim Fleming. The motion passed unanimously.

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

The Board reviewed overweight permit applications, and it was noted that the applicable fees were paid, and insurance certificates received. There was discussion about the number of applications received this year.

Martha Dale moved to approve the excess weight permit(s) for:

- ***Cota & Cota, Inc.***
- ***Dead River Company, LLC, AND***
- ***AmeriGas Propane, L.P.***

and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Melissa Brown. The motion passed unanimously.

11. Old Business

a. Discuss regulation of short-term rentals

O’Keefe noted that this matter was last discussed on 2/6/2023, and since that time a local option tax of 1% for rooms passed at the 3/7/2023 Annual Town Meeting and tax should be effective around 7/1/2023. He suggested amending the ordinance to include effective dates

with regard to administration of the STR Ordinance, such as having it take effect on 1/1/2024, coincident with a new STR Administrator being hired, with property owner compliance required around 6/30/2024. Delaying commencement would allow for rooms taxes to accrue and give the STR Administrator time to create an STR registration system.

There was discussion about the maximum number of days per year of STR use of individual units, and the ordinance presently states that it would be 150. Brown asked if it is necessary to limit the number of days. And Cavanagh stated that his research is that there is no service that can determine how many days per year of usage there is. Previous comments from the public on this matter was mixed it was recalled.

Cavanagh noted that some towns are establishing a cap on the number of STR units in their community. Dale suggested that whoever the ordinance is seeking to serve could drive the decision on a cap. Brown suggested that the ordinance should not have any provisions that cannot be enforced.

Registration fees were discussed and because there is no certainty as to the present number of STRs it was agreed that it would be difficult to set a fee that would cover anticipated Town administrative expenses at this time. Cavanagh offered that a single \$600/year fee for an estimated 140 STRs would yield \$84,000. Fees from other communities were briefly mentioned. Hendler noted that \$600/year comes to \$4/day for 150 days of capped usage.

It was agreed to add this matter to the agenda of the next regular Board meeting and to highlight for discussion the limitation on the number of days and possible new fees. O’Keefe offered to insert language on the effective date of various provisions of the ordinance.

There were questions about how the Town and the State can verify where STRs rooms are located and whether they are paying their tax to the proper town. While the major online STR vendors have an agreement to collect state and local taxes for their customers, independent owners may not be doing this properly. Hendler mentioned that there are numerous online resources on how to avoid State and local taxes and fees.

b. Town Office Renovation Project – Consider proposal for architectural services

O’Keefe reviewed with the Board a proposal for architectural and engineering services for the Town Office renovation project provided by Jon Saccoccio Architectural Workshop. He noted that Saccoccio was the subcontractor to engineer Chris Cole for the design process that was delayed by the COVID-19 pandemic and was hired by the Town to provide design services for the recent bond vote.

The proposal includes the following estimated costs:

ITEM	COST
Architectural design services	74,900
Structural Engineering	11,880
Mechanical Engineering	22,450
Electrical Engineering	20,350
Subtotal	129,580
Civil Engineering	15,545
Reimbursable Expenses	3,600
Optional Services	10,000
Total Cost	158,725

O’Keefe noted that, despite the architect having come back with reduced costs after an initial proposal, the costs for these services was higher than originally estimated, and that the Town could go out to bid for the services. He mentioned that he and others involved with the project had been very impressed with the work Saccoccio has done for the Town to date.

Opportunities for grants to pay for some elements of the project were discussed. Also discussed was how best to pay for this service; through the Town Buildings reserve fund or the project bond, or some combination of both.

The provision of the Town’s purchasing policy for hiring professional services without bids was briefly discussed. Given the familiarity of Saccoccio with the project and the time and effort it would take to go through a bid process, and the possibility for even higher costs, it was generally agreed that working with Saccoccio would be the best route to take.

Martha Dale moved to 1) determine that the proposal for architectural and engineering services from J.A. Saccoccio Architectural Workshop related to renovations to the Town Office, estimated to cost \$129,580, constitutes a professional service exempt from the Purchasing Policy’s bid process, and 2) accept the proposal as submitted, and 3) authorize the Town Administrator to sign any documents necessary for the hiring of the firm to conduct the necessary work, including a service contract in amount up to \$150,000, after review by the Town Attorney, seconded by Melissa Brown. The motion passed unanimously.

12. New Business

a. Annual appointments – Parks Board

O’Keefe noted that there are three vacancies coming up for the Parks Board, and applications have been received from Kelly Pajala and Chad Stoddard. Incumbent Taylor Barton has not applied for reappointment.

Martha Dale moved to reappoint Kelly Pajala and Chad Stoddard to the Parks Board for a three-year term ending April 30, 2026, seconded by Melissa Brown. The motion passed unanimously.

b. Annual appointments – Representatives of the Deerfield Valley & Southern Vermont Communications Union Districts

It was noted that Jim Wilbur has asked to be the Town representative to the Deerfield Valley Communications Union District (DVCUD) and an alternate to the Southern Vermont Communications Union District (SVCUD), while John Hankin has requested appointment as the Town’s representative to the SVCUD and an alternate to the DVCUD. Ellen Seidman, presently the Town’s representative to the DVCUD, prefers to be an alternate going forward.

Melissa Brown moved to appoint James Wilbur as the Town’s Representative to the Deerfield Valley Communications Union District Governing Board, and both Ellen Seidman and John Hankin as Alternate Representatives, for one-year terms, seconded by Martha Dale. The motion passed unanimously.

Melissa Brown moved to appoint John Hankin as the Town’s Representative to the Southern Vermont Communications Union District Governing Board, and James Wilbur as Alternate Representative, for one-year terms, seconded by Martha Dale. The motion passed unanimously.

c. Appointment – At-large representative to the Mountain Towns Regional Recreation Director Advisory Committee

O’Keefe mentioned that the Town had received one application in response to the advertised position, from Sarah Kiefer of the Flood Brook Athletic Association. Pajala mentioned that Kiefer was instrumental in promoting the concept of having a Mountain Towns Recreational Director.

Martha Dale moved to appoint Sarah Kiefer as the Town’s Community Member At-Large to the Mountain Towns Regional Recreation Director Advisory Committee, seconded by Melissa Brown. The motion passed unanimously.

d. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Smith Foodservice Hospitality & Entertainment, LLC (Revival Kitchen)

Martha Dale moved to approve 1st and 3rd Class Liquor Licenses for Smith Foodservice Hospitality & Entertainment, LLC., also known as Revival Kitchen, related to property located at 3928 VT Route 11, seconded by Melissa Brown. The motion passed unanimously.

e. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Turner Enterprises, Inc. (The New American Grill)

Martha Dale moved to approve 1st and 3rd Class Liquor Licenses for Turner Enterprises, LLC, also known as The New American Grill, related to property located at 5700 VT Route 100, seconded by Melissa Brown. The motion passed unanimously.

f. Ratify 4/3/2023 decision to approve Annual and Special Town Meeting minutes

Because the Board voted on 4/3/2023 to approve the Town Meeting minutes when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Melissa Brown moved to ratify the Board’s April 3, 2023 decision to approve the minutes of both the Annual and Special Town Meetings of March 7, 2023, seconded by Martha Dale. The motion passed unanimously.

g. Consider employee compensation matters

Cavanagh noted that this matter related to the new Assistant Town Clerk, Jennifer Lawrence, who will take over for Bonnie Cobb, and that the Town Office recommends \$17.00 per hour.

Martha Dale moved to acknowledge the appointment of Jennifer Lawrence as Assistant Town Clerk, and set a starting hourly rate of pay of \$17.00, effective April 3, 2023, seconded by Melissa Brown. The motion passed unanimously.

h. 2nd Class Liquor License – Michael & Tammy Clough (Mike and Tammy’s Main Street Deli/Market)

Martha Dale moved to approve a 2nd Class Liquor License for Michael and Tammy Clough, also known as Mike & Tammy’s Main Street Deli/Market, related to property located at 2170 VT Route 11, seconded by Melissa Brown. The motion passed unanimously.

i. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Upper Tamarack Inc. (The Upper Pass Lodge)

Martha Dale moved to approve 1st and 3rd Class Liquor Licenses for Upper Tamarack, Inc., also known as The Upper Pass Lodge, related to property located at 420 Magic Mountain Access Road, seconded by Melissa Brown. The motion passed unanimously.

13. Adjourn

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

The meeting adjourned at 8:07 PM. The next regular meeting of the Selectboard is scheduled for May 1, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved May 1, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Wednesday, April 19, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe (via telephone). Others – None.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the special meeting to order at 5:00 PM.

2. Additions or deletions to the agenda

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

None.

3. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Jim Fleming moved to enter executive session to consider the employment, evaluation or discipline of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3) and 313(a)(4), and invite Town Administrator Shane O’Keefe to attend the executive session, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 5:01 PM.

The Board came out of executive session at 5:22 PM.

Melissa Brown moved to approve the draft letter to the employee, and authorize the Selectboard Chair to sign a final version on behalf of the Board, seconded by Jim Fleming. The motion passed unanimously.

Melissa Brown moved to schedule a public hearing, as provided for under 1 V.S.A. Section 313(a)(4), for Thursday, April 27, 2023 at 6:00 PM at the Town Office, seconded by Martha Dale. The motion passed unanimously.

4. Adjourn

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

The meeting adjourned at 5:24 PM. The next regular meeting of the Selectboard is scheduled for May 1, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved May 1, 2023.
LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, April 27, 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 and Road Crew member Donald Lyon. Others – Attorney Brian Monaghan (via telephone).

1. Call meeting to order

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

2. Additions or deletions to the agenda

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

None.

3. Executive Session(s) – A potential disciplinary or dismissal action against a public officer or employee per 1 V.S.A. 313 (a)(4)

Taylor Prouty moved to enter executive session to consider a potential disciplinary or dismissal action against a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(4), and invite Attorney Brian Monaghan via telephone, and Town Administrator Shane O’Keefe to attend the executive session immediately, and Town Road Crew member Donald Lyon to attend when invited soon thereafter, seconded by Martha Dale. The motion passed unanimously.

The Board entered executive session at 6:02 PM with O’Keefe and Monaghan present.

Lyon was invited into the executive session at 6:11 PM, and he left the executive session at 6:14 PM.

The Board came out of executive session at 6:24 PM.

Martha Dale moved to approve the draft letter to the employee, and authorize the Selectboard Chair to sign a final version on behalf of the Board, seconded by Melissa Brown. The motion passed unanimously.

Lyon and Monaghan left the meeting at 6:28 PM.

4. Selectboard Pay Orders

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

5. New Business

a. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Ski Magic, LLC (Magic Mountain Ski Area)

Taylor Prouty moved to approve 1st and 3rd Class Liquor Licenses for Ski Magic LLC., also known as The Magic Mountain Ski Area, related to property located at 495 Magic Mountain Access Road, seconded by Melissa Brown. The motion passed unanimously.

b. 2nd Class Liquor License – Derry Downtown, Limited (The Garden Market & Restaurant)

Martha Dale moved to approve a 2nd Class Liquor License for Derry Downtown, Limited, also known as The Garden Market & Restaurant, related to property located at 2116 North Main Street, seconded by Melissa Brown. The motion passed unanimously.

c. 2nd Class Liquor License – Jelley Enterprises, Inc. (Jelley's Auto Care Center)

Taylor Prouty moved to approve a 2nd Class Liquor License for Jelley Enterprises, Inc., also known as Jelley's Auto Care Center, related to property located at 2102 North Main Street, seconded by Melissa Brown. The motion passed unanimously.

6. Adjourn

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

The meeting adjourned at 6:30 PM. The next regular meeting of the Selectboard is scheduled for May 1, 2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved May 1, 2023.
LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 1, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Bettina Labeau; Town Clerk and Parks Board Chair Kelly Pajala (6:49 PM); and Road Foreman Joshua Dryden. Others – Resident Nick Doane; and GNAT camera operators Brandon Perra and 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 add to agenda, as the next order of business, an Executive Session on the appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3), seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to add to the New Business section of the agenda the consideration of the following: a 2nd Class Liquor License for O’Connors Corner Store, LLC (AKA The Corner), and a 2nd Class Liquor License for Mountain Energy of Vermont, Inc. (AKA Mountain Energy), seconded by Martha Dale. The motion passed unanimously.

Taylor Prouty moved to amend the agenda by noting that the matters to be ratified under Old Business items 10.f, 10.g & 10.h should refer to decisions made on April 17, 2023 and not on April 3, 2023, seconded by Jim Fleming. The motion passed unanimously.

2.a. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Jim Fleming moved to enter executive session to consider the employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Nick Doane, Josh Dryden and Shane O’Keefe and to attend the executive session, seconded by Taylor Prouty. The motion passed unanimously.

The Board entered executive session at 6:03 PM. Doane left the executive session and meeting at 6:14 PM, and the Board came out of executive session at 6:43 PM. No decisions were made.

3. Minutes Approval – Meeting(s) of 4/17/2023, 4/19/2023 and 4/27/2023

Martha Dale moved to approve the minutes of the Selectboard meetings of 4/17/2023, 4/19/2023 and 4/27/2023, seconded by Taylor Prouty. The motion passed unanimously.

4. Selectboard Pay Orders

Jim Fleming moved to approve the pay orders for payroll and accounts payable, seconded by Melissa Brown. The motion passed unanimously.

5. Announcements/Correspondence

Tina Labeau mentioned that the Clerk and Treasurer's office would be closed on 5/4/2023 due to off-site training.

Shane O'Keefe noted the following:

- Regarding the solar array at the former septage fields, we have been given official notice that the array began generating electricity on 2/28/2023, and the date of commencement of project for the purposes of the lease is 4/1/2023. A quarterly lease check is coming soon.
- On the radar feedback signs, Hunter Excavation is under contract for the installation and looks to begin work later in the week. Some installation details were discussed.

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

- An invitation to the 6th annual Southern Vermont Economy Summit sponsored by BDCC and SeVEDS scheduled for 5/23/2023 at the Hermitage Club in Wilmington.
- Two letters of thanks for the Town's ARPA allocation to the Mountain Towns Housing Project, one from project steering committee and one from Cindy Gubb, dated 4/21/2023 and 4/24/2023, respectively. A thank you letter from Judy Platt was mentioned.
- The letter, dated 4/20/2023, to VTrans from Tom Cavanagh regarding the former VT Route 11 right-of-way, which was authorized at the last regular meeting.
- He handed out mailers received that day from VLCT on its new online platform.

Taylor Prouty described plans for light replacement work at the Town Hall based on communication from electrician Gary Barton.

Kelly Pajala stated that she and Sarah Kiefer are hoping to be panel members at the at the Southern Vermont Economy Summit.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

None.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that he and O'Keefe talked to the solar array owners and they will pay half of the cost of an entrance gate, but that he needs to gather more information on it before going forward.

Prouty inquired about the fence surrounding the solar array itself in that he heard that it partially blocks part of the old stump dump, and Dryden clarified that it blocks a turnaround area. Cavanagh will take a look at it.

Fleming mentioned that most of the materials for the bottle return shed construction are on site and he's waiting for some additional material.

9. Roads and Bridges

a. Updates

Dryden noted the following usage for the month of April 2023:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 563, Town Office Generator – 0, Transfer Station – 0

He mentioned that he has assembled a list of culvert repairs, and estimates that almost 500' of culvert need to be replaced but that funds for only 2 culverts had been budgeted. He raised alternatives for how to address this, such as use of contracted services. Prouty agreed that use of contracted services funds and contracts made good sense to address the culvert issues.

He noted that Chaves Excavating offered to replace a culvert on Chaves Road near their business for \$1,000 if the Town provides the culvert pipe. There were no objections to this arrangement.

Dryden provided figures on the increased cost of culvert pipe and stated that the FY24 budget is only \$7,000 for culvert materials. Costs are \$26.94/foot for 18" pipe, and \$77.44/foot for 36" pipe. He noted that there are only a few pipes presently in inventory.

The budget process for culvert replacement was briefly discussed. Dryden explained the efforts he's made in the past few years to increase inventories of all kinds. It was agreed to discuss year-to-date expenses at the next meeting, and Dryden was asked to prepare estimates of cost of needed work.

Dryden mentioned that the summer work plan is in draft form, and he was asked to share it with the Board at the next regular meeting.

b. Discuss use of speed control funds from 2022 Town Meeting Article 14 appropriation

O'Keefe read article 14 from the 2020 Town Meeting: *"Shall the town vote to raise and appropriate the sum of \$40,000 to control speeding by designing and installing mechanical means, such as radar signs, rumble strips, and speed tables, at the selectboard's discretion?"*

He mentioned that with the purchase of 7 radar feedback signs with associated equipment and installation costs, the Town will have approximately \$15,000 available for additional speed control measures. He suggested spending the balance on speed limit signs with posts, and installing them as time permits. Hiring a contractor to install them might be expensive, he added. Cavanagh added that without posted speed limits there is no enforcement of speeding.

Labeau reviewed past sign expenses and mentioned that the cost of a sign with post and hardware comes to about \$200 per sign.

It was agreed by Board members that this was a good use of the funds, which Labeau mentioned needed to be expended this fiscal year and not carried over to future years. There was discussion about prepayment of radar feedback sign software for future years as a prepaid expense.

Strategies for sign purchases and placement were discussed. It was noted that gravel roads are limited to 35 MPH in the Town's Traffic and Parking Ordinance, but without signs it defaults to 50 MPH.

Dale suggested including traffic calming in annual budget going forward.

Taylor Prouty moved to use the balance of funds raised from the appropriation from Article 14 of the 2022 Town Meeting for speed limit signs, posts and appropriate hardware, seconded by Jim Fleming. The motion passed unanimously.

Dryden left the meeting at 7:14 PM.

10. Old Business

a. Discuss regulation of short-term rentals

The Board discussed an article on short-term rentals the Cavanagh had distributed.

On the draft Short-Term Rental ordinance, there was discussion about the proposed to limit on the annual number of days of STR usage for any one unit, and it was generally agreed to remove this limitation as enforcement would be close to impossible and could stifle the efforts of those managing STRs the right way.

How to get an accurate fix on the number of STRs was discussed. And there was question as to what other communities are doing for enforcement and administration. Administration and fee structure was discussed at length, and administrative costs and efforts were considered. It was generally acknowledged that fees charged must be commensurate with the cost of administration.

The Board also discussed enforcement of the ordinance, and changes in the draft regarding effective dates of particular sections. Whether to include the fees in the ordinance was discussed and O'Keefe will confer with the Town Attorney on this. O'Keefe was asked to contact the Towns of Killington and Woodstock on administration and report back to the Board.

b. Discuss date for Mountain Towns Recreation Director Advisory Committee meeting

Pajala mentioned that not all towns have appointed representatives to the Mountain Towns Recreation Director Advisory Committee yet, with Landgrove and Winhall still working on it.

She suggested that the first meeting be scheduled for 5/9/2023 or 5/10/2023 at 7:00 PM to keep on schedule, and that the Board should set the date.

She noted that the Parks Board has appointed her as its representative. Other appointees so far are Lisa Yrsha (Weston), Jen Freeman (Peru & West River Sports), Jason Marino (Flood Brook Athletic Association), Sarah Kiefer (Londonderry community member at-large) and Martha Dale (Londonderry Selectboard).

Pajala asked the Selectboard to give her the authority to take the lead on the project. There was discussion on the proposed meeting date and 5/10/2023 was determined to be the best date for Town representatives. Pajala acknowledged that all meetings would be subject to the Vermont Open Meeting law, and that no decisions of the Committee would be enacted with the Selectboard's vote.

Pajala mentioned that she and Sarah Kiefer are taking the tasks in the proposal and creating a prioritization list for the committee and new director once hired.

Melissa Brown moved to schedule the first meeting of the Mountain Towns Recreation Director Advisory Committee for 5/10/2023, to be held at the Town Office and by Zoom. All meetings of the Committee shall be in conformance with the Vermont Open Meeting Law, and authorize Kelly Pajala to make all meeting arrangements, seconded by Jim Fleming. The motion passed unanimously.

Labeau left the meeting at 7:44 PM.

c. Review bids and award contract for parks garden maintenance

The Board discussed the one bid received, and the fact that this would be a two-year contract. Fleming noted his concern that the Board's recent decision to accept a no cost bid for another project may have soured some potential bidders.

On paying the cost for this service, Pajala stated that some can be paid from parks maintenance and that costs for Memorial Park can come from the Memorial Parks fund, she believed, and that the Riverside Park Fund can pay for Buxton Park expenses.

Martha Dale moved to accept the bid from Alberti Landscape & Construction for garden maintenance services at Memorial and Buxton Parks through 2024, and authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, seconded by Taylor Prouty. The motion passed unanimously.

Brown suggested inquiring whether Mark Wright would be willing to continue to clear brush at the Prouty property at no cost so the Town does not have to go out to bid and potentially disappoint other bidders.

Pajala left the meeting at 7:49 PM.

d. Review and approve Cannabis Control Commission application form

The Board reviewed a draft application form prepared by O'Keefe to assist the Board with reviews of license applications for cannabis-related businesses in its role as the local Cannabis Control Commission. O'Keefe noted that much of application form and the Local Cannabis Control Commission's review is confidential and cannot be done in public due a provision of State statute that protects the information from public inspection.

There was a question raised as to whether the Town could review cultivation. O'Keefe was asked to confirm whether the local Commission can review cultivation, and amend the application form as appropriate.

Martha Dale moved to approve the new Cannabis Control Commission license application form presented with appropriate modifications, seconded by Melissa Brown. The motion passed unanimously.

e. Consider part-time minutes-taker job description

Following up on the discussion at the 3/20/2023 meeting, the Board reviewed a draft job description for the minutes-taker position prepared by O'Keefe. On the question of who the employee would report to, it was recommended that the employee should report to the Town Administrator.

Martha Dale moved to approve the new job description for the position of Minutes Taker, seconded by Jim Fleming. The motion passed unanimously.

f. Ratify 4/17/2023 decision on Town Attorney for Cemetery deeds

Because the Board voted on 4/17/2023 to authorize contact with the Town Attorney for Cemetery Commission deed concerns when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Melissa Brown moved to ratify the Board's 4/17/2023 decision to authorize the Town Clerk to contact the Town Attorney to sort out the documentation for lost deeds for cemetery lots, seconded by Taylor Prouty. The motion passed unanimously.

g. Ratify 4/17/2023 decision to approve 2nd Class Liquor License – Michael and Tammy Clough (Mike & Tammy's Main Street Deli/Market)

Because the Board voted on 4/17/2023 to approve a liquor license for Mike & Tammy Clough when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Martha Dale moved to ratify the Board's 4/17/2023 decision to approve a 2nd Class Liquor License for Michael and Tammy Clough, also known as Mike & Tammy's Main Street Deli/Market, related to property located at 2170 VT Route 11, seconded by Jim Fleming. The motion passed unanimously.

h. Ratify 4/17/2023 decision to approve 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Upper Tamarack, Inc. (The Upper Pass Lodge)

Because the Board voted on 4/17/2023 to approve liquor licenses for the Upper Tamarack Lodge when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Jim Fleming moved to ratify the Board's 4/17/2023 decision to approve 1st and 3rd Class Liquor Licenses for Upper Tamarack, Inc., also known as The Upper Pass Lodge, related to property located at 420 Magic Mountain Access Road., seconded by Martha Dale. The motion passed unanimously.

11. New Business

a. Consider proposal for governmental operations/structure review

O'Keefe recalled with the Board a recommendation he had made during his annual review for the Board to consider whether any changes due to growth and regulatory changes should be considered for the Town to stay ahead and not be reactionary. He noted he had reached out unsuccessfully to the Vermont League of Cities and Towns and well as some retired town managers to provide consultant services for this, and then the New England Municipal Resource Center was contacted and expressed great interest and provided a proposal, which the Board reviewed. O'Keefe noted that NEMRC works with just about every town in the state and would have a good understanding of best practices, and the staff proposed for the study were very experienced professionals.

There was brief discussion on how the study would be conducted and it was noted that operations would be assessed and there would be meetings with Board members and staff.

Prouty stated that it's important to not just stay ahead of things but to keep up as well and not fall behind. Brown inquired whether the proposed project cost would allow for a thorough enough evaluation, and several Board members agreed that any outside and objective review can be valuable.

Martha Dale moved to 1) accept the proposal from the New England Municipal Resource Center to conduct a study of the Town governmental structure, to cost \$2,500 and be paid from FY2024 Selectboard miscellaneous expenses, and 2) authorize the Town Administrator to execute any documents necessary for the hiring of the consultant to conduct the necessary work, seconded by Melissa Brown. The motion passed unanimously.

b. Appointments – Williams Dam Committee

The Board reviewed applications for appointment to the Williams Dam Advisory Committee, which was established at the 4/3/2023 meeting, submitted by Rachel Febbie, Jim Ameden, Rich Phelan, Bob Forbes and Paul Hendler. Cavanagh noted that he received word from the Conservation Commission that they may seek the appointment of one of its members, but no application has been submitted, and he added that the Board could wait for the next meeting to make appointments to allow for more applications. Brown recalled that the Board had earlier indicated that it sought to make appointments to the Committee at this meeting. Cavanagh stated that the Committee could be expanded from 5 to 7 members to accommodate additional interested residents. There was discussion about whether the list of applicants had a diverse enough range of opinions, perspectives and expertise. It was acknowledged that based on the charge given to the Committee all members should be going into this task with an open mind. The background, skills and interests of the applicants were briefly discussed.

Whether to increase the number of Committee members was discussed, and it was agreed that anyone could attend its meetings and participate as members of the public.

Martha Dale moved to appoint Rachel Febbie, Jim Ameden, Rich Phelan, Bob Forbes and Paul Hendler to the Williams Dam Advisory Committee for term ending November 30, 2023, seconded by Melissa Brown. The motion passed unanimously.

O'Keefe will inform the appointees and assist with setting up their first meeting.

c. Annual appointments – Parks Board

The Board reviewed an application for reappointment from Taylor Barton.

Jim Fleming moved to reappoint Taylor Barton to the Parks Board for a three-year term ending April 30, 2026, seconded by Taylor Prouty. The motion passed unanimously.

d. 2nd Class Liquor License – O'Connors Corner Store, LLC (The Corner)

Martha Dale moved to approve a 2nd Class Liquor License for O'Connors Corner Store, LLC, also known as The Corner, related to property located at 1 Main Street, seconded by Melissa Brown. The motion passed unanimously.

e. 2nd Class Liquor License – Mountain Energy of Vermont, Inc. (Mountain Energy)

Jim Fleming moved to approve a 2nd Class Liquor License for Mountain Energy of Vermont, Inc., also known as Mountain Energy, related to property at 3590 VT Route 100 North, seconded by Taylor Prouty. The motion passed unanimously.

12. Adjourn

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

The meeting adjourned at 8:27 PM. The next regular meeting of the Selectboard is scheduled for May 15, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved May 15, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 8, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe. Others – Resident Nicholas Doane.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the special meeting to order at 6:01 PM.

2. Additions or deletions to the agenda

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

None.

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 employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Nicholas Doane and Town Administrator Shane O’Keefe to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 6:02 PM with Doane and O’Keefe present. Doane left the executive session at 6:07 PM.

The Board came out of executive session at 6:15 PM.

Taylor Prouty moved to hire Nicholas Doane to a full-time Road Crew position at a rate of \$24.00 per hour effective immediately, subject to completion of a probationary period of 6 months, seconded by Jim Fleming. The motion passed unanimously.

The Board congratulated Doane on his hiring. He left the meeting at 6:18 PM.

4. Executive Session(s) – A potential disciplinary or dismissal action against a public officer or employee per 1 V.S.A. 313 (a)(4)

Taylor Prouty moved to enter executive session to consider a dismissal action against a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(4), and invite Town Administrator Shane O’Keefe to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 6:19 PM with O’Keefe present, and the Board came out of executive session at 6:24 PM.

Taylor Prouty moved to appoint Attorney Brian Monaghan and Town Administrator Shane O’Keefe to act in a prosecutorial role together in an upcoming post-termination hearing, seconded by Martha Dale. The motion passed unanimously.

O’Keefe noted that it is hoped that the hearing would take place during the week of May 22nd.

5. Appoint Selectboard member to serve as ex-officio member of the Williams Dam Advisory Committee

Melissa Brown volunteered to serve in this position and mentioned she would approach it with an open mind and heart. Cavanagh mentioned that the first meeting is tentatively scheduled for 4:30 PM on 5/15/2023.

Taylor Prouty moved to appoint Melissa Brown to serve as the Selectboard's ex-officio member of the Williams Dam Advisory Committee, seconded by Jim Fleming. The motion passed unanimously.

6. Adjourn

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

The meeting adjourned at 6:45 PM. The next regular meeting of the Selectboard is scheduled for May 15, 2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved May 15, 2023.
LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 15, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Assessor Jeremiah Sund; Recycling Coordinator Esther Fishman; Planning Commissioners Sharon Crossman, Mimi Lines and Maryann Morris; Housing Needs Assessment Study Committee Chair Patty Eisenhower; and Road Foreman Joshua Dryden. Others – Residents Cindy Gubb, Mark Wright, Marlene Boyaner and Paul Hendler; West River Farmers Market Representative Cynthis Prairie; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda

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

Taylor Prouty moved to add to agenda, as the last item under New Business, an Executive Session on the appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3), seconded by Melissa Brown. The motion passed unanimously.

Martha Dale moved to add to the agenda authorizing Shane O’Keefe to contact our Town Attorney regarding drafting a municipal agreement on the Recreation Director, seconded by Melissa Brown. The motion passed unanimously.

The Board agreed to move the discussion on the One Londonderry proposal for improvements to former Genser barn site, scheduled for New Business item 11.b up to the Town Officials Business part of the agenda.

3. Minutes Approval – Meeting(s) of 5/1/2023 and 5/8/2023

Martha Dale moved to approve the minutes of the Selectboard meetings of 5/1/2023 and 5/8/2023, seconded by Melissa Brown. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Shane O’Keefe noted the following:

- The Williams Dam Advisory Committee had its first meeting that evening and voted to appoint Rich Phelan as its Chairperson and to meet on the 1st & 3rd Mondays of each month at 4:30 PM each month.
- On the radar feedback signs, they were operable as of 5/11/2023 at similar settings with some tweaking still needed, and has invited the Windham Regional Commission, the Windham County

Sheriff's Department and VTrans to be given the ability to run traffic reports on their own from the software.

- The Minutes Taker position is being advertised locally, on the Town and VLCT websites and in the Vermont Journal for the next two weeks.
- Town Office side door repairs are scheduled to begin in two weeks.
- Following up on the Cannabis Control license application form discussed at the last regular meeting, the only type of cannabis control type that is not reviewed by the Town is a Tier 1 outdoor cultivator, and a highlighted note of this has been added to the application form.
- The Board has received a letter of resignation from Gail Mann from the Village Wastewater Committee, effective after the Committee's next meeting the following evening.

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

- A notification of 5/9/2023 from VTrans awarding a grant of \$200,000 for reclaiming and paving of Landgrove Road.
- Three letters of thanks for the Town's ARPA allocations to 1) Tom and Judy Platt, 2) The West River Montessori School and 3) Mimi Lines for the One Londonderry resource guide effort.
- Minutes of the 5/10/2023 meeting of the One Londonderry Steering Committee
- Windham County Sheriff's monthly report for April 2023.

6. Visitors and Concerned Citizens

Cindy Gubb thanked the Board for erecting the radar feedback signs. She noted that the Perry Lane Housing Project has its walls going up that day and would be enclosed in two weeks, and thanked the Board for the ARPA funds dedicated to the project.

7. Town Officials Business

a. Housing Needs Assessment Committee – Accept Housing Needs Study

Patty Eisenhour spoke on behalf of the Housing Needs Assessment Committee and thanked the Board for its funding of the project and requested that the Board consider keeping a housing committee going in some form to follow through on implementing some of the strategies mentioned in the report.

Brown suggested that the Board dissolve the Committee and, noting that housing has become a significant concern throughout the state, establish a new one with broader goals to address the housing issues facing the community.

Dale stated that the study findings are stunning and supported Brown's recommendation, and suggested that members on the Study Committee might be interested in participating in the new committee, if/when established.

O'Keefe was asked about the process of forming a new committee and suggested dissolving the

Housing Needs Assessment Committee and establishing a new committee by adopting a charge similar to that done recently with the Williams Dam Advisory Committee. He was asked to provide that document to Eisenhour. He was also asked to forward the study to the Selectboard Chairs of surrounding towns. O'Keefe clarified that on any new committee there is no prohibition on there being non-residents.

Melissa Brown moved to accept the Housing Needs Study and to thank the members of the Housing Needs Study Committee for their efforts to bring this important information to the community, seconded by Martha Dale. The motion passed unanimously.

b. Planning Commission – Monthly update

Sharon Crossman stated that the Commission is rolling out the Zoning Bylaw amendment process that would establish Unified Development Regulations, and the first hearing is scheduled for 6/12/2023 at 7:00 PM the Town Office and via Zoom meeting software. She spoke to the bylaw amendment approval process, which was last updated in 2009. The proposed bylaw and a related synopsis report on it will be available at the Town Office and on the Town website, she mentioned.

She mentioned how so many local projects are being tied together, including the Village Wastewater project, the North Village Main Street Study and Master Plan and the soon to begin South Village Main Street Study and Master Plan.

Crossman noted that Heather Stevenson is interested in representing the Commission on the Williams Dam Advisory Committee. O’Keefe suggested she attend the next Committee meeting even if the Commission won’t meet in time to make her its formal appointee.

c. Board of Listers – Approve extension of filing of 2023 Grand List [32 VSA 4342]

Jeremiah Sund stated that the Listers are requesting that the Selectboard support a request for a 30-day extension of the deadline for filing the 2023 Grand List, due to a problematic rollout of new State of Vermont software. The request is being made as a precautionary measure, as it is being done with many other towns in the state, and it is his intent not to go past 6/4/2023 for the filing, and added that it should not affect tax billing.

Taylor Prouty moved to approve the Board of Listers’ request for an extension for filing the Town of Londonderry’s 2023 Grand List by the Director the Vermont Department of Taxes, Division of Property Valuation and Review, seconded by Martha Dale. The motion passed unanimously.

d. Town Treasurer – Year-to-date budget review

This matter was passed over to the next regular meeting.

e. Authorize Town Administrator to contact the Town Attorney regarding drafting the municipal agreement for the Rec Director

Martha Dale moved to authorize Kelly Pajala to contact the Town Attorney regarding a draft of the Recreation Director municipal agreement, seconded by Melissa Brown. The motion passed unanimously.

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

Marlene Boyaner of One Londonderry described its Main Street working group’s interest in developing the former Genser barn buyout property, located at the northeast corner of the VT Routes 11 and 100 across from Williams Park, as a community open space and gathering place. She noted that the project maintains the character and integrity of the area, creates a welcoming gateway entry to the village, and aligns with the Town Plan and the recent North Village Main Street Study and Master Plan. She added that it also conforms with State regulations, zoning, highway and wetlands setbacks, and structure prohibition deed restrictions related to the property buyout by the Town. She said that the design is geared toward low maintenance needs. She handed out a revised sketch drawing of the proposal.

Mimi Lines described in detail the design of the open space, giving specifics on plantings and pedestrian and connectivity features, while noting site limitations. The issue of allowable

crosswalks was raised. She suggested one naming possibility for the site as "Aiken Acre" after Edward Aiken, a Revolutionary War veteran buried at the Lowell Lake Cemetery, whose family was one of the first land grant owners in Londonderry. Boyaner added that they are open to other naming possibilities, but believe that it should have some historical tie to the community.

Boyaner spoke about the project cost, which they estimate to be about \$30,000, including \$5,000 dedicated to 5 years of site maintenance, and would be implemented in phases depending on funding availability, such as grants. She added that their goal is to not use Town funding for the project. Next steps are to make a presentation to the Planning Commission on the project, and to work with the VTrans on transportation issues, which would be a longer-term endeavor. Boyaner stated that they are seeking Town support for the project and welcomed any feedback from the Selectboard. Cavanagh suggested reaching out to VTrans on pedestrian crossing concerns.

Dale noted that the Beautification Committee had also had a presentation on the project and believe it is a well thought out proposal, and is supportive.

O'Keefe raised concerns about long-term maintenance of the property, and who would be managing it, such as the Parks Board or the Beautification Committee. Boyaner said she'd look further into the question of maintenance, and Cavanagh suggested that she connect with the Parks Board.

Brown voiced support for the project and suggested that One Londonderry should not let details stop progress toward improvement of the site.

Paul Hendler raised the issues of whether there would be changes to the plan if the Williams Dam was removed someday. This was briefly discussed.

Boyaner inquired whether there would be an opportunity for the Town give formal support to assist One Londonderry with grant applications, and it was made clear that there was general support of the concept so far and that additional project development steps would be necessary before final Board approval. Brown stated that the due diligence One Londonderry has exhibited with this project should be a model for other similar projects.

Martha Dale moved to acknowledge receipt of the One Londonderry Mainstreet Group's proposal and conceptual plans for the reuse of the former Genser barn site, located at the northeast corner of the intersection of VT Routes 11 and 100 on parcel #102026.000, for open space use, and recommend further development of the project to include 1) VTrans plan review and 2) provision of an acceptable long-term management and maintenance plan, seconded by Melissa Brown. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman noted that electronics collection event is scheduled for the following Saturday at the Flood Brook School from 9:00 AM to 1:00 PM, and it is free of charge and open to anyone in the state of Vermont.

She mentioned that the bottle shed is in process, with all materials on site, and that M & T Bank will sponsor a shredding event, though no particulars are known quite yet.

The next hazardous waste collection event will be on 6/3/2023 at the Flood Brook School it was noted, and that it is limited to those from the 5 participating towns.

b. Request for Transfer Station fee waiver – The Little School, Weston

The Board reviewed a request for a waiver from the Transfer Station fee, limited to food waste only. Fishman mentioned there are several other not-for-profits that have received waivers for various types of waste.

Martha Dale moved to approve the request to waive transfer station fees for The Little School, which shall be limited to compost generated by the school, seconded by Melissa Brown. The motion passed unanimously.

9. Roads and Bridges

a. Updates

Prouty noted that the transition with the new employee is going smoothly.

O’Keefe mentioned that the invitation to bid for winter sand would be going out that week for consideration at the next meeting, and that a discussion on which roads to target for paving would be discussed then as well.

b. Review Road Crew summer work plan

Prouty mentioned that he had forwarded the proposed work plan to Board members before the meeting and that it would be discussed at the next meeting. While some projects are the same year-to-year, there are specific projects as well, he added.

c. Consider annual purchase of calcium chloride/magnesium

O’Keefe noted that this was an annual purchase matter for the Board, and recalled that on 4/17/2023 the Board authorized a 3-year extension of the contract for the equipment for dust control chemicals.

Brown noted that there is a fuel adjustment, and this was discussed. O’Keefe confirmed that this is a new cost item.

Martha Dale moved that, in keeping the 3-year equipment rental agreement with Innovative Surface Solutions, authorized by the Board on 4/17/2023, and its minimum annual supply purchase of 12,500 gallons of product, to accept the proposed unit cost of \$1.09 per gallon for magnesium chloride, and authorize the Town Administrator to execute any documents necessary for this purchase on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

d. Consider hiring Windham Regional Commission for municipal project management services for Spring Hill Road Culvert Replacement Project

O’Keefe mentioned that one of the requirements of the VTrans Transportation Alternatives Grant recently secured for this project is to retain a municipal project manager to advance the project from beginning to end. The Town has the ability to engage in a sole source procurement with the Windham Regional Commission for this service and has received a scope of work and cost proposal of \$27,600, and mentioned that this is well below the original estimate of \$47,000. He recommended that the Town employ the WRC for this effort given its familiarity with the Town and the overall value it brings to the project.

O’Keefe reminded the Board that the Town will have to raise additional funds beyond the \$475,000 of grants received so far in order to meet the estimated project cost of roughly \$800,000.

Taylor Prouty moved to 1) approve the hiring of the Windham Regional Commission to provide municipal project management services for the State-funded Spring Hill Road Culvert Replacement Project, at an estimated cost of \$26,700, subject to concurrence of the Vermont Agency of Transportation, 2) authorize the Town Administrator to seek VTrans approval of this municipal project manager selection, and 3) authorize the Town Administrator to execute a consultant services contract with the Windham Regional Commission that meets VTrans requirements after review by the Town Attorney, seconded by Melissa Brown. The motion passed unanimously.

10. Old Business

a. Discuss regulation of short-term rentals

O’Keefe reported on his conversations with staff of the Towns of Killington and Woodstock and their efforts with administration of their respective short-term rental (STR) ordinances. He also noted that he has been given a contact with the Town of Plymouth with whom he will follow up. He mentioned that Killington’s former Zoning Administrator, who acted as its STR administrator, is now working for the Town of Chester, whose STR ordinance is the basis for the current Londonderry ordinance, and would be his next contact.

O’Keefe mentioned that Killington regulates STRs through its Zoning Bylaw, but is looking to change this, and uses software that assists the Town with seeking out and identifying STRs in the community.

The question of impacts on worker housing and rental housing was raised. O’Keefe will continue to reach out to other communities and report back at the next regular meeting.

b. Town Office Project – Budget for side entrance repairs

O’Keefe mentioned that after discussion with the contractor, All Seasons Construction, and engineer Chris Cole it was agreed that there is a possibility of additional work being needed beyond the work scope once the rot is exposed at the Town Office side door area. He asked the Board to extend the allocated funds to \$10,000 in advance to address this possibility and avoid the need for delays or the need to schedule a special meeting of the Board, and suggested that he would report to the Board on any expenses beyond the initial \$5,000 approved on 3/20/2023.

Martha Dale moved to amend the Board’s 3/20/2023 decision to fund the improvements to the Town Office side entrance area, by allowing a total of no more than \$10,000 to be expended from the Town Building Reserve Fund for this effort to address any unforeseen circumstances that may arise through the course of project implementation, with any expenses over \$5,000 to be reported to the Selectboard, seconded by Taylor Prouty. The motion passed unanimously.

11. New Business

a. Itinerant Vendor Permit Application – West River Farmers Market

Cynthia Prairie presented the application for a vendor permit from the West River Farmers Market, and she noted that they are celebrating their 30th year of existence. New this year is the acceptance of “crop cash”, which will allow a benefit for lower income residents.

She mentioned that she had spoken to the Parks Board that evening about the WRFM’s interest in placing flat ground stakes in Williams Park to help delineate vendor locations, which would be checked weekly and removed at the end of the season, and the Parks Board had no issues with this as it would not interfere with mowing.

Dale raised parking issues with visitors parking on private property, and Prairie mentioned she had spoken with property owners on this. Cavanagh mentioned past VTrans issues with parking on the Veterans Memorial Bridge, and it was suggested that the Windham County Sheriff could be contacted to do Saturday enforcement patrols. Dale added that the WRFM is a great asset for the community.

Taylor Prouty moved to approve Itinerant Vendor Permit #2023-01 submitted by the West River Farmers Market of Londonderry, Inc. for 2023, and allow for the use of Williams Park for this purpose, subject to the permittee 1) maintaining insurance coverage throughout the period of use of the Town property, to include Commercial General Liability Insurance with a limit of not less than \$1,000,000 per each occurrence and General Aggregate coverage of at least \$2,000,000, and 2) providing to the Town, prior to the first use of the Town property, an acceptable certificate of insurance that names the Town as an additional insured, seconded by Martha Dale. The motion passed unanimously.

O’Keefe noted that certificate of insurance submitted so far needs to be amended to meet the last condition.

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

This matter was addressed earlier in the meeting.

c. Consider request for use of Town Office Meeting Room

The Board reviewed an application for use of the Town Office meeting room.

Martha Dale moved to authorize use of the Town Office Meeting Room on the afternoon of Tuesday, August 8, 2023 by the South Londonderry Free Library for a summer reading program presentation, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town, seconded by Melissa Brown. The motion passed unanimously.

d. Annual appointments – Conservation Commission

The Board considered applications for reappointment to the Conservation Commission.

Martha Dale moved to reappoint Helen Hamman and Jane MacKugler to the Conservation Commission, each for a 4-year term ending May 31, 2027, seconded by Melissa Brown. The motion passed unanimously.

Dale inquired about the status of applications for the Beautification Committee that were recently submitted, and O’Keefe noted that the reestablishment of terms for that committee is on the agenda for the next regular meeting and that there is no reason why the Committee can’t continue its business but that only the Selectboard can appoint its members.

e. Discuss schedule for annual employee performance reviews

O’Keefe recalled the Board’s interest in handling all annual employee performance reviews in June to allow for any salary adjustments to take place in the new fiscal year. The process of conducting the evaluations was discussed, and it was agreed that supervisors should sit in with the Board on evaluations of those they supervise. Brown stated that the Board should have previous evaluations of employees for the sake of comparison prior to the meetings.

The importance of including part-time employees in this process was also discussed. With a new Road Crew employee just hired, only the remaining two employees would be evaluated. O’Keefe suggested that for the Zoning Administrator, the Planning Commission and Development Review

Board should again be given the opportunity to weigh in, as should the Listers for the Town assessor.

Whether to include an employee self-evaluation was discussed to help in the process.

It was agreed by the Board members to handle evaluations beginning at 5:15 PM as follows:

- 6/5/2023 regular meeting – 2 Highway Department employees and Town Administrator
- 6/12/2023 special meeting – 5 Transfer Station/Solid Waste Management employees
- 6/19/2023 regular meeting – Town Assessor and Zoning/Flood Plan Administrator

It was noted that the Planning Commission's Zoning Bylaw hearing would be held on 6/12/2023 at 7:00 PM. Prouty stated that he would not be able to attend the meeting of 6/19/2023.

f. Executive Session – 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 officer, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O'Keefe and to attend the executive session, seconded by Martha Dale. The motion passed unanimously.

The Board entered executive session at 8:02 PM and came out of executive session at 8:25 PM.

Melissa Brown moved to acknowledge receipt of Gail Mann's letter of resignation from the Village Wastewater Committee and respectfully decline to accept it, and to encourage her to stay a member of this important committee, seconded by Martha Dale. The motion passed unanimously.

12. Adjourn

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

The meeting adjourned at 8:27 PM. The next regular meeting of the Selectboard is scheduled for June 5, 2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved June 5, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 5, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Recycling Coordinator Esther Fishman; Planning Commission and Village Wastewater Committee Chair Sharon Crossman, Road Foreman Joshua Dryden; Road Crew member Troy Maynard; Parks Board members Marge Fish and Chad Stoddard. Others – Village Wastewater Project engineer Christina Haskins; Residents Thomas Metcalf, Marsha Campbell, Jeanne Meyer, Kristen Nelson and Paul Hendler; Landgrove resident Robby Collins; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:19 PM.

2. Additions or deletions to the agenda

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

None.

3. Executive Session – 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 Troy Maynard, Josh Dryden and Shane O’Keefe to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 5:20 PM. Maynard left the executive session and meeting at 5:36 PM, Dryden left the executive session at 5:58, and the Board came out of executive session at 6:07 PM. No decisions were made.

4. Minutes Approval – Meeting(s) of 5/15/2023

Jim Fleming moved to approve the minutes of the Selectboard meeting of 5/15/2023, amended to indicate that the hazardous waste collections event would be on 6/3/2023, seconded by Melissa Brown. The motion passed unanimously.

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O’Keefe noted the following:

- The Town Office side door repairs began the previous Friday, and the sill rot looks extensive and additional work may be needed rendering the project more expensive than hoped.
- VLCT-PACIF will be conducting building appraisals this week at a number of buildings later in the week for insurance purposes.
- We’re waiting on bids for on-call excavation services for Village Wastewater project test pits, which are due on 6/12/2023 for consideration by the Board on 6/19/2023.
- The Planning Commission public hearing on the new Zoning Bylaw rewrite is scheduled for 7:00 PM on 6/12/2023 at the Town Office
- He distributed to the Board a report from the State Fire Marshall on unhealthful and dangerous conditions at the Magic View Motel.

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

- Notice of the Village Wastewater Project open house, scheduled for 6/10/2023 from 8:30 to 10:00 AM at the Town Office.
- A notice from the VT Department of Taxes to local business owners on the Town’s Local Option Rooms Tax, which will be in effect on 7/1/2023.
- A legal opinion from the Trustees of Trust Fund’s attorney on use of fund interest.
- Several letters of thanks for ARPA allocations from a number of recipients.
- Thank you letter from the Chester Snowmobile Club for use of Town roads for its members.
- Windham County Sheriff’s monthly report for May 2023.

7. Visitors and Concerned Citizens

a. One Londonderry – Report from the Ways and Trails Committee

Martha Dale spoke on behalf of the One Londonderry Ways and Trails Committee, and noted that their trails brochure has just come out, and the 2,600 copies, paid for with Town ARPA funds, are being distributed widely and is available online.

She introduced Robby Collins, who spoke to the Board about his idea of establishing a “Park Run” in Londonderry, which is a weekly 5K fun run/walk at no cost to participants held early on Saturday mornings. It was established and is operated by an entity in Canada and these events take place all around the world, he reported, as a community building, healthy activity.

Collins stated that what is needed to get it going is defining a route with parking availability, getting required State and Town permissions, and assembling volunteers. He has discussed the project with the Parks Board it was noted.

Melissa Brown inquired about details of the Park Run, and options for routes were briefly discussed. She volunteered to work with Collins on the effort.

8. Town Officials Business

a. Town Clerk – Review list of unregistered dogs [20 V.S.A. 3590]

The Board briefly reviewed a list of unregistered dogs from the Town Clerk.

Melissa Brown moved to direct the Animal Control Officer to contact all owners of unregistered dogs to remind them of the requirement to register their dogs, seconded by Martha Dale. The motion passed unanimously.

b. Village Wastewater Committee – Discuss project status, soil testing at Pingree Park, and Committee appointments

Sharon Crossman, as newly appointed interim Chair of the Village Wastewater Committee, provided a public notice flyer to the Board advertising the Village Wastewater Open House scheduled for the morning of 6/10/2023 at the Town Office, as well as a memo on Committee decisions from its 6/2/2023 meeting.

She spoke about a property owner who is willing to allow for an easement for a community wastewater system. She expressed the Committee's continued interest in pursuing test pits at Pingree Park to determine suitability for a community wastewater system. Cavanagh stated that it was his impression that the Committee would be meeting with the Parks Board prior to coming back to the Selectboard. Crossman explained that the Committee decided to instead consider other properties but has come back to the Pingree Park site due to it being Town-owned and therefore less expensive for the project.

Marge Fish stated that the Parks Board has been waiting to attend a joint meeting of the Village Wastewater Committee, the Conservation Commission and Planning Commission, that the Parks Board is unanimously opposed to the project, and they wished to put out a survey to gauge the interest of the community. She added that conducting test pits at this time would be very disruptive to existing and proposed park activities. Chad Stoddard stated that the Committee has not been working with the Parks Board. Crossman mentioned that the test pits could occur when the park is not in such active usage.

Brown stressed the importance of holding the joint meeting soon after the upcoming Open House to move the issue along. The project timeline was discussed, and Dale suggested not waiting long for the meeting. Engineer Chrissy Haskins clarified that the deadline for acquisition of private property for the project is 12/31/2023, while there is no such deadline for Town property though the project must be designed by 12/31/2024 and closed out by 12/31/2026. She noted that the test pits could be done in one day.

Stoddard stated that he believes that the Village Wastewater Committee has been putting out misinformation about the project all along. He added that the Parks Board was told not to issue a community survey by the Committee.

Dale suggested just moving forward with the Open House followed by the joint meeting. It was generally agreed that the Selectboard should sign off on any survey questions, and Brown suggested that the survey should be carefully crafted at the joint committee. Marsha Campbell stated that she was afraid that people taking the survey might not be adequately informed about the project.

Haskins spoke to design alternatives for in-ground systems and confirmed that if the test pits indicate a mound system is the only option, then the park location would not be pursued so as not to disturb the land. Other design options could be constructed that do not permanently disturb the grade if the soils permit, she added, and wished to get future improvement plans for the park to assist with design alternatives. She clarified that in conducting test pits they're looking for seasonal high groundwater markers in the soil, so conducting the pits in dry weather is not an issue.

Stoddard spoke about overall project cost and affordability of the Town's 10% local match. Haskins confirmed that until the systems are designed there is no way to estimate their cost.

There was discussion about the distribution of notices for the upcoming Open House. Haskins noted that the Open House would be an opportunity for people to ask questions of her and the Committee about the project and not a public presentation.

Crossman noted that the Committee is working with 12-13 property owners about securing easements to explore wastewater systems, but reiterated that the project funding would go further by using Town property. Stoddard questioned whether property owners would be willing to convey an easement without there being a design.

There was general agreement between Board members not to render a decision on the Village Wastewater Committee's request to proceed with test pits at Pingree Park at this time.

Crossman suggested evaluating the Town-owned Prouty land on VT Route 100 for feasibility for a wastewater system, and Haskins noted that it had been evaluated in years past. Cavanagh mentioned that the property was acquired for use of this type.

Melissa Brown moved to authorize the Village Wastewater Committee to conduct soil test pits at the Prouty land to determine the suitability of the soils for wastewater disposal infrastructure at the Prouty land, such tests to be preceded by required archaeological review of the property, seconded by Martha Dale. The motion passed unanimously.

Crossman spoke about the Committee's interest in having former member Gail Mann actively participate with the Committee without being a member. It was generally agreed by the Board that she should be either on or off the Committee, and not act in some sort of ad hoc capacity. She can attend any meeting she'd like or can reapply for Committee reappointment; it was pointed out.

Crossman introduced Tom Metcalf, who has submitted an application seeking appointment to the Committee. He spoke about his extensive qualifications in wastewater engineering and his interest in and knowledge of the project.

Jim Fleming moved to appoint Tom Metcalf to the Village Wastewater Committee, seconded by Melissa Brown. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman noted that the bottle shed construction was coming along nicely.

The hazardous materials collection day on 6/3/2023 went very well, with 95 cars coming through, which she said was not the most ever. Two weeks prior the electronics collections took place, and they took in almost 16,000 lbs. of waste over four hours. Both events went smoothly, she reported.

b. Discuss solid waste legislation

Esther Fishman spoke to two pieces of recent legislation:

On H.158, and act relating to the beverage container redemption system, or the "Bottle Bill", the Governor is not in favor of this Bill, and it is not likely to be enacted she stated.

On H. 67, and act relating to household products containing hazardous substances, would reduce local solid waste management costs by requiring manufacturers of household hazardous waste to participate in collecting and managing the end of life for these products.

10. Roads and Bridges

a. Updates

Dryden noted the following usage for the month of May 2023:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 591, Town Office Generator – 0, Transfer Station – 0

He mentioned that he sought to order speed limit signs, posts and hardware of upwards of \$15,000, to spend down the \$40,000 approved by the Voters at the FY2022 Town Meeting for speed controls. This effort was briefly discussed, and there was general agreement by the Board to proceed with the order.

Taylor Prouty mentioned that a driveway off of Under the Mountain Road has three residences off of it and therefore requires a street name per the State E911 rules, and asked that this be put on the agenda for the next regular meeting.

O’Keefe noted that he has been working on a draft of an E911 ordinance, which he can try to finalize in time for the next regular meeting. He also raised the option of whether the Board would instead prefer to adopt an E911 policy, as an ordinance must be enforced. Prouty stated that consistency of process is most important.

b. Access Permit 2023-02 – Road cut on Winhall Hollow Road (TH #6) for conduit repair

The Board briefly discussed this application for repair of buried conduit. O’Keefe suggested a condition related to ensuring the quality of the repairs to the roadway.

It was noted that another application will be coming in related to the laying of conduit, but related to Barker Road.

Martha Dale moved to approve access permit application No. 2023-02, submitted by Waveguide Solutions, LLC, to excavate and repair existing Consolidated Communications conduit within the Town right-of-way on Winhall Hollow Road (Town Highway #6) in the vicinity of 3552 Winhall Hollow Road, and authorize the Chair to sign the permit on behalf of the Board. The permit is conditioned on any asphalt and base material removed to be replaced to the satisfaction of the Road Foreman and guaranteed for one year, seconded by Taylor Prouty. The motion passed unanimously.

c. Review Road Crew summer work plan and proposed paving

The Board reviewed and discussed summer work plans prepared by Dryden, which included roads to be ditched, roads to be graveled, culverts to be replaced, as well as a month-to-month task list. Roadside mowing was discussed, in particular knocking down wild parsnip, and Dryden suggested starting earlier in the year. He noted that, for the most part, the department is on schedule, with storm damage repairs still in process.

Paving funding and previous year's work was discussed, as was future paving work, to include major projects on Landgrove Road and Spring Hill Road, with Little Pond Road also needing work. It was agreed to discuss paving at the next regular meeting.

d. Review bids and award contract for FY2024 winter sand

The Board reviewed winter sand bids for 4,000 yards of material, received as follows:

Bidder	Primary Bid	Alternate Bid	
	Cost Delivered	Cost of Sand only	Miles to source
Hunter Excavation, Inc	86,000	90,000	2,40
Pike Industries, Inc.	102,800	45,160	31.00
Riverbend Enterprises, Inc.	80,000	48,000	20.10

O'Keefe reported that the FY2024 budget includes \$90,000 for winter sand, and that the Invitation to Bid for the winter sand was sent out to 6 vendors. Dryden stated that he has heard from other Towns that the quality of the sand from Riverbend Enterprises has worked well. It was agreed that the Town doing the trucking was not feasible due to staffing and Town vehicle wear and tear.

Jim Fleming moved to accept the bid from Riverbend Enterprises, Inc. for FY2024 supply of winter sand, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, seconded by Taylor Prouty. The motion passed unanimously.

e. Discuss application for VTrans Small Scale Local Safety Grant Program

O'Keefe reported that a new VTrans funding opportunity for new traffic safety projects has been announced that can provide funding up to \$35,000 for such things as curve warning signs, edge line markings, breakaway signposts and roadside obstruction removal. He suggested applying for funds for edge line stripes on the side of some roads, which had been discussed in the past by the Board, particularly with Thompsonburg Road. And raised the question of whether there would be an ongoing obligation to periodically repaint the lines if successful.

Various project options were discussed. Brown suggested pursuing edge lines on Thompsonburg and Middletown Roads, and Cavanagh suggested adding Landgrove Road.

Jim Fleming moved to authorize the Town Administrator to apply for funding in the amount of up to \$35,000 from the VTrans Small Scale Local Safety Grant Program for edge line markings, and authorize the Selectboard Chair to sign a letter of support for the program application, seconded by Martha Dale. The motion passed unanimously.

11. Old Business

a. Discuss regulation of short-term rentals

O'Keefe reported that he had spoken at length with Chester's Zoning Administrator, who is running the short-term rental (SRT) program there and had done the same for the Town of Killington. Due to delays with the vendor hired to assist with administration, inventory and

notice to owners, Chester has yet to commence with administration of its new ordinance. Prouty suggested that such delays could be a result of so many towns beginning to regulate STRs.

There was discussion about the notice from the VT Department of Taxes to local business owners on the Town's Local Option Rooms Tax mentioned earlier, and which property owners received the notice and whether all owners of STRs received it. Brown inquired whether it was possible to find out from State where they got their information on STRs from, and whether Londonderry, like Chester, needs to hire a company to find this out or whether we can do it on our own and get going with the STR registration process. O'Keefe will follow up on this.

The one-year roll-out timeline for the STR registration program was briefly discussed. It was agreed to keep an eye on how the process rolls out in Chester.

O'Keefe mentioned the [Vermont Short-Term Rental Alliance](#), an organization of Vermont STR owners that looks to be a good resource for information and seems to stress the need to its members to work cooperatively with host communities.

b. Ratify 5/1/2023 decisions to 1) approve 2nd Class Liquor License for O'Connors Corner Store, LLC (The Corner), and 2) approve 2nd Class Liquor License for Mountain Energy of Vermont, Inc. (Mountain Energy)

Because the Board voted on 5/1/2023 to approve liquor permits when these matters were not on the posted agenda, the Board must by its rules bring the matters up again and ratify its vote.

Jim Fleming moved to ratify the Board's 5/1/2023 decision to approve 2nd Class Liquor Licenses for O'Connors Corner Store, LLC and Mountain Energy of Vermont, Inc., seconded by Martha Dale. The motion passed unanimously.

c. Ratify 5/15/2023 decisions to 1) authorize contact with the Town Attorney regarding the agreement for the regional Recreation Director, and 2) decline acceptance of resignation from Village Wastewater Committee

Because the Board voted on 5/15/2023 to authorize the Parks Board Chair to contact the Town Attorney regarding the agreement for the Mountain Towns Recreation Director, and to decline the acceptance of the resignation of a Village Wastewater Committee member when these matters were not on the posted agenda, the Board must by its rules bring the matters up again and ratify its vote.

Dale mentioned that it is very important that the Town Attorney be contacted on this interlocal agreement matter.

Noting that Gail Mann restated her resignation at the recent meeting of the Village Wastewater Committee, Cavanagh said that the Board should accept her resignation.

Jim Fleming moved to ratify the Board's 5/15/2023 decisions to 1) authorize Kelly Pajala to contact the Town Attorney regarding the agreement for the Regional Recreation Director, and 2) decline the acceptance of the resignation of Gail Mann from the Village Wastewater Committee, seconded by Martha Dale. The motion passed unanimously.

Tom Cavanagh moved to accept the resignation of Gail Mann at that she gave to the Village Wastewater Committee, seconded by Jim Fleming. The motion passed unanimously.

12. New Business

a. Consider engagement agreement with municipal legal counsel – Monaghan Safer, PLLC

O’Keefe noted that this firm was assigned to the Town by VLCT-PACIF for a personnel matter and that the Town has exhausted the free 8 hours of service, and should keep the firm on for a little while longer. The engagement letter is standard for this type of vendor application.

Martha Dale moved to approve the engagement letter with Monaghan Safer LLC for legal representation related to an ongoing personnel matter, and authorize the Town Administrator to sign the document on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

b. Approve auditor engagement letter – Sullivan, Powers & Co., Inc.

O’Keefe mentioned that the Town would be doing a full audit this year instead of a partial audit, and this firm has been conducting the Town’s audits for many years. The proposed cost is within the budgeted amount.

Martha Dale moved to approve the engagement letter with Sullivan, Powers & Co., Inc. to conduct a full audit for Fiscal Year 2023, and authorize the Selectboard Chair to sign the document on behalf of the Board, seconded by Jim Fleming. The motion passed unanimously.

c. Set terms and appointments for the Beautification Committee

O’Keefe mentioned that the Beautification Committee was another local public body that he is hoping to reestablish the terms of office and appointments. This has been done over the past years for the DRB, Parks Board, Planning Commission and Conservation Commission. He mentioned that there were no objections from the existing Beautification Committee, and two new members are proposed for appointment. O’Keefe explained the transitional terms, which would become three-year terms once the initial term expires.

Taylor Prouty moved to establish three-year terms of office for the Town of Londonderry Beautification Committee, that its membership be 7 members, and to appoint anew the following individuals to the Committee with transitional staggered terms as follows: Bonny Johnson, Pam Abraham and Barbara Wells to March 31, 2026; Martha Dale and Gale Kuhlberg for 2-year transitional terms to March 31, 2025; and, Marlene Boyaner and Cheryl Edwards for 1-Year transitional terms to March 31, 2024, seconded by Jim Fleming. The motion passed unanimously.

d. Annual appointments – Conservation Commission

The Board considered an application for reappointment to the vacancy on the Conservation Commission.

Martha Dale moved to reappoint Mark Wright to the Conservation Commission, for a 4-year term ending May 31, 2027, seconded by Melissa Brown. The motion passed unanimously.

e. Discuss summer meeting schedule

With the Independence Day and Labor Day holidays affecting the regular meeting schedule, and with July and October each having five Mondays, the Board discussed and considered alternate schedules as prepared by O’Keefe. O’Keefe mentioned he’d be on vacation for a week in both July and August.

Taylor Prouty moved to adjust the schedule of regular Board meetings this summer by dropping the meetings scheduled for 7/3/2023, 7/17/2023 and 9/4/2023, and adding meetings on 7/10/2023 and 7/24/2023, seconded by Jim Fleming. The motion passed unanimously.

Regular meetings will therefore be held as follows:

- June 5 & 19,
- July 10 & 24
- August 7 & 21
- September 18
- October 2 & 16

f. 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 8:41 PM. O’Keefe left the executive session at 8:42 PM and re-entered the executive session at 9:10 PM. The Board came out of executive session at 9:14 PM. No decisions were made.

13. Adjourn

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

The meeting adjourned at 9:15 PM. The next regular meeting of the Selectboard is scheduled for June 19, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved June 19, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 12, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Recycling Coordinator Esther Fishman; Transfer Station employees Keith Barton, Steve Twitchell, Candy Bliss and Dana Griswold. Others – None.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the special meeting to order at 5:15 PM.

2. Additions or deletions to the agenda

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

Melissa Brown moved to add a second executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), seconded by Taylor Prouty. The motion passed unanimously.

Taylor Prouty moved to delete consideration of Selectboard pay orders from the meeting agenda, 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 Esther Fishman, Shane O’Keefe, Keith Barton, Steve Twitchell, Candy Bliss and Dana Griswold to attend the executive session, seconded by Martha Dale. The motion passed unanimously.

The Board entered executive session at 5:19 PM with O’Keefe and Fishman present. Fishman left the executive session and the meeting at 5:32 PM.

Steve Twitchell and Keith Barton entered the executive session at 5:37 PM. Twitchell left the executive session and the meeting at 5:46 PM.

Dana Griswold entered the executive session at 5:47 PM, and left the executive session and meeting at 5:53 PM.

Candy Bliss entered the executive session at 5:57 PM, and left the executive session and meeting at 6:05 PM.

Barton left the executive session and the meeting at 6:14 PM.

4. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Melissa Brown moved to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), with only the Selectboard members in attendance, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 6:15 PM, and came out of executive session at 6:39 PM. No decisions were made.

5. Adjourn

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

The meeting adjourned at 6:40 PM. The next regular meeting of the Selectboard is scheduled for June 19, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved June 19, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday June 15, 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; Road Crew member Troy Maynard. Others – Attorneys Brian Monaghan, Bob Fisher, and Frank Urso; residents Donald Lyon, Lillianne Seward and Hudson Lyon.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the special meeting to order at 6:10 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

Taylor Prouty moved to delete consideration of Selectboard pay orders from the meeting agenda, seconded by Jim Fleming. The motion passed unanimously.

3. Executive Session(s) – A potential disciplinary or dismissal action against a public officer or employee per 1 V.S.A. 313 (a)(4)

Taylor Prouty moved to enter executive session to consider a potential disciplinary or dismissal action against a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(4), and invite Attorneys Brian Monaghan, Bob Fisher, and Frank Urso, Town employees Shane O’Keefe and Troy Maynard, and Donald Lyon to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to also invite Lilly Seward and Hudson Lyon to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 6:19 PM.

Monaghan, Urso, Donald Lyon, Seward, Hudson Lyon, O’Keefe and Maynard left the executive session and meeting at 7:40 PM.

The Board came out of executive session at 8:10 PM. No decisions were made.

4. Adjourn

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

The meeting adjourned at 8:12 PM. The next regular meeting of the Selectboard is scheduled for June 19, 2023.

Respectfully Submitted,

Approved June 19, 2023.
LONDONDERRY SELECTBOARD

Shane P. O’Keefe
Town Administrator

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, June 19, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Martha Dale, James Fleming, and Melissa Brown.

Board Members Absent: Taylor Prouty.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Development Review Board Chair Esther Fishman; Planning Commission Chair Sharon Crossman; Housing Needs Assessment Study Committee Chair Patty Eisenhauer; Lister Sandra Clark; Town Assessor Jeremiah Sund; Road Foreman Joshua Dryden; and Zoning/Flood Plain Administrator Will Goodwin. Others – Ruck Up, Inc. representative Pamela Spaulding; Phoenix Fire Company #6 representatives Anna Stoddard and James Ameden, Jr; Resident Paul Hendler; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:16 PM.

2. Additions or deletions to the agenda

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

None.

3. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Martha Dale 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 Sandra Clark and Jeremiah Sund to attend the executive session, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 5:17 PM. Clark and Sund left the executive session and meeting at 5:50 PM, and the Board came out of executive session at 5:58 PM. No decisions were made.

Melissa Brown 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 Will Goodwin, Esther Fishman and Shane O’Keefe to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 5:59 PM. Goodwin and Fishman left the executive session and meeting at 6:17 PM, and the Board came out of executive session at 6:25 PM. No decisions were made.

4. Minutes Approval – Meeting(s) of 6/5/2023, 6/12/2023 & 6/15/2023

Jim Fleming moved to approve the minutes of the Selectboard meeting of 5/15/2023, amended to indicate that the hazardous waste collections event would be on 6/3/2023, seconded by Martha Dale. The motion passed unanimously.

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Shane O’Keefe noted the following:

- No applications have been received for the minute-taker opening and he will continue to advertise the position.
- The Basketball Court at Pingree Park was resurfaced on 6/6/2023.
- Town Office side door repairs began prior to the last regular meeting and it was decided to make some water penetration repairs and button up the building as more extensive work is required than anticipated, which can be addressed with the larger renovation project.
- The next regular Selectboard meeting is scheduled for 7/10/2023 and not 7/3/2023.

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

- A letter of thanks dated 6/3/2023 from the Magic Wastewater Associations for its ARPA allocation.
- The letter in support of the Town’s application to the VTrans Small Scale Local Safety Grant program signed by Cavanagh on 6/15/2023, as authorized by the Selectboard at the previous regular meeting.
- A copy of the Certificate of Public Good issued on 6/8/2023 by the VT Public Utility Commission to Green Mountain Power for its substation reconstruction project on Thompsonburg Road.
- A year-to-date Town financial report through 4/30/2023.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman spoke about an upcoming 6/21/2023 Commission meeting at which the 6/12/2023 public hearing on the proposed Zoning Bylaw amendments would be discussed and added that no further public input would be received unless another hearing is held.

She mentioned that the Commission would be providing assistance to the Village Wastewater Committee on public outreach.

b. Housing Needs Assessment Committee – Discuss formation of a standing Housing Committee

Patty Eisenhaur spoke to the Board about an interest of the Housing Needs Assessment Committee in transition to a standing committee of the Town to work on the strategies that were outlined in the housing needs study, moving from housing research to action items. She presented a draft charge for the new Housing Commission, which suggests that the new committee increase its numbers from 5 to 7 to include members of the Planning Commission and Selectboard.

Eisenhaur recommended that those from other communities with special expertise be tapped for inclusion in the Commission. O’Keefe suggested that the charge be amended to require that a majority of its members be Londonderry residents. He added that he had forwarded the housing needs study to the study area communities as directed by the Board.

Closure of the existing committee once a new commission is established was briefly discussed.

Martha Dale moved to determine that the ongoing effort to meet housing needs in Londonderry is best handled through the establishment of a commission, and the Board hereby establishes the “Londonderry Housing Commission”, as authorized under 24 V.S.A. Section 4433, which shall be made up of 7 members, to include a Selectboard member and a Planning Commission member, a majority of which shall be Londonderry residents. This Commission will 1) coordinate activities to implement the goals and strategies outlined in the recent housing needs assessment, 2) help promote and support the creation of housing in the community, and 3) continue to evaluate housing needs and solutions for the community, all as set forth in a specific charge to the committee, which shall be signed by the Selectboard Chair and included in the minutes of this meeting. Upon the Board’s appointment of enough members to constitute a quorum, the Housing Needs Assessment Committee, previously created by the Selectboard on 9/12/2022, shall cease to exist. And lastly, the Town Administrator is directed to advertise the availability of the Commission positions, which the Board will seek to fill at the first Board meeting in July 2023, seconded by Jim Fleming. The motion passed unanimously.

The approved commission charge is attached to these minutes.

9. Transfer Station/Solid Waste Management

a. Updates

None.

10. Roads and Bridges

a. Updates

Josh Dryden mentioned that the new truck looks like it will be delivered in November. He brought up the Town Garage condenser, needed for moisture control, and noted that it needs to be looked at. O’Keefe and Dryden will work together on this

b. Access Permit 2023-03 – Road cut on Barker Road (TH #9) for conduit installation

Josh Dryden briefly spoke to the discussions he’d had with the conduit installer, about the proposal to replace conduit along the road and run new conduit beneath the road. Given the extent of the work being proposed, O’Keefe expressed concern about the installer being the sole applicant without the project sponsor and conduit owner included, as they would not be available for any long-term issues such as any conditions imposed by the Board.

There was discussion about the specifications on the in-ground dimensions and materials, and Dryden mentioned that the 2” conduit would be placed in schedule 40 pipe.

Jim Fleming move to approve access permit application No. 2023-03, submitted by Waveguide Solutions, LLC, and related to Barker Road (Town Highway #9) in the vicinity of 624 Barker Road, to 1) replace approximately 990 feet of existing utility conduit and/or cable along the west side of the Town right-of-way, and 2) install new utility conduit and/or cable below and crossing the travelled portion of Barker Road by way of trenching in two locations as shown in

the application materials, and 3) authorize the Chair to sign the permit on behalf of the Board. The permit is conditioned on: 1) either Consolidated Communications or the Southern Vermont Communications Union District signing on as co-applicant to the permit prior to any work authorized herein; 2) all conduit located parallel to the Town Highway being buried a minimum of 24 inches below finished grade and no closer than 24 inches from the travelled portion of the road; 3) all conduit crossing the Town Highway being buried a minimum of 24 inches below the finished grade of the roadway; and, 4) all roadway work conducted and materials replaced shall be to the satisfaction of the Town's Road Foreman and/or Road Commissioner, and guaranteed for one year, seconded by Martha Dale. The motion passed unanimously.

c. Discuss FY2024 road paving

Josh Dryden presented the Board with a list of proposed paving locations, which includes Melendy Hill Road (with manhole covers), Windy Rise West, Scott Pet Road, and Derry Woods Road (with a culver repair). He also suggested improving several road aprons at State highway intersections caused by recent State paving efforts. As an additional work project, he suggested adding Old School Street and the Town Office parking lot. O'Keefe noted that the Town Office renovation project included a bit over \$50,000 for the parking lot repaving, and suggested it might be a better idea to address repaving as part of the project, but its present condition is very rough.

Dryden suggested approaching Hunter Excavating on any interest in assisting with the Derry Woods Road culvert given the company's proximity to it, similar to the efforts of Chaves Excavating on Chaves Road.

It was agreed to issue an invitation to bid for the paving work for consideration by the Board on 7/24/2023. O'Keefe will work with Dryden on this.

11. Old Business

a. Discuss regulation of short-term rentals

O'Keefe reported was still working on the fee structure and needs to reconnect with the Town Attorney on this and will report back at the next regular meeting.

12. New Business

a. Consider request for coin drop – Ruck Up, Inc.

[23 VSA 1056]

Pamela Spaulding spoke on behalf of Ruck-Up, Inc., which is a not-for-profit organization based in Keene, NH that provides assistance to Veterans in need that are not easily available elsewhere. The organization receives no federal or state funding, and are wholly funded through donations she stated, with all of its work done by volunteers. She requested authority from the Board to hold a coin drop fundraiser once again, this time on 9/16/2023, with a rain date of 9/17/2023, on VT Route 11 near Hells Peak Road, and acknowledged that State authorization is also required, and he needs a letter of approval from the Town. Board members expressed their thanks for the good work of the organization, and Spaulding thanked the Board for its support over the years.

Jim Fleming moved to approve the request from Ruck Up, Inc. to hold a coin drop fundraiser on VT Route 11 in the vicinity of Hells Peak Road on 9/16/2023, with a rain date of 9/17/2023, subject to provision prior to the event of acceptable written proof of adequate liability

insurance and written proof of authority to conduct the event from the State of Vermont Agency of Transportation, seconded by Martha Dale. The motion passed unanimously.

O’Keefe will send to VTrans the same letter sent out previous years.

b. Consider request for Use of alcoholic beverages in a public place – Phoenix Fire Company #6 Family Fun Day at Pingree Park

Anne Stoddard described the proposed family fun day fundraiser for the Phoenix Fire Company #6, which would include food, live music and games at Pingree Park, on Sunday, 7/20/2023. Her request is to allow for alcohol to be consumed on a bring-your-own-beverage basis during the event. She spoke to the need for parking solutions they’ve addressed due to limitations on site. Both Cavanagh and Stoddard stated that the Parks Board has approved of this request.

Martha Dale moved to grant a permit to Phoenix Fire Company #6 allowing the use and consumption of alcoholic beverages at a fundraiser, to include food, live music and games for its family fun day event at Pingree Park, on Sunday, 7/20/2023 from 11:00 AM to 5:00 PM, subject to the conditions that 1) the permittee shall adhere to all local regulations and ordinances, including the Ordinance Relating to the Use of Alcoholic Beverages in Public Places, and 2) provision prior to the event of an acceptable certificate of insurance indicating adequate liability insurance and naming the Town as an additional insured, seconded by Jim Fleming. The motion passed unanimously.

Melissa Brown noted that the ordinance is from 1983 and has some language in it that needs updating.

c. Consider contract award for Village Wastewater Project test pit services

O’Keefe recalled the suggestion from the Village Wastewater Committee to have an at-the-ready contractor to conduct test pits for potential wastewater facility locations, and that he had issued an invitation to bid. Only one bid was received, which was submitted by Hunter Excavating at \$200 for mobilization plus \$150 per hour thereafter, with a two-hour minimum. O’Keefe added that an archaeological site review would be required for all test pit operations prior to the excavation work.

Martha Dale moved to accept the bid from Hunter Excavation for on-call test pit excavation services, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary material and services, seconded by Jim Fleming. The motion passed unanimously.

d. Consider contract with the Windham County Sheriff’s Office for FY2024 policing services

The Board reviewed the proposed contract with the Sheriff’s Office, which is identical to the previous year’s version with the cost increasing from \$50,000 (\$48.50/hour) to \$52,000 (\$52.00/hour), though the compensation is no longer tied to the Town of Jamaica maintaining a contract. O’Keefe noted that the Sheriff’s Office FY 2023 hours are close to the contracted amount, so no funds are likely to be returned. Regarding fines, O’Keefe referred to the year-to-date revenues, which indicated approximately \$5,880 having been received so far this year.

Martha Dale moved to accept and approve the police services contract with the Windham County Sheriff’s Office for FY2024, and authorize the Town Administrator to execute the document on behalf of the Board, seconded by Jim Fleming. The motion passed unanimously.

e. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Melissa Brown 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 7:13 PM and came out of executive session at 7:30 PM. No decisions were made.

f. Consider employee compensation matters

The Board considered cost-of-living increases for hourly employees, and it was noted that the FY 2024 budget carries a 9% increase in keeping with the social security cost-of-living adjustment for 2023.

Melissa Brown moved to increase the wages of the following hourly Town employees, as follows: Troy Maynard - \$24.55; Joshua Dryden - \$28.75; Stephen Twitchell – \$20.75; Candy Bliss - \$17.50; Dana Griswold - \$20.00; Keith Barton - \$22.00; Esther Fishman - \$29.50; Will Goodwin - \$26.50; and Jeremiah Sund - \$53.00, all to go into effect with the next pay period, which accrues July 1, 2023 and provides for increases to be paid out in FY2024 with the 2nd pay order in July, seconded by Jim Fleming. The motion passed unanimously.

13. Adjourn

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

The meeting adjourned at 7:44 PM. The next regular meeting of the Selectboard is scheduled for July 10, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved July 17, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

ATTACHMENT

Londonderry Housing Commission

The Town of Londonderry Selectboard hereby establishes the Londonderry Housing Commission, established under authority of 24 V.S.A. § 4433, whose responsibility is to advise the Selectboard and other public bodies of the Town regarding housing matters within the community.

Charge

To fulfill its responsibility to the Selectboard, the Commission will:

1. Coordinate activities to implement the identified goals and strategies for meeting the housing needs in Londonderry as outlined in the Housing Needs Assessment Study completed April 2023.
2. Act as liaisons to the community in building support for actions that promote and support the creation of housing based on best practices.
3. Continue to evaluate current housing needs, identifying any gaps in the housing stock, according to housing, incomes, demographics, or special needs of the community.

Membership

The Commission membership shall consist of seven (7) members, including an appointed member from Selectboard and the Planning Commission, each of whom shall have a vote on the Commission. Members shall be appointed by the Selectboard and may include residents of other communities, though a majority of the Commission shall be Londonderry residents. All members shall serve on a voluntary basis.

Conduct of Meetings

All business of the Commission shall be conducted in accordance with the Vermont Open Meeting Law (1 V.S.A. §§ 310 et seq.). All meetings of the Commission, as called by its Chair, shall be noticed publicly, open to the public and minutes made publicly available.

As approved by the Londonderry Selectboard on June 19, 2023.

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes

Tuesday, July 11, 2023

Meeting held entirely remotely, with no physical presence, via Zoom meeting software

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Bettina Labeau; Emergency Management Director Richard Phelan; Recycling Coordinator Esther Fishman. Others – Windham Regional Commission representatives Chris Campany and Alyssa Sabetto; Brattleboro Development Credit Corporation representative Adam Grinold; Phoenix Fire Company Capt. James Ameden, Jr.; Champion Fire Chief Jeff Duda; Londonderry Volunteer Rescue Squad President Pete Cobb; Residents Kevin Beattie, Natalie Boston, Bonny and Dwight Johnson, Barbara and Bob Wells; and GNAT representative Andrew McKeever and camera operator Bruce Frauman. Several others were in attendance that did not actively participate.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the emergency meeting to order at 6:01 PM.

2. Additions or deletions to the agenda

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

Martha Dale moved to add to the New Business part of the agenda the approval of pay orders, seconded by Tom Cavanagh. The motion passed unanimously.

Due to the fact that the meeting was being held without a physical presence, the Selectboard members and others in attendance vocally identified themselves.

3. New Business

a. Updates on storm damage

Emergency Management Director Richard Phelan gave an overview of the status of emergency response to the excessive flooding that took place over the past day or so, noting that contractors have been brought on board to assist with road repairs. Efforts to help clean up houses and business was noted.

Cavanagh spoke to efforts to address properties that have been cut off to access by flood damage. In particular he spoke to the agreement from Chad and Jessica Landmon, to be addressed later in the meeting, allowing Cobble Ridge property owners access to Boynton Road due to the Cobble Ridge Road bridge having been washed out. The property owner’s desired limits on unnecessary traffic in and out was mentioned, and O’Keefe offered that the Town Office could be a parcel drop off spot for deliveries; there was no objection to that.

Road Commissioner Taylor Prouty and Cavanagh gave detailed updates on closures, completed and needed repairs on various roads. Prouty mentioned that the primary goal is to

get every road open at least for one lane of traffic, and that Chaves Excavation is providing most of the material for the road repair efforts for Londonderry and surrounding towns.

Prouty made clear that driveway culverts are the responsibility of property owners and not the Town, and that property owners should do their own repairs and keep good records in order to seek State or federal assistance. Phelan clarified that only loans would be available and not grants.

Alyssa Sabetto stated that private owners with property damage should report damage to 211 and the State will compile data in order and reach out to them. She noted that the State Office of Emergency Management had just sent out information to the public on this. Chris Champany mentioned that immediate response from the State should not be expected as it is in the information gathering stage at this time, except for emergency situations.

Prouty mentioned that no Town road is in good shape, and everyone should use extreme caution when driving. He added that the Town does not have enough warning cones for all the situations for where they're needed.

Means of improved public communication was discussed, and Melissa Brown stressed the need to update people on road conditions and maintain caution while driving. Kevin Beattie spoke to his willingness to compile and distribute public information to the community. Brown noted that there needs to be a diversity of communication means in the community in order to reach everyone in town.

Several members of the public spoke to individual road repair needs.

Bob Wells noted that Neighborhood Connections has a van that can be employed to assist people in need of transportation services. He added that the organization is available for assisting the public in a number of ways and serves 9 different towns. There was discussion on welfare checks that have been made for isolated individuals.

Esther Fishman spoke about solid waste disposal and the need to separate out hazardous waste, and mentioned she is looking to arrange for an additional hazard collection event to address flood-related waste. Cavanagh mentioned that the Transfer Station would be open the following day.

Adam Grinold spoke to efforts to address the needs of businesses, and mentioned that presently it's mostly a data collection process but that additional information would be forthcoming soon. He suggested that property owners keep good track of efforts and expenses.

It was noted that many people are trying to find out how to volunteer to provide assistance to property and business owners. Phelan stated that the Town cannot at this time address and coordinate volunteer efforts and suggested that churches can take a lead on this. Martha Dale offered to assist with coordinating the collection of volunteer information.

There was discussion on placing comprehensive information on the Town website.

b. Discuss storm damage recovery

O'Keefe noted that he and Cavanagh had met with a State stream engineer who concluded that the Cobble Ridge Road bridge is so damaged that it needs to be replaced, and he has connected with the VTrans District 2 office to try and qualify for an accelerated bridge

replacement program. Beattie noted that the bridge abutments and stringers may be salvageable for repairs, but mentioned that the bridge is very undersized.

He mentioned that the Williams Dam had scouring damage from flooding and engineering review is needed, as well as discussion by the Williams Dam Committee. A request to the State for inspection is forthcoming.

The Spring Hill Road culvert (#12), which is already in the process of design for its replacement, is in dire condition due to the flooding, he said. While it is now passable by vehicles, a project meeting with the project engineer is scheduled for later in the week, and there is the opportunity to close off the road near the culvert due to the availability of other roads on either side.

Brown mentioned that flood impacts on all of these locations have been in discussion for some time. She stated that funds set aside at Town Meeting for further exploration of dam alternatives should not be used for flood-related restoration efforts.

Jim Fleming stated that the community is very fortunate to have the local contractors who are working on emergency and recovery efforts, and called out the individual workers for their dedication. Board members lauded the contractors, and mentioned the efforts of Hunter Excavation, Chaves Excavating, Hart's All Seasons, Woodland Earthworks, TK Trucking and Raymond Smith.

Cavanagh called out the importance of business recovery in the villages, and there was discussion of the damage received by various businesses by the flooding.

The West River Farmers Market organization market will be meeting shortly, Crossman noted, and will likely cancel its market for this weekend and arrange volunteers for site cleanup.

The need for people in the villages to have water tested was mentioned. Fishman brought up the need for testing for others not necessarily directly affected by flood waters due to the potential for bacteria. It was noted that additional unsettled weather and rainfall is in the forecast, and people should be aware that waters can rise quickly due to saturated soils.

Brown noted that there needs to be a diversity of communication means in the community in order to reach everyone in the community.

Grinold offered to provide volunteer capacity to the community by BDCC. Champany suggested coordinating with Weston or other communities on recovery efforts. Natalie Boston spoke about Weston's efforts and the number of volunteers that she is working with; she will share this volunteer information. Prouty spoke about the great potential of working closely with surrounding towns.

Brown noted the amazing efforts of the town's first responders, staff, community members and volunteers who all came together to help the community in response to the flooding.

c. Approve emergency road access agreement

The Board reviewed and considered the proposed access agreement with Cobble Ridge Road property owners Jessica and Chad Landmon that allows for people in the Cobble Ridge neighborhood to traverse their property to gain access to Boynton Road. O'Keefe spoke about the Town's ongoing obligations under the agreement, and mentioned that the

agreement is based on the agreement with the prior owner from 2011 and has been reviewed by both the Town Attorney and the Town's insurer.

Hart's All Seasons is doing the road improvement work it was noted. And Prouty thanked the Harts for introducing him to the new property owners.

Brown raised the fact that there is at least one short-term rental in the neighborhood, and that the Landmon's should be made aware of this for the sake of transparency and that the agreement should be clear that their guests are included and that properties on Stone Hollow Road are included in the agreement.

Martha Dale moved to approve the agreement between the Town and Chad and Jessica Landmon for emergency access to stranded Cobble Ridge Road and Stone Hollow Road residents and guests, and authorize the Selectboard Chair to execute the document on behalf of the Board, seconded by Taylor Prouty. The motion passed unanimously.

d. Selectboard Pay Orders [added to agenda]

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

4. Adjourn

Jim Fleming moved to adjourn the meeting, seconded by Taylor Prouty. The motion passed unanimously.

The meeting adjourned at 7:20 PM. The next regular meeting of the Selectboard is scheduled for July 24, 2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved July 17, 2023.
LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, July 17, 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; Town Treasurer Tina Labeau; Emergency Management Director Richard Phelan; Parks Board members Kelly Pajala and Taylor Barton; Housing Needs Assessment Advisory Committee Chair Patty Eisenhaur; and Road Foreman Joshua Dryden. Others – Champion Fire Co #5 Fire Chief Jeff Duda; area resident Jed Hughes; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:11 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)]

Taylor Prouty moved to add to the Minutes Approval part of the agenda the approval of the minutes of July 11, 2023, seconded by Jim Fleming. The motion passed unanimously.

Tom Cavanagh moved to add to the Announcements & Correspondence section of the agenda, as item 5.b., a discussion of a Music Monday fundraiser, seconded by Taylor Prouty. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 6/19/2023 & 7/11/2023 [added at meeting]

Taylor Prouty moved to approve the minutes of the Selectboard meetings of 6/19/2023 & 7/11/2023, seconded by Jim Fleming. 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

a. Updates on storm damage and recovery

Richard Phelan thanked all Town staff and board members and many people on the community for their efforts with the storm damage emergency, and noted that the Town is now in recovery mode. Assistance from the National Guard, FEMA, the Red Cross, the Brattleboro Development Credit Corporation, and other agencies were soon to be in place at a multi-source resource center at the Neighborhood Connections. He noted that 30 buildings were flooded and that 7 businesses were severely impacted. And spoke of a number of closed roads and bridges in and around town, and remarked at the progress having been made.

Josh Dryden mentioned some of the road repair efforts and both existing and proposed road closures. Taylor Prouty discussed some area road closures and general repair efforts, and cautioned the public to continue to drive carefully to avoid any road surface issues.

Martha Dale described the efforts to match volunteers with those in need. Recalling the discussion at the previous meeting where she volunteered to assist with volunteer coordination efforts, she asked if Board members were amenable to her being the Board's representative with the many volunteer agencies now in place. There was general approval of this arrangement, and Cavanagh volunteered to assist her as necessary.

Cavanagh mentioned that the roads would not be further repaired and back to 100% until FEMA has had a chance to review them. O'Keefe stated that he has not heard yet when FEMA municipal infrastructure representatives would be visiting with Town representatives. O'Keefe also noted that that week VTrans and the Vermont DEC Office of Dam Safety would be sending engineers to inspect the Cobble Ridge Road Bridge and the Williams Dam, respectively. Dryden mentioned that the Spring Hill Road culvert has settled, and O'Keefe suggested having FEMA review this structure for inclusion in the flood damage assessments.

Fire Chief Jeff Duda mentioned that the Main Street dry hydrant has been lost to flood damage, and several ponds used for fire suppression have also been compromised, and all dry hydrants will be inspected shortly. He will be seeking assistance for water availability, and has made arrangements with mutual aid partners to provide water as needed.

b. Discuss Music Monday Fundraiser [added at meeting]

Kelly Pajala appeared with Jed Hughes of the band Saints & Liars to discuss Hughes' suggestion to use the Music Monday show scheduled for 8/14/2023 as a fundraiser with all proceeds benefitting the Londonderry Volunteer Rescue Squad (LVRS) and the fire departments of Londonderry, South Londonderry, Weston, and Peru. Other bands will be in attendance and there will be food carts and other fundraising features. Event hours would be 4:30 PM – 9:30 PM.

Pajala noted that the Parks Board supports this effort and inquired of the Board the following needs that would need Selectboard consent:

- Approval of the event for BYOB alcohol consumption. This could be addressed at the next meeting as an action under the Alcoholic Beverage Control Ordinance.
- Traffic control by the Windham County Sheriff's Office at the intersection of the VT Routes 11 and 100 related to off-site parking in the downtown area. And whether this WCSO service would be under the existing contract or whether a separate contract would be required.

Jim Fleming moved to have the Windham County Sheriff's Office take care of the fundraiser under the Town contract, seconded by Taylor Prouty. The motion passed unanimously.

Pajala mentioned that additional portable toilets would be required and she will seek a donation of them from the vendor. She mentioned that she was seeking to have the Community Fund for Londonderry be the entity to receive donations.

Closure of Old Stowell Hill Road was also discussed, and the Board members were amenable to this provided adequate communication with affected property owners took place.

Martha Dale asked about whether the Town would have insurance coverage or need a special coverage rider. O’Keefe will look into this.

Cavanagh expressed the Boards full support for the event.

c. Other

Shane O’Keefe noted the following:

- NEMRC has begun work on the municipal organization analysis, and is planning on coming in next Monday to meet with staff and others.
- No applications for the minute-taker position have been received.

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

- A closeout notice dated 7/6/2023 from Vermont Department of Public Safety regarding the Platt Elevation project. He noted that Derry Downtown Limited has not deposited the last check issued on 6/19/2023 for the construction work.
- A letter of support signed by O’Keefe on 7/14/2023 on behalf of the Brattleboro Development Credit Corporation’s application for funding to update its Southern Vermont Comprehensive Economic Development Strategy, or CEDS.
- A 6/23/2023 letter of request for technical assistance from the Windham Regional Commission to support the Town’s Grants-in-Aid road improvement program.
- The 2022 annual report from the Vermont League of Cities and Town’s Property and Casualty Intermunicipal Fund and the VLCT Employment Resource and Benefits Trust.
- The Windham County Sheriff’s monthly report for June 2023.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

None.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that a hazardous waste collection related to flood debris is in the works.

b. Discuss replacement backhoe

Cavanagh noted that he had reached out to a number of equipment vendors and reviewed with the Board three quotes that he has received for a new backhoe. Two of them would have to be ordered and one of them is in stock, which happens to be comparable to the existing unit and at the lowest cost. He said he’d like to confer with Matt Coleman on comparing the features.

To pay for a new backhoe the budget includes \$28,000 for a downpayment and the other communities in the Londonderry Group would be contributing to the cost.

There is little trade-in value for the existing John Deere backhoe, and it was agreed to hold on to it for now for use in the burn pile or other needs. Considering whether to sell it while it has some value was also discussed.

Award of a purchase contract on this should be included on the agenda of the next meeting.

9. Roads and Bridges

a. Updates

Dryden noted the following usage for the month of May 2023:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 304, Town Office Generator – 0, Transfer Station – 210

It was noted that there are daily road condition and repair reports still being issued, and Prouty mentioned that additional repair work on Mansfield Lane has been approved as emergency work by VTrans.

Dryden spoke of concerns with use of vacation time by the Road Crew by the end of the calendar year with all the road repair work needing to be done as part of the flood damage recovery. The Board agreed that there would be flexibility to ensure that employees did not lose vacation time due to special circumstances. He mentioned that one of the crew members would be out for two weeks in August. Labeau suggested that the Personnel Policy should be amended to allow for paid time off for employees that would combine vacation, sick and personal hours and allow for a certain amount of carryover.

On other matters that would work well to accommodate the Road Crew, Dryden suggested that there should be accommodations at the Town Highway Garage for prolonged road repair actions such as that just experienced, such as a large refrigerator, food and food storage, a toaster oven. He added that there is a need for more traffic cones and “road closed” and similar signage for road closure emergencies.

b. Ratify contracts for storm damage emergency repairs

O’Keefe mentioned that emergency road repair agreements with Chaves Excavation, Hunter Excavation, Harts All Seasons, T.K Tucking, Woodlands Earthworks and Raymond Smith were secured under the emergency procurement procedures in the Town Procurement Policy, with Selectboard member Taylor Prouty signing on behalf of the Town, and he recommended that the Board ratify the contracts to provide further evidence of Town approval to FEMA. He noted that the contract is the Town’s standard contract with FEMA-related provisions inserted and has been reviewed and approved by the Town Attorney.

Martha Dale moved to ratify the contracts entered into for emergency response and protective measures for Town and related transportation infrastructure, related to the recent storm, which were signed by Selectboard member and Road Commission Taylor Prouty under the emergency provisions of the Town’s Purchasing Policy, seconded by Jim Fleming. The motion passed unanimously.

10. Old Business

a. Consider interlocal agreement, communication policy/procedures, and job description for the Mountain Towns Recreation Director

Kelly Pajala asked the Board for feedback on the documents provided, and noted that she is awaiting feedback from the other Towns. This will be worked on in the coming weeks and the Mountain Towns Recreation Director Advisory Committee will meet shortly. And any further feedback from the Board is welcome, she added.

11. New Business

a. Appoint members of the Londonderry Housing Commission

O'Keefe noted that only three applications have come in for the five open spots, and that both the Selectboard and Planning Commission would be appointing members of their own to fill out the 7-member Commission. It was agreed to hold off on any decisions, continue recruiting and add this matter to the agenda of the next meeting.

b. Consider nominee to attend the Vermont Council on Rural Development's Community Leadership Summit

O'Keefe briefly explained the request from the Vermont Council on Rural Development's request for nomination to attend its annual Leadership Summit. Patty Eisenhour mentioned she'd be attending due to the VCRD's help with the community housing effort, and volunteered to be the Town's representative.

Martha Dale moved to nominate Patty Eisenhour to participate in the Vermont Council on Rural Development's 4th Vermont Community Leadership Summit, seconded by Taylor Prouty. The motion passed unanimously.

c. Consider adoption of Unassigned Fund Balance Policy

O'Keefe explained the value of adopting a fund balance policy to provide a goal for setting aside funds equal to 10-15% of the annual budget for emergency matters such as those just experienced with the flooding. The policy would also give direction to the Board on how to use funds over the desired level. He mentioned that the fund balance just a few years ago was well below the desired amount and has been increased to over \$400,000 due to good budget management by department heads and the Board. It is estimated that at the end of FY2023 it could be as high as \$500,000.

There was discussion about the ability to expend funds from the unassigned fund balance for unbudgeted matters as they come up.

Taylor Prouty moved to adopt the Unassigned Fund Balance policy for the Town, to take effect immediately, seconded by Jim Fleming. The motion passed unanimously.

d. Set tax rate

Labeau explained how the tax rate is calculated and presented the Board with rate calculations: one that includes use of \$100,000 of unassigned fund balance reduce taxes and one that does not use fund balance. She explained in detail the impacts of the different options for tax rates and impact on taxpayers based on property value. Figures are as follows:

Budget Item	No use of Fund Balance	Use of Fund Balance	Difference
Budget	2,217,360	2,217,360	0
Revenues	(883,494)	(883,494)	0
Voted Articles	741,342	741,342	0
Local Agreement	10,895	10,895	0
Use of Fund Balance	0	(100,000)	100,000
Amount to be Raised by Taxes	2,186,103	2,086,103	100,000
Grand List	4,218,804	4,218,804	0
Municipal Tax Rate	0.5182	0.4945	.0237

Labeau explained that use of \$100,000 of fund balance to reduce the tax rate would save almost 2 ½ cents on the tax rate. There was discussion about whether to use the find balance at this time given the impending costs related to flood damage recovery. It was agreed to use \$100,000 of unassigned fund balance to reduce taxes.

Taylor Prouty moved to set the Town tax rate for FY2024 at .4945 cents per \$100 of assessed value, and to acknowledge the Homestead and Non-Homestead education tax rates of \$1.5981 and \$1.6557, respectively, seconded by Jim Fleming. The motion passed unanimously.

12. Adjourn

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

The meeting adjourned at 7:34 PM. The next regular meeting of the Selectboard is scheduled for July 24, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved July 24, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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 Road 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 Eisenhaur 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

* * *

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

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 21, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Planning Commission and Village Wastewater Committee Chair Sharon Crossman; Planning Commissioner Mimi Lines; Recycling Coordinator Esther Fishman; Mountain Towns Regional Recreation Director Steering Committee members Sarah Kiefer and Will Reed; Parks Board member Chad Stoddard. Others – Windham Regional Commission staff member Matthew Bachler; Hoyle, Tanner & Associates engineer Jon Olin (via telephone); One Londonderry representatives Elsie Smith and Patty Eisenhaur; Residents Bill Sinsigalli, Jennifer Ogden, and Paul Hendler; 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)]

- a. *Taylor Prouty moved to adjust the agenda by moving the executive session scheduled under New Business to the next order of business after agenda changes, seconded by Jim Fleming. The motion passed unanimously.*
- b. *Taylor Prouty moved to delete from the Town Officials Business portion of agenda the matter of a contract amendment for Zoning Bylaw amendment consulting services, seconded by Martha Dale. The motion passed unanimously.*
- c. *Taylor Prouty moved to add to the agenda, under New Business, consideration of contract award for storm damage emergency/exigency engineering services for the Williams Dam, seconded by Jim Fleming. The motion passed unanimously.*
- d. *Taylor Prouty moved to add to the agenda, under Old Business, a discussion on the job description for the Minutes Taker position, seconded by Jim Fleming. The motion passed unanimously.*
- e. *Tom Cavanagh moved to add to the agenda, under Roads and Bridges, consideration of an application for an excess vehicle weight permit as agenda item 9.f., seconded by Taylor Prouty. The motion passed unanimously.*

2.a. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Martha Dale 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 Tina Labeau to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 6:02 PM and came out of executive session at 6:05 PM.

Tom Cavanagh moved to adjust Tina Labeau's delinquent tax percentage from 3% to 5%, with the Town retaining 3%, seconded by Jim Fleming. The motion passed unanimously.

As a result of this vote, of the total 8% delinquent tax penalty received by the Town, 5% is allocated to the Delinquent tax Collector.

3. Minutes Approval – Meeting(s) of 8/7/2023

Martha Dale moved to approve the minutes of the Selectboard meeting of 8/7/2023, seconded by Taylor Prouty. The motion passed unanimously.

4. Selectboard Pay Orders

Jim Fleming moved to approve the pay orders for payroll and accounts payable, seconded by Martha Dale.

Cavanagh noted that the payment for the new Transfer Station backhoe was higher than the amount budgeted, so additional funds would be coming from the backhoe repairs budget, which should not be used due to the new equipment.

The motion passed unanimously.

5. Announcements/Correspondence

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

Shane O'Keefe noted the following:

- The Town has received notice of a planned blasting event at Mad King Quarry LLC, located on Rows Road on 8/22/2023, between 12:00 PM and 4:00 PM.
- Next regular meeting is scheduled for 9/18/2023, with no meeting scheduled for 9/4/2023 due to the Labor Day holiday, but that it may be necessary to hold a quick special meeting to address some bid awards for storm-related projects.
- He had handed out a notice of an upcoming training at the Putney Firehouse on 8/24/2023 on "Planning for Resilience: Hands on training session with the Transportation Resilience Planning Tool.

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

- Letter from the President of the Preservation Trust of Vermont inviting Town representatives to meet this Wednesday with funding organizations and technical assistance providers such as VLCT, VT Department of Historic Preservation, VT Council on Rural Development and the USDA Rural Development office. This should be considered during the "next steps with flood recovery" discussion, he suggested.
- Information on the Brattleboro Development Credit Corporation's "SoVT Get on Board" program that seeks to train people to become effective and active participants on civic life in the area. He asked that Board members review this information and let him know if there should be further discussion about participation. Dale suggested advertising this opportunity.
- One Londonderry steering committee minutes of 8/16/2023.

Bruce Frauman spoke to the Town's participation in the Municipal Energy Resilience Program sponsored by the State Buildings and General Services Department, which would see energy efficiency assessments of the Town Office and Town Hall, followed by applications for up to \$500,000 for implementation. He noted that he is working with Labeau on assembling energy and fuel usage data for the initial application. O'Keefe stated that the Town is prioritizing the Town Office to coincide with the Town Office renovation project in an attempt to reduce the bonding amount.

6. Visitors and Concerned Citizens

a. Updates on storm damage and recovery

Prouty noted evolving efforts to address road repairs. O'Keefe mentioned that initial phone meeting with FEMA staff has taken place and an initial in-person project meeting is scheduled for the following week. He added that Bill Kearns has started his work as FEMA Recovery Assistant and has made great strides already toward submitting required documents to FEMA. Fishman inquired about debris at the Transfer Station and was instructed to connect with Kearns on this.

Cavanagh noted that he has a drive-around meeting scheduled that week with FEMA's Program Delivery Manager (PDMG) to look at a few project locations. He mentioned that bids for the Spring Hill Road Culvert replacement will be considered later in the meeting. O'Keefe noted that a scope of work has been developed for the Cobble Ridge Road Bridge repairs by the Town's engineer and is scheduled to out to bid later in the week.

Cavanagh stated that the goal is to have roads finished before the first snow.

b. Next steps with flood recovery

Dale spoke of the urgency to address matters beyond the initial FEMA repair work. In a prepared statement she provided as follows:

- What did we learn from Tropical Storm Irene and the "After the Flood" exercise?
 - That guided process was designed as very 'communal' and healing, as well as highly informative.
 - Consider the After the Flood a basic outline that gives us a reality check and a place to start that is not ground zero
 - Some of the final conclusions and next steps apply now – they're just waiting to be revisited, implemented.
- Regarding the North Village Main Street Study recently conducted by Planning Commission
 - Should be the basis for our work moving forward.
 - The plans are impressive, creative, demonstrated thinking out of the box, and were based on research and facts.
 - We know the Planning Commission is poised to solicit assistance, revisit, and adjust according to new wisdom re: flood risk for village main streets & more.
- What did the storm of July 9-10 do to our villages?
 - Proved that the status quo doesn't work.
 - Not doing anything isn't an option for the health of our community and its citizens.

- We need to acknowledge the following:
 - We are still mopping up from July 9/10; roads and bridge repair work is ongoing.
 - The effects of hydrology flows from Weston down to Londonderry need to be addressed.
 - We are a small town with limited resources, expertise and executive capabilities; there has never been more federal/state/other funding available than NOW. But plenty of need among all Vermont communities hit by this flood – our town is as needy and deserving as any other right now!
 - We don't need any further proof that THIS WILL KEEP HAPPENING HERE. It will unless and until we can collectively instigate essential measures /essential changes.
- The time to strike is while the iron is hot, or while the memory of the flooding is seared into our psyche, to explore possibilities for 'hardening', risk mitigation, and build back better than before. Solutions are out there – other communities have proven that.
 - We want our businesses to build back and open ASAP, but we also want to guarantee a safer, lower flood risk future. Businesses are key to maintaining our existing tax base and possibly developing an even more robust tax base.
 - There are resources, support, and funding available but a consultant with expertise and vision is absolutely the key to accessing these resources.
 - We need to find the right "qualified" consulting firm that can comment on the feasibility of using prior downtown business project development plans and as well integrate the to-be-initiated South Londonderry village plan.
 - Our regional partners, such as the Windham Regional Commission, Vermont Council on Rural Development, etc. will gladly give us recommendations for the best qualified consultants they know – to go along with any others we are able to come up with for consideration.
 - We only really know what we know – we need help figuring out what we don't know, how to get answers and secure funding that can help us realize a more secure future for our community.
 - We are grateful for the extensive work conducted already by the Planning Commission, One Londonderry, the Selectboard, the Housing Commission, Williams Dam Advisory Committee and Village Wastewater Committee – but going forward we need to expertly knit their work together to maximize their strengths and build upon their work.
 - We think there might be possible collaboration with Weston, a neighboring town that is facing the same issues.

Dale suggested the following resolution: *Be it resolved that the Selectboard source and secure a consultant to set up an efficient process that will prioritize our scope of work, explore possibilities for funding, planning, revisions to existing plans and the development of newer specific and qualified plans to create a 100-year stable footprint for our community.*

Esther Fishman suggested that the Selectboard should take the lead on this effort. On behalf of One Londonderry, Elsie Smith mentioned that much work has been done in the past that could support these efforts.

Sharon Crossman agreed that it would be great to knit these efforts together and that new ideas can be generated for the community, and that the Planning Commission would be very supportive.

Dale stated that the next step is to get the names of consultants that have relevant Vermont experience to take communities through this sort of exercise to give the Town the capacity to address its needs, and there should be funding opportunities to cover this expense.

7. Town Officials Business

a. Discussion of including Pingree Park in Village Wastewater Project

Cavanagh recalled the brief discussion at the previous regular meeting regarding letters from the family of Rex Doane and the interest of some Board members in honoring those wishes and to therefore not allow the use of Pingree Park as part of the Village Wastewater Project.

Sharon Crossman presented to the Board and read aloud a letter from the Village Wastewater Committee (VWC) addressed to Selectboard Chair Tom Cavanagh and Parks Board Chair Kelly Pajala:

First, on behalf of the VWC, there is curiosity as to the basis of the Doane Family letters of concern at this juncture in the VWW project. Since you probably know, we ask that you pass along this response from the VWC to the Doanes, to help calm those who apparently have been given various inaccurate information regarding testing in Pingree Park.

*For the VWC and the VWW project, it's most disappointing to know that the Doane family was misinformed about the Town's project. As you know, there has **never** been any mention of a wastewater facility. Equally concerning is the inaccurate information that an in-ground disposal field would **ever** result in what Mr. Doane described in his letter. Even more concerning is that the Doane family never had the opportunity to hear from one of our most supportive alternative property owners, who decided he wants to be part of the VWW project based on his conversation with residents in Warren. He heard that the installation of decentralized wastewater systems in their recreational parks has made a significant and positive difference for their communities. The use of recreational parks for these installations led to grants to improve and expand their recreational resources.*

*Further, you also know that **the VWC let go of any intention of soil testing at Pingree Park quite some time ago**. Since then, any and all testing (except for that on Town-owned Prouty and Custer-Sharp properties) has been done solely on private property with express permission from owners who are willing to allow testing and potential sale or easements for VWW. Rather than instigating unnecessary fear of soil testing that creates untenable conditions for Pingree Park users, or the idea of a 'taking' of any kind, **the Doanes should be assured by the Selectboard/Parks Board that no in-ground testing has occurred at Pingree Park**.*

The debate regarding Pingree Park has led to rumors and disinformation throughout Londonderry. The VWC hopes that putting this issue to rest will result in an end to the negative discourse that we have all heard. We hope the Selectboard and Parks Board will help end the negativity and help us communicate the importance of the VWW project to improving the health and well-being of our village residents, preservation of our businesses, expansion of needed services and the opportunity to meet our housing shortage.

On behalf of the VWC, we ask that you pass this message along to the Parks Board and Doane family for clarification and consideration.

Sincerely,

VWC Committee - Sharon Crossman, Gary Hedman, Larry Gubb, Tom Metcalfe

Prouty noted that the feelings expressed in the Doane family letters were strong and need to be considered, whether the specifics are accurate or not. Crossman stated that the primary reason for the letter was to focus on disinformation in the community about the project.

Tom Cavanagh moved to honor Rex Doane's wishes for Pingree Park and the Doane family's continued wishes for Pingree Park and uphold the previous Selectboard vote to not have wastewater put at Pingree Park, seconded by Jim Fleming. The motion passed 3-0-1, with Martha Dale abstaining.

b. Parks Board – Approve interlocal agreement and discuss hiring process for Mountain Towns Recreation Director position

Sarah Kiefer mentioned that a interlocal agreement is not been finalized as of yet, and Will Reed said that it should be coming soon. All other Towns have approved the agreement.

Reed mentioned that the Committee hopes to move swiftly with the hiring process, with the position advertised by the first of September and a candidate hired by the end of that month.

There was discussion about approving the agreement in advance, subject to Town Attorney review.

How best to advertise the position was discussed, and a proposed job advertisement was reviewed. It was mentioned that the annual salary would be advertised as a range from \$45 to \$55 thousand, plus full benefits.

Martha Dale moved to allow for the advertisement of the position for the shared Mountain Towns Recreation Director, seconded by Taylor Prouty. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that the new backhoe would be arriving the following day.

Esther Fishman spoke to flood-related hazardous waste and mentioned that the federal EPA and the State of Vermont paid for pick-up and disposal of this waste. She added that there will be no further acceptance of hazardous waste until the 10/7/2023 hazardous waste collection event.

She thanked Jim Fleming for completing the construction of the new bottle shed, which she said is perfect.

Fishman noted that she is trying to work with M & T Bank to sponsor a regional document shredding event, the cost of which is at least \$1,200.

b. Discuss participation in Flood Recovery Clean Up Day (August 26)

Fishman mentioned that the original date for the flood recovery cleanup was the next Saturday, but with this being short notice that the Town can pick another date. She inquired about locations of public spaces where debris was still needed to be cleaned up. A limited number of locations were discussed. Fishman asked Prouty to forward an email with locations of debris, and added that the State of Vermont program will pay for the debris removal. The strong likelihood of riverside debris was noted.

c. Consider disposition options for old backhoe

The Board discussed what to do with the old backhoe, and whether to keep it or not. Cavanagh suggested selling it for scrap, and O’Keefe recommended selling it at auction.

O’Keefe offered to arrange for the equipment to be sold at auction with Auctions International, and the Board members were supportive of this.

9. Roads and Bridges

a. Updates

Prouty spoke to the ongoing storm recovery efforts and mentioned that having the FEMA Recovery Assistant has proved very valuable now that cost recovery was in process.

He mentioned that other Road Crew work that normally would happen this time of year has been delayed by the recovery work, but they’re still on the to-do list. He asked the public to “bear with us”.

b. Spring Hill Road Culvert Replacement – Public Concerns Meeting

Matthew Bachler of the Windham Regional Commission, acting as the Town’s Municipal Project Manager for the VTrans Transportation Alternatives Program (TAP) grant, and project engineer Jon Olin spoke to the Spring Hill Road Culvert Replacement Project. Bachler noted that the Town received a VTrans Structures Program grant of \$175,000, which requires a \$17,500 (10%) local match and is covering all project engineering efforts, as well as the TAP grant, which is for \$300,000 with a \$75,000 (20%) local share. He mentioned that because the TAP grant is a federal program it has different program requirements which have extended the project schedule beyond what had been expected. One of the requirements is to hold a Public Concerns Meeting to hear from the public and impacted property owners.

Bachler mentioned that the project engineer is in the process for development of preliminary plans, and that this fall there would be an historical and archaeological assessment and submission of an application required of the National Environment Policy Act (NEPA). Next spring there will be plan revisions, securing applicable State of Vermont permits, and acquisition of necessary temporary and permanent easements. Final design is expected next summer, he stated, and project bidding would occur in the winter of 2025 with construction the following summer.

The recent storm damage to the culvert changes the project somewhat in that the culvert to be replaced by the proposed 20-foot-wide box culvert would be the temporary culvert to be installed this fall instead of the existing one.

O’Keefe referred to the concept plans in the Board’s meeting packet for reference and pointed out the road closure and signage plan for the project, making clear that the road would be closed for 2 to 3 months in the summer of 2025 to allow for the quickest and most cost-efficient construction. Prouty pointed out that while road closure is inconvenient, property owners still have access to the road network, albeit a long distance. There was discussion about providing written notice to affected property owners. Olin pointed out that there would be changeable message boards that can be placed a few weeks in advance to provide additional notice to those affected by the project. Details of the road detour were discussed.

Bachler mentioned that there would be additional public meetings in the future related to the project as it progresses.

c. Spring Hill Road Culvert Replacement – Consider contract amendment

Bachler noted that the original engineering contract with Hoyle, Tanner & Associates must be amended to address additional requirements necessitated by the use of the TAP grant funds, such as the historical and archaeological study, the NEPA submission, and additional coordination with VTrans at various stages of the project. While these items would cost more, there are scope subtractions as well, such as the firm no longer action as construction inspector, which is not permitted due to the cost of the project, though the firm will be available for construction support services. The contract change would increase the contract by \$5,148, from \$140,908 to 146,056. Construction engineering would have to be bid out later.

O’Keefe again clarified that engineering costs would be paid for with the VTrans Structures Grant, while construction costs would be paid from the VTrans TAP Grant and additional funds to be determined, most likely through short-term borrowing.

Jim Fleming moved to approve the amendment of the 9/21/2022 contract with Hoyle, Tanner & Associates, Inc. related to permanent replacement of culvert #12 on Spring Hill Road at Eddy Brook, and to authorize the Town Administrator to execute any documents necessary for the contractor to continue to provide the necessary services. The original contract for this project was authorized by the Selectboard on 9/12/2022. Seconded by Martha Dale. The motion passed unanimously.

d. Review bids and award contract for Spring Hill Road Culvert Replacement Project

O’Keefe noted that in response to an Invitation to Bid for the temporary replacement of the 6’ culvert on Spring Hill Road recently damaged in the 7/10/2023 storm, which was advertised on 8/8/2023, the Town received two bids: Hunter Excavating, Inc. at \$70,000 and Ameden Construction, LLC at \$55,000.

Jon Olin noted that these bids were considerably below the estimated costs his firm had developed, and confirmed that the scope of work calls for the bidders to supply the culvert.

The Board discussed the bids and agreed that either company would do a fine job for the Town.

Jim Fleming moved to accept the bid from Ameden Construction, LLC for temporary replacement of the storm-damaged culvert #12 on Spring Hill Road at Eddy Brook, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary services, seconded by Martha Dale. The motion passed unanimously.

Whether the Town would own the culvert pipe once the permanent replacement of the culvert with the 20-foot box culvert was raised. O’Keefe suggested discussing this with FEMA.

e. Review proposals and award contract for engineering assistance for road repairs

O’Keefe noted that due to the number of highly technical storm-related road repair projects, it was determined to be best practice to seek engineering assistance to properly put together scopes of work to get better pricing on projects, thus reducing the Town’s cost share, and for

project oversight. In response to a Request for Proposals issued on 8/9/2023, the Town received and the Board reviewed submissions from the following firms:

- Calderone Consulting, Henderson, NV (with Barre, VT associates)
- Hammond Engineering, Springfield, VT
- Stantec Consulting, Inc., South Burlington, VT
- Stevens & Associates, Brattleboro, VT

O’Keefe noted that the proposal from Calderone Consulting did not really respond with a submission that matched the RFP, and that any of the other firms were qualified to provide the desired services. Prouty stated that Hammond Engineering has provided excellent service to the Town in the past and is very familiar with the Town’s road infrastructure.

Taylor Prouty moved to accept the proposal from Hammond Engineering for engineering assistance for storm-damaged roads and possibly other Town properties, and to authorize the Town Administrator to execute any documents necessary for the hiring of the firm to provide the necessary services, seconded by Jim Fleming. The motion passed unanimously.

f. Consider application(s) for excess vehicle weight permits [23 VSA1400a]

The Board reviewed an overweight permit application, and it was noted that the applicable fee were paid, and insurance certificate received.

Taylor Prouty moved to approve the excess weight permit for Wilson & Lawrence, Inc., and authorize the Town Administrator to execute the permit on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

10. Old Business

a. Discuss regulation of short-term rentals

Residents Bill Sinsigalli and Jennifer Ogden spoke to issues expressed concerns about the possibility under the existing Zoning Bylaw that a large property owner could subdivide it and establish a large number of short-term rentals due to there being no requirement for owner-occupancy. Sinsigalli suggested limiting the number of STRs an individual can own and that the Selectboard and Development Review Board take steps to prevent this scenario. They each spoke to the need to provide notice to neighbors on applications.

Sinsigalli suggested that the Board review the Burlington, VT ordinance and limit the number of STRs any individual can own.

Cavanagh mentioned the intension of the Board is to have the entire Board vote on the ordinance with the goal of it being in full effect next year. O’Keefe noted that the only matter to be finalized with the ordinance at this time has to do with registration fees, and that once the Board agrees to that it would vote on its adoption the following meeting and the ordinance would take effect 60 days later. He explained that the ordinance only requires that STRs be registered with the Town, and that registration requires compliance with State laws.

There was a brief discussion on the Zoning Bylaw amendment process now underway, and further discussion on the issues and impacts of STRs.

The matter will be added to the agenda of the next regular meeting.

b. Consider allocation of flood relief donations

Following up from the previous meeting, the Board discussed what to do with donations given to the Town for flood relief. There had been discussion about allocating the funds to either The Community Fund for Londonderry or Neighborhood Connections, or both, for distribution. It was mentioned that the recent fundraiser brought in approximately \$25,000 for the Community Fund for Londonderry. It was the sentiment of the Board to then allocate the funds to Neighborhood Connections.

Martha Dale moved to direct all funds received from area individuals, businesses and organizations for flood relief to Neighborhood Connections for their disposition, seconded by Jim Fleming. The motion passed unanimously.

c. Consider job description for FEMA Recovery Assistant position

O’Keefe noted that at the previous meeting the Board approved a hire for this position, and he was asked to draw up a job description. The description includes a position objective/purpose as follows:

“Under the direction of the Selectboard, or its designee, the FEMA Recovery Assistant will coordinate, assemble, submit and justify as necessary and appropriate all documents required for the Town to successfully comply with emergency/disaster response and recovery reimbursement programs administered by the Federal Emergency Management Agency (FEMA) and/or the Vermont Department of Public Safety’s Office of Emergency Management (VEM)”.

The question of who would supervise the employee was briefly discussed, and it was generally agreed that it should be the Town Administrator.

Martha Dale moved to approve the new job description for the position of FEMA Recovery Assistant, who shall report to the Town Administrator, seconded by Taylor Prouty. The motion passed unanimously.

d. Authorize zoning permit application for new sign for pollinator garden at the Prouty Property

Board members expressed concern about the \$800 cost of the sign as reflected in the zoning permit application, noting that given other budget constraints this expense was not necessary. Cavanagh suggested that the Pollinator Project should pay the cost.

Fleming expressed concerns about the rocks added to the field during the pollinator garden installation.

O’Keefe asked whether he should inquire about where the funds are coming from and why the Pollinator Project is not covering the cost. The Board was appreciative of this and no action was taken on the matter; this should be considered at the next regular meeting.

e. Discussion on the job description for the Minutes Taker position

O’Keefe noted that he has not received any applications for the position, but noted that an inquiry had come in from someone interested to doing the job remotely. He recommended that the job description be amended to allow for remote attendance at meetings or doing the minutes based on video of the meeting.

Prouty stated that in a conversation with the Town's consultant looking into governmental organization, it was likewise recommended that this step be taken, as there may be someone who can handle this for Londonderry and any number of other towns.

There was discussion about the quality and type of remote video of meetings, and the pros and cons using remote meeting software. Chad Stoddard spoke about storage requirements of remote meeting recordings, and public access to these.

O'Keefe suggested that for some single-purpose type special meetings, such as for executive sessions, the Minutes Taker would not have to take the minutes. He also suggested giving remote minutes-taking it a try and see how it works out.

Taylor Prouty moved to amend the job description for the Minute Taker position to allow for remote viewing of the meetings by the employee, and authorize readvertising the position accordingly, seconded by Martha Dale. The motion passed unanimously.

11. New Business

a. Consider award of contract for storm damage emergency/exigency engineering services for the Williams Dam

O'Keefe distributed a scope of work provided by DuBois & King, Inc., the Town's dam engineer, to conduct flood-related inspection and inspection follow-up work for the Williams Dam which, given its "significant hazard" classification, its poor condition, and obvious scouring that took place during the 7/10/2023 storm-related flooding event, should be seen as soon as possible.

Services proposed, with an estimated fee of \$8,000, are as follows:

- Inspection of the dam and a report on possible damage that may have occurred from the July flooding (damage was noted to the concrete low-level outlet structure),
- Recommendations on repairs to the dam with estimated quantities and probable construction costs,
- Recommendations for stabilizing Edge Hill Road to fully reopen the roadway,
- Provide assistance with coordinating with the Vermont Dam Safety Program. If determined by the State and Dam Order is required to complete the work, D&K will notify the Town and provide an updated estimate to complete the application.
- Observe the construction of repairs and provide documentation to the Town and the State of the repairs. (Estimated 2 days of observation)

O'Keefe noted that the firm was hired by the Town through a request for proposals process previously in keeping with the Town's procurement policy.

It was noted that the inspection results may inform the Williams Dam Advisory Committee's efforts. The exigent necessity for the engineering services was discussed, and it was noted that the recent inspection by the State of Vermont immediately after the flood was only to assess immediate hazard conditions and was not an in-depth conditions inspection.

Road repair work on Edge Hill Road alongside and affecting by Williams Dam was discussed.

Jim Fleming moved to 1) determine that inspection and possible repairs of the Williams Dam necessitated by the recent FEMA-declared flooding disasters are of an exigent

necessity and require immediate attention to ensure the health, safety and general welfare of the community, 2) to acknowledge that the firm of DuBois & King, Inc. has already been under contract with the Town for engineering services related to this facility, such contract having been secured via an approved competitive request for proposals solicitation process in keeping with the Town's procurement policy, and 3) to acknowledge receipt of a scope of services for inspection and related engineering, and 4) authorize the Town Administrator to execute a consultant contract with the approved firm for these services, seconded by Taylor Prouty. 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 8:16 PM. The next regular meeting of the Selectboard is scheduled for September 18, 2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved September 18, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 11, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe and Conservation Commission Chair Irwin Kuperberg. Others – Residents Randy Foster and Terry Merrow; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:00 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Taylor Prouty moved to add to the agenda, under Old Business, consideration of the proposed zoning permit application for new sign for the pollinator garden at the Prouty Property, seconded by Melissa Brown. The motion passed unanimously.

3. Selectboard Pay Orders

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

4. Roads and Bridges

a. Updates

Prouty mentioned that 1,000 yards of sand has already been delivered, and that a minor repair to the loader at the sand pit has been handled.

Cavanagh noted that Spring Hill Road is expected to be open by the end of the month. Issues with ordering such a large culvert were mentioned.

O’Keefe stated that there would be a meeting with project engineer Everett Hammond the following day to discuss scopes of work for repair of Edge Hill, Rowes and Cohen Roads and Memorial Park. He added that the invitation to bid for storm-related paving is being advertised and bids are due at the end of the week.

Brown mentioned that with all the recent rain parts of Little Pond Road that are eroding and need to be watched.

b. Review bids and award contract for Cobble Ridge Road Bridge Repairs Project

O’Keefe noted that two bids were received for temporary repair of Cobble Ridge Road Bridge, which was severely damaged by the 7/10/2023 storm and resulting flooding. The

solicitation process included a mandatory site visit, he mentioned, and both attendees provided bids as follows:

- Hunter Excavating, Inc. \$192,000
- Ameden Construction, LLC \$90,000

He noted that the engineer's estimate of probable construction cost of the project was \$156,375, and distributed to the Board an email from the engineer that stated that there were no issues with the low bid price.

The Board discussed the large disparity of the bids, and was comfortable with the ability of the low bidder to provide the required services.

Jim Fleming moved to accept the bid from Ameden Construction, LLC for temporary repairs of the storm-damaged Cobble Ridge Road Bridge over the West River, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary services. approve the pay orders for payroll and accounts payable, seconded by Taylor Prouty. The motion passed unanimously.

It was noted that the completion date is scheduled for 11/15/2023, and Prouty mentioned he understands that Ameden can begin work on the bridge right away.

Cavanagh and O'Keefe spoke to ongoing discussions with FEMA and the State of Vermont about funding a permanent replacement of the bridge that meets State hydraulic standards, noting that a VTrans representative quoted an estimated cost of \$5 million for a new bridge.

Cobble Ridge Road neighborhood resident Randy Foster inquired about design for the bridge repairs, and it was explained that the 2011 design plans from the previous repairs from Tropical Storm Irene were used to create the new plans. He expressed concerns about sight lines for traffic coming off the bridge onto VT Route 100 and suggested addressing this in any designs for a permanent replacement bridge. Neighborhood access considerations relative to a new bridge were briefly discussed.

5. New Business

a. Consider request for use of Pingree Park and use of alcoholic beverages in a public place – Londonderry Village Marketplace fundraiser for the American Cancer Society at Pingree Park

Terry Merrow presented his request for use of Pingree Park for day-log cornhole tournament to raise funds for the American Cancer Society as part of its October breast cancer awareness month campaign. Associated Grocers of New England, owner of the Londonderry Village Marketplace, has partnered with the American Cancer Society on this event, which was successfully held in Weston last year. He said that due to anticipated growth and proximity to the Londonderry Village Marketplace, and availability of a playground for families, it is hoped that Pingree Park can be available. Merrow added that it would be BYOB event with no liquor sales and food provided, and no issues with alcohol use would be expected given past experience.

When asked whether the Parks Board had given its approval of the event, Merrow mentioned that he had spoken to Parks Board Chair Kelly Pajala who mentioned there would be no problem with it and directed him to the Selectboard for consideration. Cavanagh added that he had heard no objections from anyone.

Prouty inquired whether additional parking or a police presence would be required, and Merrow stated that attendees could park remotely and that it would not likely be a large enough event to warrant the traffic control. It was generally agreed that this is not required.

On the hours of operation of the event, Brown suggested that ending at dusk as opposed to a specific time would be more appropriate.

Martha Dale moved to authorize the use of Pingree Park by, and grant a permit allowing the use and consumption of alcoholic beverages to, the Londonderry Village Market for an American Cancer Society fundraiser event on Sunday, 10/15/2023 from 8:00 AM to dusk, subject to the conditions that 1) the permittee shall adhere to all local regulations and ordinances, including the Town's Ordinance Relating to the Use of Alcoholic Beverages in Public Places and the Town's Facility Use Policy, and 2) provision prior to the event of an acceptable certificate of insurance indicating adequate liability insurance and which names the Town as an additional insured, seconded by Taylor Prouty. The motion passed unanimously.

6. Old Business

a. Authorize zoning permit application for new sign for pollinator garden at the Prouty Property

Following up from Selectboard concerns expressed at the 8/21/2023 meeting, Irwin Kuperberg spoke on behalf of the Conservation Commission's interest in erecting a sign advertising the pollinator garden planted the previous summer at the Town-owned Prouty property, noting that the Commission had available funds to pay for this. He questioned why the Selectboard would hold up the permit process due to the cost of the sign, and clarified that the sign they are seeking to have made at this time will cost ~\$400, not the \$800 noting in the permit application. Prouty noted that the Board had questions about the source of funding.

The original sign design was too large under the existing Zoning Bylaw, Kuperberg explained, so a revised smaller sign was designed but would be replaced once larger signs are permitted. He added that the "Bee the Change" organization promoting installation of these gardens did not have a requirement for signage, and the sign is the initiative of the Commission.

There was discussion about Town-related signage throughout the community, such as the "Welcome to Londonderry" signs installed the previous year and whether there is, or should be, Town design standards for the sake of consistency and marketing the community. O'Keefe suggested taking up a project to establish a unique Town seal, logo or letterhead as there presently is none for Londonderry.

Dale suggested to Kuperberg that the sign graphics should try to emulate the "Welcome to Londonderry" signs.

Cavanagh stated that he felt that the sign and the future replacement sign would be a waste of taxpayer dollars, and that the property may be the site of a future Town facility. Brown suggested allowing for the smaller sign now and holding further budget discussion when the second sign is proposed. Dale stated that the proposed sign was an appropriate recognition of the pollinator project.

Kuperberg spoke about how the garden was installed and seeded, and how it would be maintained in the future, and how it is attractive to passersby.

It was clarified that the Board is not taking a stand on zoning conformance; only whether a submittal of a permit can be authorized. Use of budgeted funds by boards and committees was briefly discussed. Kuperberg offered that payment for the signs can come from the Conservation Commission's conservation fund, which is not part of the Town budget.

Cavanagh noted the impacts of flood recovery efforts on the Town's budget and the need to create savings where possible. Brown brought up the issue of level-funding of Town budgets over the years.

Melissa Brown moved to authorize the submittal of a zoning permit application related to signage for the pollinator garden on the Town-owned Prouty Property, and authorize the Town Administrator to sign the application on behalf of the Town, seconded by Martha Dale. The motion passed 3-2, with Dale, Brown and Prouty voting aye, and Cavanagh and Fleming voting nay.

7. Adjourn

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

The meeting adjourned at 5:47 PM. The next regular meeting of the Selectboard is scheduled for September 18, 2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved September 18, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 18, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk and Parks Board Chair Kelly Pajala; Planning Commission Chair Sharon Crossman; Planning Commissioner (and One Londonderry representative) Mimi Lines; Housing Commission Chair Patty Eisenhaur; and Williams Dam Committee members Paul Hendler and Rachel Febbie. Others – Taylor Farm representative Mimi Wright; Business owners Myra Adams, Tom & Judy Platt; Beverly Jelley, and Center Merrill; One Londonderry representative Marlene Boyaner; Residents Sam Eisenhaur, Mark Reilly, Jane Hewson, James Wilber, Bill Sinsigalli, Jennifer Ogden, Ron and Myrtle Bacon, and approximately six others; 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)]

None.

3. Minutes Approval – Meeting(s) of 8/21/2023 & 9/11/2023

Dale mentioned that in the minutes of the 9/11/2023 meeting, under matter regarding the Zoning Permit application for the pollinator garden sign, the vote was 3-2, and not 3-0 as shown, which should be corrected.

Brown asked that in the minutes of the 8/21/2023 meeting, a sentence be added to better clarify that the delinquent tax penalty is 8% and would now be shared 3% to the Town and 5% to the Delinquent Tax Collector, which is a change from it being 5% to the Town and 3% to the Delinquent Tax Collector

Martha Dale moved to approve the minutes of the Selectboard meeting of 8/21/2023 and 9/11/2023, as amended, seconded by Melissa Brown. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Kelly Pajala noted that the Town Clerk’s and Treasurer’s Office would be closed on the afternoon of 10/12/2023 and the morning of 10/24/2023 for training.

Shane O’Keefe noted the following:

- The Transfer Station backhoe sold at auction for \$16,700, which is well above what was expected, and he suggested always using Auctions International for equipment sales.
- The Cobble Ridge Bridge repairs began last Wednesday, on 9/13/2023, and the bridge is expected to be open in a few weeks, well ahead of the deadline. He expressed thanks to contractor Wes Ameden for jumping right onto the project.

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

- His letter of 9/14/2023 to neighbors in the Cobble Ridge/Stone Hollow on the bridge repair project status.
- A notice of award of \$6,000 from the Brattleboro Development Credit Corporation, dated 9/24/2023, for design costs of the Town Office reconstruction project.
- A letter from the VT Department of Buildings and General Services informing the Town of its approval of energy resilience assessments for the Town Office and the Town Hall, which could result in implementation grants of up to \$500,000 for energy improvements. He thanked Energy Committee Bruce Frauman for his efforts on that application.
- A notice from the VT Department of Health acknowledging the appointment of Rich Phelan as the Town’s Health Officer. He thanked Rich for volunteering for this position.
- A letter of thanks from Health Care and Rehabilitation Services of Southeastern Vermont for the Town’s annual voted appropriation to the organization (\$1,513).
- A letter from the Vermont League of Cities and Town requesting appointment of a designated voting delegate for its annual business meeting scheduled for 9/26/2023.
- The August monthly report from the Windham County Sheriff’s Office.

6. Visitors and Concerned Citizens

Cavanagh, noting the number of attendees at the meeting, reminded the audience that the Board’s Rules of Procedure allow for up to three minutes of comment per person.

Rachel Febbie inquired about flood mitigation plans for the community in the short term, such as dredging the Mill Pond or redirecting the channel, and whether the Town is seeking funding from FEMA for this type of work, noting that dam removal would take a few years.

Cavanagh mentioned that previous permit requests to dredge the pond were not approved by the State, but Febbie mentioned the State river management engineer had explained to her that there are instances of such dredging that are allowed and that now may be the time to do that work. O’Keefe recalled that the 2022 dam study done for the Town indicated a dredging cost of ~\$150,000. Febbie noted that local contractors may do this work for a lot less, and Cavanagh clarified that none have come forward.

Sam Eisenhaur spoke of his interest in working with the Town to establish a skate park at Pingree Park. He mentioned his involvement in establishing one in Manchester, and that he has attended Parks Board meetings of late to discuss this effort. It would be a long-term project done with private funds, he said, and would benefit the local community and be a positive influence on youth.

Mr. Eisenhaur expressed an interest in the proper way of fundraising for this effort, and Dale suggested he work with the One Londonderry ways and trails group and possibly the Community

Fund for Londonderry as a funding conduit. He said that he was working with a not-for-profit entity that helps with fundraising for recreation efforts, and added that he welcomed participation from all groups, and thanked the Board for its time.

Center Merrill mentioned that he owns two buildings impacted by the recent flooding and that he had spoken to the Board last year about flood prevention needs. He noted he and his tenants have spent ~\$700,000 on fixing up after the most recent flood, and if the Town doesn't do something there will be no downtown. Dale spoke about an upcoming meeting with the State of Vermont to discuss long-term comprehensive flood mitigation planning.

Merrill mentioned the possibility of establishing retention ponds upstream of the villages as an opportunity to store flood waters to help mitigate flooding.

Cavanagh spoke about discussions with the State and Congresswoman Becca Balint about studying flooding from Weston to Jamaica as a single system.

Beverly Jelley noted that this recent flooding event was her third flooding experience and asked what the Town was doing to deal with this issue. She mentioned that she has yet to receive reimbursement from her flood insurance policy for her store, and that she does not have flood insurance for the residence next door. She asked for support from the Board or in the future there will be no businesses in the village.

Cavanagh responded by saying that the Town does support its local businesses, and added that the Williams Dam Committee is soon to issue a Request for Proposals seeking a consultant to look into flooding impacts should the dam be removed.

He spoke further about the Town's efforts to engage with the State and federal governments on flood mitigation planning. Prouty committed the Town's support for things that the Town has control over.

Pajala agreed to contact Rep. Balint to see about expediting flood insurance payouts locally.

Febbie inquired about ways to lower the water level, even a little bit, such as dredging the Mill Pond or changing the flow of Utley Brook. Funding for dredging was discussed, as was studies necessary for changing the course of Utley Brook. She suggested moving large stones in the West River to alleviate flooding. Prouty mentioned that the State has allowed for equipment work in rivers to be extended to deal with flood recovery efforts.

O'Keefe mentioned communication from Vermont Emergency Management seeking to meet with the Town to discuss the FEMA process.

Pajala noted that the Town of Weston is having discussions about possible removal of its mill dam and suggested that the Town connect with Weston on its efforts, and that there be a regional watershed approach to flood resilience.

7. Town Officials Business

a. Parks Board – Approve interlocal agreement for the Mountain Towns Recreation Director position

Kelly Pajala stated that the proposed interlocal agreement is before all of the Selectboards of the partner communities at this time, with the Towns of Winhall and Landgrove having signed already. Once signed by all Selectboards a certified copy of the agreement will be given to each Town.

She added that the Mountain Towns Recreation Director Advisory Committee is meeting soon to discuss the hiring process, that the recreation director job has been posted, and that there is one

application received so far. She said they hope to have a preferred candidate for an early October hiring.

Pajala thanked the Board for its support throughout the process of conception and eventual implementation of the regional recreation director concept, and said she looks forward to the many benefits the position will bring to the participating communities.

Martha Dale moved to approve and execute the Interlocal Agreement between the Towns of Londonderry, Winhall, Landgrove, Weston and Peru relative to the employment of a Mountain Towns Recreation Director to administer recreational programs, services and activities for the inhabitants of the partner communities, seconded by Melissa Brown. The motion passed unanimously.

Brown stated that this effort is a good example of working with other communities to solve community problems.

b. Local Cannabis Control Commission – Application 2023-01: Consider VT Cannabis Control Board permit S-000004765, for an “Outdoor Cultivator Tier 1 Small Cultivator” on parcel #041010.000

O’Keefe noted that there are statutory limitations on what information can be made public regarding cannabis-related businesses, and that the Board should be mindful of this.

Myra Adams presented information on her proposed outdoor growing operation which has been held up over the past year due to wetlands issues, but that she hopes to have her greenhouse set up for the next growing season. She said she’s hoping to proceed with excavation work in November, and will have everything in full compliance with applicable regulations. It was noted that the Vermont Cannabis Control Board approved this application last year and this is a renewal, but that because the Local Cannabis Control Commission was established in 8/15/2022, this is the first time this operation is coming before the Town.

Taylor Prouty moved to grant a local control license to Myra Adams to operate a Tier 1 Outdoor Cannabis Cultivation Operation on property located at parcel #041010.000, subject to compliance with and adherence to all Town of Londonderry ordinances, regulations and bylaws at all times, seconded by Melissa Brown. The motion passed unanimously.

c. Planning Commission – Monthly update + Discussion of hybrid meetings for public bodies

Sharon Crossman mentioned that the Zoning Bylaw was in its 4th year of development and there has been one Planning Commission public hearing so far. They are on version 5 of the Bylaw, and with some further changes to it they plan on a second public hearing in October. The Commission would then present the Bylaw to the Selectboard in November for further public input and the next steps in the adoption process. She spoke to the helpful participation in the process of various committees and staff members.

On the Village Wastewater Project, she mentioned that a public presentation with project experts will be held on the evening of 10/17/2023 at the Flood Brook School, which will be an opportunity for those with project questions and concerns to be heard. Crossman mentioned that the Committee is on track with the ARPA grant funding timeframe, with four properties presently being looked at for community wastewater systems, two in each village. Test pits at the sites are imminent. She spoke to the overall goals of the project and resultant community benefits.

Crosman spoke about the proposed south village master plan and main street study, and hopes to have a proposal from Stevens & Associates soon for the Commission to review and the

Selectboard to consider. O’Keefe mentioned that there was a set grant amount and the scope of work would need to match that figure.

She mentioned that the Commission had acquired the equipment to allow for remote meetings and had a recent dry run that went well. As the Commission is an appointed public body, the Selectboard must authorize remote meetings according to the Vermont League of Cities and Towns Open Meeting Law guidance, she mentioned. She added that the equipment could be used for other boards and committees.

Whether videos or fully or partially remote meetings needed to be recorded and kept as public documents was discussed. Pajala mentioned that the Town should have a retention policy and process for recorded meetings.

Whether to stop remote meetings if participants lose connectivity was discussed, and while it is not a requirement to do so, it was generally agreed that if it was member of the public body or host that is unable to participate then the meeting should be recessed.

Pajala suggested that the Town should provide Zoom meeting software accounts for all Town staff and boards that need to arrange for remote meetings instead of individuals relying on personal accounts. Dale asked for cost implications of this, and O’Keefe mentioned the cost was \$16/month per account.

Pajala suggested that there be uniformity in how remote or hybrid meetings are handled from an open meeting and public records standpoint by public bodies, and agreed to work on a Town remote meeting and recording policy for consideration by the Board.

Martha Dale moved to authorize all public bodies to conduct their meetings in-person, via remote meeting software, or a hybrid of both in-person and with remote meeting software, at their discretion, provided all provisions of the Vermont Open Meeting Law are followed at all times, seconded by Taylor Prouty. The motion passed unanimously.

Brown confirmed that meeting agendas must indicate whether there would be a remote attendance option.

Crossman spoke further about other very important initiatives in the community involving such things as housing, flood mitigation and dam matters, and noted that there is a lot going on in the community and emphasized the importance of citizens being engaged and involved. Dale echoed this and emphasized the importance of the collaboration between the non-profit and municipal efforts in the community.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted again that the old backhoe is sold, and the new one is in use at the Transfer Station.

9. Roads and Bridges

a. Updates

b. Updates on storm damage and recovery

Prouty mentioned that there is a delayed timeline for the Spring Hill Road culvert replacement as the new culvert is still being fabricated. This delay allows for the Cobble Ridge Road Bridge repairs to be accelerated, but the Spring Hill Road project will go quickly when the culvert is delivered.

He added that the Road Crew, despite Road Foreman Josh Dryden's time spent in numerous FEMA flood recovery meetings, is still out getting its regular work done. Prouty described the many hours of time being dedicated to very grueling FEMA damage assessment meetings, which will be followed by a number of other required process steps, the end result being to keep the overall recovery costs to the Town at a minimum.

Bruce Frauman thanked the Road Crew for their efforts to repair West River Road.

Prouty mentioned that there is a lot of effort and coordination going on behind the scenes to aid with the storm recovery work, and it was reiterated that the Road Foreman is very much involved so his on-the-road work has been limited. O'Keefe mentioned that engineer Everett Hammond is working on scopes of work of various projects. Prouty noted the great efforts of Bill Kearns to work on specific FEMA requirements, and Cavanagh mentioned that Londonderry is further along than other communities due to his familiarity with the process.

c. Review bids and award contract for storm-related road paving

O'Keefe noted that an invitation to bid for storm-related paving repairs was publicly advertised and sent directly to a number of paving contractors, but that only one bid was received, presumably due to the high number of storm repair projects in the region at the time. The invitation required a site visit with the Road Foreman for contractors to be to be eligible.

It was explained that the project was bid out to include an area owned by the Champion Fire Company #5 on Main Street, but included an alternate bid removing that area so that the fire department can get an idea of its paving cost if they go with the Town's contractor. Springfield Paving of Claremont, NH bid \$312,175 for all work, but \$309,575 for just Town paving needs.

There was discussion about the contractor and the Board was generally comfortable with it. Prouty spoke to the effort it takes to mobilize, prepare and pave the large number of small work sites. He also spoke to general community paving needs and schedules, and O'Keefe added mention of the paving capital plan developed two years ago.

Martha Dale moved to accept the bid from Springfield Paving for storm-related road paving, 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.

10. Old Business

a. Discuss regulation of short-term rentals

The Board reviewed written discussion points on regulation of Short-term Rentals (STR) submitted by residents Bill Sinsigalli and Jennifer Ogden, who went on to speak to matters that they believe the Board should be considering. Sinsigalli suggested the Board limit the expansion of STRs beyond what is typical, such as beyond a property owner's residence and accessory unit. He noted that near his home a property owner has acquired properties and is subdividing it and creating housing lots for the purpose of converting them to STRs, which he referred to a "Short-Term Rental Farm". He suggested some appropriate limits on the number of STRs that any one owner can operate. Ogden referred to information and policy statements from the Vermont Short Term Rental Alliance that suggest a waiting period for conversion of a home to an STR to limit negative impacts on housing.

Brown suggested that at this time the Board would like to get a better fix on the number of STRs in the community and the proposed ordinance will allow for that data collection. She spoke

about the change to seasonal rentals, where in the past visitors stayed for a ski season and became part of the community, while now there are mostly short stays with no community connection.

Sinsigalli spoke to limits of the Zoning Bylaw that presently allow for serial permits for STRs, that he recommends be changed.

Jane Hewson spoke of how quiet and beautiful the community is and the need to take risks to protect the rural nature of the town. She supported the reasonable creation of limited STRs for homeowners, but said the Town must protect against commercialization of residences where owners have no intention of living on the property and being part of the community.

O’Keefe noted that Vermont case law provides that the conversion of a single-family home to a STR does not constitute a change of use and therefore does not require issuance of a zoning permit. He also made clear that in a Zoning Bylaw previously authorized uses can be considered “grandfathered”, but under an ordinance there is no right to such a preexisting legal status.

Prouty expressed support to limiting expansive development of STRs in balance with the interest of homeowners seeking to generate income by renting out space. Cavanagh spoke of the need to not be too strict with an ordinance regarding ownership limitations or the Town could find itself in expensive court battles.

Crossman mentioned that the proposed Zoning Bylaw amendment is very light on the issue of STRs. Discussion of uses allowed in specific zoning districts were discussed.

Rachel Febbie mentioned that local ski house rentals have in fact changed with the establishment of Epic and Ikon ski passes allowing people to ski at various resorts under a single pass. She also spoke about her own ownership of an STR as being a way to get ahead. becoming upwardly mobile, and added that the Board should be careful not to impact people’s investments.

Patty Eisenhaur spoke of the importance of better defining the threshold of STRs becoming commercial. Pajala spoke to the possibility of the Zoning Bylaw addressing use definitions that can help the overall structure of housing and STRs, and that the State may be helping with relevant definitions, but suggested that the Board should continue on with the ordinance adoption process. She added that communities that have adopted registry-type ordinances have seen successes and helpful results. Brown suggested changes to the definitions in the STR Ordinance to better define what an operator is.

Mark Reilly suggested zeroing in on a definition to clarify when someone’s hobby becomes a business.

The idea of limiting the number of nights that a STR can be rented out was briefly raised, and Cavanagh mentioned it had been considered previously but was not carried through in the proposed ordinance as administering this would be extremely difficult.

Dale raised the issue of workforce housing and suggested a scenario where an incentive can be built into the Town’s processes that would allow for an STR if a workforce housing unit is also built by a property owner.

Sharon Crossman suggested establishing a moratorium on issuing permits allowing for STRs, and it explained that it is single-family dwellings that are being permitted and that they are then being legally converted to STRs.

Cavanagh stated that the Town needs to get an ordinance on the books to create some regulatory framework. Brown noted that some tweaks need to be made to some of the terms of the ordinance in light of the new information, such as adding language on the definition of an operator not having multiple STRs and/or whether they can be owned by businesses as opposed

to only individuals. Cavanagh mentioned that the Board would need to confer with the Town Attorney on these type of changes.

Sinsigalli and Hewson inquired how a community group can suggest new language to be considered by the Board, and it was suggested that they can develop and submit language.

Ogden stated that it's a bigger issue that just Londonderry and people are exploiting and taking advantage of rural communities for the sake of commercialization.

The need to adopt an STR ordinance in short order was stressed and being an important first step for the community.

It was agreed that insofar as registration fees for STRs, the Board would not list actual fee amounts but instead would simply refer to the Board's authority to change such fees as they see fit by a vote of the Board instead of an ordinance amendment process.

The Board thanked the attending citizens interest in discussing STR issues.

b. Discuss One Londonderry proposal for improvements to former Genser barn site

Marlene Boyaner requested approval to go ahead with the plantings previously described to the Board on 5/15/2023, and to formally name the property as "Aiken's Corner". She reiterated that One Londonderry would not be fundraising this year in deference to storm recovery efforts, and that there was a commitment not to add to the Town budget for this project. Mark Wright has agreed to supply the plantings and landscaping installation at no cost.

Mimi Lines spoke to the history of the Aiken family from the History of Londonderry book, and mentioned that Capt. Edward Aiken served in the Revolutionary War and is buried in the Lowell Lake cemetery.

Cavanagh expressed strong concerns for pedestrian safety due to traffic congestion in the area and suggested traffic calming and safety measures. Dale referred to pedestrian safety improvements recommended in the North Village Main Street Study and Master Plan, and Lines suggested a sidewalk feasibility study be initiated.

Boyaner mentioned that she has received approval from VTrans for the project. Brown suggested moving forward with the project and addressing any issues as they come up.

Melissa Brown moved to name the former Genser barn property located at the northeast corner of VT Routes 11 and 100, which is parcel #102026.000, as "Aiken's Corner", and to authorize plantings on the property as proposed by One Londonderry, provided all such plantings shall be maintained by and at the cost of One Londonderry, and such plantings shall not at any time be allowed to grow in such a way as to negatively impact traffic safety in the area, seconded by Martha Dale. The motion passed unanimously.

c. Discuss the Williams Dam

Cavanagh noted that FEMA representatives have stated that because the Town has not maintained the dam over the years that FEMA will not cover the Town's efforts to address repairs necessitated by the recent storm-related flooding. There is a possibility that the agency will help pay all or some of the cost to determine impacts on flooding should the dam be removed. And Brown mentioned that the Williams Dam Committee is soon to issue a Request for Proposals for this study.

The Board discussed the flood damage inspection report provided by the Town's engineer, which noted there was not significant damage to the dam itself, though there was considerable scouring of roads on either side. It was reiterated that the dam is in poor condition.

d. Discuss Burton roadside historic marker event at Williams Park, and related traffic control

Cavanagh spoke about the unveiling of the historical marker sign for Jake Burton and the birth of snowboarding soon to go up at Williams Park and the wish to have a police presence to ensure safety due to its location at the edge of VT Route 11. There was a discussion on line striping and parking spaces and parking violations at the edge of the State highway.

Martha Dale moved to allow for use of the Town contract with the Windham County Sheriff's Office for traffic control for the historic sign dedication event scheduled for the morning of 10/3/2023, at Williams Park and VT Route 11, and authorize the Town Administrator or Parks Board to submit an access permit with the State of Vermont Agency of Transportation, if necessary, seconded by Melissa Brown. The motion passed unanimously.

e. Ratify 8/21/2023 decision to approve an excess vehicle weight permit

Because the Board voted on 8/21/2023 to grant a request for an excess vehicle weight permit when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote. Pajala noted that the permittee, Wilson & Lawrence, was blasting and installing a tennis court where a zoning permit had not been issued, and neighbors had contacted the Town Office and a zoning permit has since been applied for. It was agreed the lack of a zoning permit was the responsibility of the property owner.

Taylor Prouty moved to ratify the Board's 8/21/2023 decision to approve the excess weight permit for Wilson & Lawrence, Inc., and to authorize the Town Administrator to execute the permit on behalf of the Town, seconded by Melissa Brown. The motion passed unanimously.

f. Ratify 8/21/2023 decision to amend the job description for the Minutes Taker position

Because the Board voted on 8/21/2023 to amend the job description for the Minutes Taker position when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Martha Dale moved to ratify the Board's 8/21/2023 decision to amend the job description for the Minute Taker position to allow for remote viewing of the meetings by the employee, and to authorize readvertising the position accordingly, seconded by Melissa Brown. The motion passed unanimously.

g. Ratify 8/21/2023 decision to award a contract for storm damage exigency engineering services for the Williams Dam

Because the Board voted on 8/21/2023 to award a contract for storm damage engineering services for the Williams Dam 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 8/21/2023 decision to 1) determine that inspection and possible repairs of the Williams Dam necessitated by the recent FEMA-declared flooding disasters are of an exigent necessity and require immediate attention to ensure the health, safety and general welfare of the community, 2) to acknowledge that the firm of DuBois & King, Inc. has already been under contract with the Town for engineering services related to

this facility, such contract having been secured via an approved competitive request for proposals solicitation process in keeping with the Town's procurement policy, and 3) to acknowledge receipt of a scope of services for inspection and related engineering, and 4) authorize the Town Administrator to execute a consultant contract with the approved firm for these services, seconded by Martha Dale. The motion passed unanimously.

h. Ratify 9/11/2023 decision to authorize a zoning permit application for the pollinator garden at the Prouty property

Because the Board voted on 9/11/2023 to authorized submittal of a zoning permit application for the Prouty property pollinator garden sign when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Melissa Brown moved to ratify the Board's 9/11/2023 decision to authorize the submittal of a zoning permit application related to signage for the pollinator garden on the Town-owned Prouty Property, and authorize the Town Administrator to sign the application on behalf of the Town, seconded by Martha Dale. The motion passed unanimously.

11. New Business

a. Appoint member(s) of the Londonderry Housing Commission

The Board reviewed an application for appointment to the Housing Committee submitted by Mimi Lines.

Martha Dale moved to appoint Mary Adams Lines to the Londonderry Housing Commission for a term extending to 6/30/2025, seconded by Melissa Brown. The motion passed unanimously.

b. Consider request for itinerant vendor permit and use of alcoholic beverages in a public place – Taylor Farm Fall Festival

The Board reviewed a request for use of alcoholic beverages in a public place submitted by the Taylor Farm for fall festival planned for the afternoon and evening of 10/7/2023. Mimi Wright submitted an application for an itinerant vendor permit to the Board at the meeting.

Melissa Brown moved to approve Itinerant Vendor Permit #2023-02 and grant a permit allowing the use and consumption of alcoholic beverages, to Jonathan Wright on behalf of the Taylor Farm for the Taylor Farm Fall Festival, scheduled for October 7, 2023 from 4:00 PM to 10:00 PM, seconded by Martha Dale. The motion passed unanimously.

c. Executive session – Discussion on a contract, per 1 V.S.A. 313 (a)(1)(A)

Taylor Prouty moved to find that premature general public knowledge of contract matters related to the Town audit of government structure will clearly place the Town of Londonderry at a substantial disadvantage, seconded by Melissa Brown. The motion passed unanimously.

Taylor Prouty moved to enter executive session to discuss a contract matter related to the Town audit of government structure, pursuant to Title 1, V.S.A. Section 313(a)(1)(A), and invite Tina Labeau and Kelly Pajala to attend, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 8:44 PM. Pajala and Labeau left the executive session and meeting at 9:44 PM, and the Board came out of executive session at 9:56 PM. No decisions were made.

12. Adjourn

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

The meeting adjourned at 9:57 PM. The next regular meeting of the Selectboard is scheduled for 10/2/2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved October 2, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 2, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Martha Dale.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Road Foreman Josh Dryden; Road Crew member Nick Doane; Planning Commissioner (and One Londonderry representative) Mimi Lines; and Housing Commission Chair Patty Eisenhaur. Others – Business owner Levy Dryden; Residents Bev & Randy Foster, Trevor Dryden, Jane Hewson, Bill Sinsigalli, and Ben Sargent; 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)]

Melissa Brown moved to add to the agenda under New Business a discussion about the Town website and town-wide communication, proposing to move current items 11.a & 11.b to become 11.b & 11.c. as a courtesy to those attending the meeting, seconded by Taylor Prouty. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 8/21/2023 & 9/11/2023

Taylor Prouty moved to approve the minutes of the Selectboard meeting of 9/18/2023, seconded by Melissa Brown. The motion passed unanimously.

4. Selectboard Pay Orders

Taylor Prouty 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:

- Invitations to Bid for roadway repairs due to storm damage for both Landgrove and Thompsonburg Road were issued that day, with a site visit for bidders on 10/9/2023 and bids due 10/12/2023. He mentioned there may be the need for a special Board meeting to award contracts.

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

- The Chester Telegraph article from 9/25/2023 on the Burton Snowboard historic roadside marker and dedication scheduled for the following day and Williams Park.

- An article in The Commons from 9/20/2023 on the Town's housing and short-term rentals discussions.
- An email of 9/26/2023 expressing thanks from Mimi Lines for the Board's efforts with the Aiken's Corner project.
- An announcement for 2023 State and Local Government Municipal Day, scheduled for Friday, 10/20/2023 in Montpelier. Board members should let him know if they'd like him to take care of their registration.
- An announcement for an energy forum to explore transition to renewables scheduled for Thursday, 10/26/2023 in Manchester, sponsored by the Sunderland Energy Committee.

6. Visitors and Concerned Citizens

Trevor Dryden raised the issue of the need to provide better weather protection at the salt shed to protect the salt. Prouty noted that the original use of the shed for both salt and sand has changed to salt only, and the Town is aware of the need to address the open side of the shed and will explore alternatives.

There was discussion of the Spring Hill Road culvert and the need to reopen it for the winter. In response to a question as to why it wasn't being replaced with a larger 20-foot culvert now, O'Keefe explained the full-width replacement process requires an extended federal review process due to the \$300,000 grant the Town received, and construction is expected in the summer of 2025.

7. Town Officials Business

a. Development Review Board – Annual appointments

The Board reviewed an application for reappointment to the Development Review Board submitted by Paul Abraham. O'Keefe explained that the terms of Abraham and Bob Maisey are up and he hopes to see an application from Maisey, but is advertising the positions as usual.

Melissa Brown moved to reappoint Paul Abraham as a regular member of the Development Review Board, for a 3-year term extending to September 30, 2026, seconded by Jim Fleming. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that the forks for the new backhoe, which were back-ordered, were expected later that week.

He stated that the take-it-or-leave-it shed has been closed due to people improperly leaving garbage off there, and a plan to reopen it was scrapped earlier that day when it was found to have happened again while the staff was at lunch. It will remain closed for a few weeks.

There was discussion about the value of the shed to the community and on how to better manage it. Cavanagh noted that even with an attendant there it's difficult to manage and that people will do almost anything to avoid paying to get rid of their trash. Brown suggested addressing this in the budget process and recommended looking at the Winhall facility for

operational suggestions. She also recommended including this matter on a future meeting agenda for an extended discussion.

9. Roads and Bridges

a. Updates/storm damage and recovery

Josh Dryden noted the following usage for the month of August 2023:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 644, Town Office Generator – 0, Transfer Station – 140

And he noted the following usage for the month of September 2023:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 827, Town Office Generator – 0, Transfer Station – 0

Josh Dryden mentioned that he had received a quote of \$3,053.29 for a tarp cover installation for one of the trucks from Viking. Details of the tarp and frame structure were discussed, and there was no objection from the Board to making a purchase once a few more calls were made. Levy Dryden suggested tarp material and equipment improvements for consideration. It was noted that while it may not be required by the State of Vermont that Town trucks be covered, certain pit facilities require them and its just a good practice from a safety and liability standpoint.

O’Keefe clarified that the Town Purchasing Policy requires that any purchase between \$2,500 and \$7,500 must obtain prior approval of the Selectboard.

Noting the age of the existing loader, Josh Dryden suggested beginning to look into replacing it. Prouty mentioned that new loaders have features that can make operations much more efficient.

Josh Dryden suggested that the 6-month review of Road Crew member Nick Doane should be scheduled.

On the Cobble Ridge Road Bridge, there was discussion about the very recent finding that there is scouring beneath the westerly abutment that may pose a serious safety threat. Cavanagh mentioned that this was missed by previous inspections and needs further exploration and a solution before the bridge can be formally opened up.

Bev Foster asked about a long-term fix to the problem of access to the neighborhood and having to rely on a neighbor allowing for a temporary road. There was discussion about the long-term need to replace the bridge and the Town’s efforts to work with FEMA on this. O’Keefe mentioned that he, Cavanagh and Emergency Management Director Rich Phelan met with State Vermont Emergency Management and VTrans representatives that day on this and other FEMA projects.

Options for immediate fixes for the bridge abutment were briefly discussed. O’Keefe stated that the Town’s engineer has recommended immediate closure of the bridge until further notice. It was agreed that there should be good communications with the neighborhood on the road and bridge status.

There was discussion on authority to open and close Town roads, and Cavanagh noted that the Selectboard has the authority to do so and can assign it as necessary under given circumstances. He suggested authorizing the Road Foreman. O’Keefe noted that 19 V.S.A.

304(a)(16) allows the Board to assign the Road Commissioner with certain authority, and added that the Fire Department and law enforcement agencies can close roads for public safety purposes. Brown spoke about the need to improve the ability of the Town to provide notice to people on road openings and closings.

Jim Fleming moved to formally close the Cobble Ridge Road Bridge to all vehicular traffic until further notice from the Town, seconded by Taylor Prouty. The motion passed unanimously.

Taylor Prouty moved to authorize the Road Commissioner and Road Foreman, pursuant to 19 VSA 304(a)(16), to open or close Town Highways, trails and bridges as they may deem to be in the best interest of the Town and public safety, seconded by Melissa Brown. The motion passed unanimously.

Josh Dryden mentioned that roadside mowing would begin the following day, and regarding the new truck that it will be delivered by the end of November, if not sooner.

The schedule for paving was briefly discussed, and while it's planned for October some parts of it will be dependent on the Landgrove and Thompsonburg Road repair projects.

b. Discuss financial responsibility for road name signs for private roads

There was discussion on this and Labeau mentioned there was no policy at this time, and Josh Dryden recalled that the unwritten rule was that first sign was installed by the Town but it was up to property owners thereafter to maintain and replace signs. It was mentioned that road signs for certain roads need to be replaced often due to theft.

O'Keefe clarified that that Town's E911 Coordinator, Will Goodwin, has noted that the State E911 policy for road naming has changed such that a road name is required for drives providing access to three or more lots, not just three or more structures.

Cavanagh recommended that the Town should order and install road name signs, but that property owners should reimburse the Town. O'Keefe suggested that the Town should pay the cost of signs to ensure that mutual aid providers are able to locate properties when needed. There was general agreement that property owners should pay for replacement signs, which would be acquired by the Town.

It was agreed that signs should be purchased and installed for Flying Squirrel Lane and Bob Perry Lane, but to wait on Moose Hill as the properties are on the market and new owners may desire another name.

Taylor Prouty moved to determine that the Town shall pay the cost of purchase and installation of the first road sign on any new private road, and the maintenance and replacement of road name signs for private roads that were named by the Town in conformance with State of Vermont E911 regulations shall be assumed by the landowners along the private road. Such signs shall be in conformance with the Manual on Uniform Traffic Control Devices, seconded by Jim Fleming. The motion passed unanimously.

10. Old Business

a. Discuss regulation of short-term rentals

The Board reviewed at length the draft Short-term Rental Ordinance as previously changed by the Board as well as a set of test changes proposed by resident Bill Sinsigalli, and also

amendments to Sinsigalli's draft proposed by Melissa Brown, Patty Eisenhaur and Mimi Lines. Brown reviewed with the Board and audience the latter document line-by-line.

Ben Sargent agreed that the proliferation of STRs changing the nature of the town is a fair argument. He then noted that people trying to scuttle his proposal to create STRs themselves run STRs which he contends is unfair. He stated that his proposal, which he noted began in 2012, does not impact the fabric of the town and is being done in order to support and hold on to a family farm.

Brown emphasized that the Board has long recognized that STR's are getting somewhat out of control and through an ordinance the Board is seeking to create a level playing field where all STRs must register and follow same rules. Prouty added that the Board is seeking to create fairness through the ordinance adoption effort.

Sinsigalli expressed concern about STR commercialization of properties in residential neighborhoods.

The Board also reviewed the ordinance from Peru, Vermont.

Specific topics of discussion were:

- Hosted vs. unhosted STRs
- Collection of taxes
- Whether to allow for and/or regulate offline STR registrations
- Fairness of registration fees
- Septic system maintenance
- Compliance with State regulations
- Parking being reflective of unit capacity
- Commercialization of residential neighborhoods due to development with STRs
- Concerns about lawsuits against the Town by virtue of enactment of some STR ordinance provisions
- A set-aside of open space in return for allowance for additional STRs.

Sargent spoke about issues he had with reconstructing a barn some years back, and concerns for zoning permitting going forward based on the proposed ordinance. He explained that he may need to sell his farm due to the proposed ordinance provisions. Brown invited Sargent to propose ordinance language that might address his issues.

Eisenhaur spoke to S.100, a new bill passed by the Vermont Legislature that addresses affordable housing as well as STRs, and mentioned.

It was agreed that O'Keefe would make the agreed-upon changes and forward a new draft to Brown and Eisenhaur for comment before sending it to the Town Attorney for review and comment.

b. Consider amendment to summer parks maintenance contract

Cavanagh mentioned that with the new plantings at Aiken's Corner, there is more work required for mowing and trimming, and contractor Levy Dryden stated that it would cost an additional \$60 per visit. Levy Dryden also acknowledged that while he has been mowing and trimming this location for a number of years, it was not actually on the contracted list of maintenance locations. Cavanagh suggested amending the contract to add this location and increase pricing by \$60.

Mimi Lines spoke of long-term maintenance costs for the plantings at the Aiken's Corner site involving the Beautification Committee, and grant being sought to cover that for a 10-year period. Lines noted that a tree has fallen into the Mill Pond and suggested that it could cause some real problems if it is dislodged from the shore.

Melissa Brown moved to amend the Town's three-year contract with Dryden's Outdoor, Inc. for periodic mowing and trimming of Town parks, and spring cleanup of Memorial Park, approved by the Board on 5/9/2022, by formally adding the Aiken's Corner parcel to the Williams Park mowing and trimming location, and increasing the cost by \$60.00 each time, and further to authorize the Town Administrator to draft and execute a contract amendment for these services on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

11. New Business

a. Discuss Town website and town-wide communication [Added to Agenda]

Brown stated that she wants to begin the process of revamping the Town website to better communicate with the public. O'Keefe spoke of research he has done on municipal website providers already, and his intention to solicit proposals for consideration by a group of interested individuals to make a recommendation to the Selectboard.

Brown continued by saying that now that there is remote meeting hardware, the Town will need to manage the website so people can tap into meetings, which will likely require getting a person on board to handle this, which itself has budget implications. She said that she wants to start a conversation about this going onto the budget process, and spoke about the value of being able to get the word out to the community through public notice blasts through on the website.

b. Executive session – Discussion on a contract, per 1 V.S.A. 313 (a)(1)(A)

Taylor Prouty moved to find that premature general public knowledge of contract matters related to the Town audit of government structure will clearly place the Town of Londonderry at a substantial disadvantage, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to enter executive session to discuss a contract matter related to the Town audit of government structure, pursuant to Title 1, V.S.A. Section 313(a)(1)(A), and invite Shane O'Keefe to attend, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 8:30 PM, and came out of executive session at 8:39 PM. No decisions were made.

c. 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)

Jim Fleming moved to find that premature general public knowledge of pending or probable civil litigation to which the Board is or may be a party will clearly place the Town of Londonderry at a substantial disadvantage, seconded by Taylor Prouty. The motion passed unanimously.

Jim Fleming moved to enter executive session to discuss pending or probable civil litigation to which the Board is or may be a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E), and invite Shane O’Keefe to attend, seconded by Taylor Prouty. The motion passed unanimously.

The Board entered executive session at 8:40 PM, and came out of executive session at 8:50 PM. No decisions were made.

12. Adjourn

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

The meeting adjourned at 8:51 PM. The next regular meeting of the Selectboard is scheduled for 10/16/2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved October 16, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, October 12, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Martha Dale.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe and Road Foreman Josh Dryden. Others – 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 noted that pay orders were not available, but that the annual insurance submittals to the Vermont League of Cities and Towns was due the following day according to the renewal application materials provided by the Town Treasurer.

Taylor Prouty moved to delete consideration of pay orders from the agenda, and to add to the agenda as Item 3, authorization for VLCT-PACIF insurance renewal, seconded by Melissa Brown. The motion passed unanimously.

3. Authorize VLCT-PACIF Insurance Renewal

O’Keefe noted that the annual insurance renewal submittal to the Vermont League of Cities and Towns was due the following day, and the Board received the renewal application materials provided by Town Treasurer Tina Labeau.

Jim Fleming moved to authorize the Town Treasurer to take the necessary steps and execute any documents necessary to renew the Town’s insurance coverages for calendar year 2024 with the Vermont League of Cities and Towns Property and Casualty Intermunicipal Fund, seconded by Taylor Prouty. The motion passed unanimously.

4. Roads and Bridges

a. Updates/storm damage and recovery

Cavanagh mentioned that the Cobble Ridge Bridge has been cleared to be opened by both the State of Vermont and the Town’s engineer.

Josh Dryden stated that the culvert for the Spring Hill Road culvert replacement was due to be delivered the following Monday, and it was anticipated that the road would reopen within a week or so, and then it would be paved thereafter.

O’Keefe noted that two separate meetings with FEMA representatives were scheduled for the following day, one with the Town’s public assistance representative for Town infrastructure projects and one for community assistance.

b. Review bids and award contract for Landgrove Road Repairs Project

In response to an Invitation bid for this project issued 10/2/2023, the Town received the following responses:

Ameden Construction, LLC Jamaica, VT – \$25,000
Hunter Excavation, Inc., South Londonderry, VT – \$23,000
Waters Excavating, West Windsor, VT – \$44,430

The Board discussed the bids received and the firms proposing them. Brown inquired whether there is any value in awarding the contract to the firm with the lowest combined bid for both the Landgrove Road and Thompsonburg Road projects, noting that the projects can be handled in concert with one another. It was agreed that each of the two projects would likely be completed sooner if two separate contractors were selected.

O’Keefe clarified that each project would require its own contract to comply with FEMA requirements.

Taylor Prouty moved to accept the bid from Hunter Excavating, Inc. in the lump sum amount of \$23,000 for storm-related roadway repairs to Landgrove Road, which was submitted in response to the Town’s 10/2/2023 Invitation to Bid and the addendum of 10/11/2023, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary services, seconded by Melissa Brown. The motion passed unanimously.

c. Review bids and award contract for Thompsonburg Road Repairs Project

In response to an Invitation bid for this project issued 10/2/2023, the Town received the following responses:

Ameden Construction, LLC Jamaica, VT – \$14,000
Hunter Excavation, Inc., South Londonderry, VT – \$15,800
Waters Excavating, West Windsor, VT – \$27,675

The Board discussed the bids received and it was noted that the Town was lucky to have two local firms that were so well qualified. Coordination with the two road repair projects with the paving contract was discussed, and that project work will be completed by 11/1/2023.

The need to close Thompsonburg Road for two days to all but local traffic was mentioned, and it was agreed that some public notice and contact with property owners beforehand should be done.

Taylor Prouty moved to accept the bid from Ameden Construction, LLC in the lump sum amount of \$14,000 for storm-related roadway repairs to Thompsonburg Road, which was submitted in response to the Town’s 10/2/2023 Invitation to Bid and the addendum of 10/11/2023, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary services, seconded by Jim Fleming. The motion passed unanimously.

There was a discussion about the Governor extending the period for use of gravel operations throughout the state and whether the 10/15/2023 end of the extension period would impact the Town’s storm-related road repair projects. The blasting and other gravel operation permits for the Rowes Road pit were discussed, including validity dates of both local and State permits.

d. Review bids and award contract for winter road salt

In response to an Invitation bid for salt supply and delivery issued on 9/27/2023, the Town received the following responses:

Apalachee, LLC	\$91.90/ton
American Rock Salt Co., LLC	\$95.50/ton
Cargill, Inc.	Did not bid

O’Keefe provided a bid tabulation that included previous years’ bids and related salt budget information.

Jim Fleming moved to accept the bid from Apalachee, LLC for FY2024 supply and delivery of winter road salt in the amount of \$91.90 per ton, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary material and services, seconded by Taylor Prouty. The motion passed unanimously.

5. Adjourn

Jim Fleming moved to adjourn the meeting, seconded by Taylor Prouty. The motion passed unanimously.

The meeting adjourned at 5:52 PM. The next regular meeting of the Selectboard is scheduled for October 16, 2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved October 16, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 16, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk, Mountain Towns Recreation Director Advisory Committee member and Parks Board Chair Kelly Pajala; Road Foreman Josh Dryden; Road Crew member Nick Doane; Planning Commission Chair Sharon Crossman; Development Review Board member Bob Maisey; Williams Dam Advisory Committee member Paul Hendler; Mountain Towns Recreation Director Advisory Committee members Sarah Kiefer and Jenny Freeman. Others – resident Ben Sargent; Attorney Stephen Ankuda; Weston resident Liam Elio; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:03 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Jim Fleming moved to delete from the agenda the discussion on the Short-term Rental ordinance, and to add consideration of an employee compensation matter to the New Business section of the agenda, seconded by Taylor Prouty. The motion passed unanimously.

Cavanagh stated that the reason for the removal of the Short-term Rental Ordinance discussion from the agenda is that the Town Attorney had not gotten back to the Board yet on proposed changes. He noted that it was anticipated that the Board would be discussing this at the next regular meeting, scheduled for 11/6/2023. Ben Sargent and Steve Ankuda left the meeting.

Tom Cavanagh moved to delete from the agenda the Williams Dam Advisory Committee discussion, seconded by Martha Dale. Cavanagh noted that the Committee was not ready to consider the contract award yet. The motion passed unanimously.

Tom Cavanagh moved to add a discussion on the Mountain Towns Recreation Director position to the agenda as item 8.c., in place of the Williams Dam discussion, 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 to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Josh Dryden, Tina Labeau, Shane O’Keefe and Nick Doane to attend the executive session, seconded by Martha Dale. The motion passed unanimously.

The Board entered executive session at 6:05 PM, and Doane left the meeting at 6:18 PM. The Board came out of executive session at 6:25 PM, and no decisions were made.

4. Minutes Approval – Meeting(s) of 10/2/2023 & 10/12/2023

Jim Fleming moved to approve the minutes of the Selectboard meeting of 10/2/2023 and 10/12/2023, seconded by Taylor Prouty. The motion passed unanimously.

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Cavanagh publicly opened a gift box to the Board from Bob Wells that included a note thanking the Board for its help to install the historic marker commemorating Jake Burton and also included some cookies.

Shane O’Keefe noted the following:

- The Town received the annual compensation and benefits report from the Vermont League of Cities and Towns, which is available for Board and public review.

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

- Notices for the Village Wastewater Public Meeting scheduled for the following evening.
- A resignation notice from Jim Wilbur from his positions as the primary representative to the Deerfield Valley CUD and the alternate representative to the Southern Vermont CUD. O’Keefe will begin advertising for this vacancy.
- The September monthly report from the Windham County Sheriff’s Office.

Kelly Pajala mentioned that an abatement hearing was scheduled for 10/18/2023 at 5:30 PM and requested Selectboard member attendance.

Sharon Crossman spoke of the Village Wastewater project public meeting scheduled for the following evening from 6:00 PM to 7:30 PM at the Flood Brook School. She urged everyone to attend as it will be very informative, with experts available to answer questions people might still have, and Town Moderator Doug Friant facilitating. This is an important milestone for the advancement of the project, she mentioned, and added that much in town depends on a successful outcome to this project, such as much-needed housing development.

7. Visitors and Concerned Citizens

a. Champion Fire Co. #5 – Discuss Halloween Trunk or Treat

The Board reviewed a brief request from the Champion Fire Company #5 to run its annual Halloween event on Main Street, with the Town sponsoring police coverage under the contract with the Windham County Sheriff’s Office.

Taylor Prouty moved to authorize the closure of Main Street and one lane of Middletown Road from Crescent Street to VT Route 100 in South Londonderry from 3:00 to 8:00 PM on Tuesday, October 31, 2023 for the Champion Fire Company Halloween Trunk or Treat event, and to allow for use of the Town contract with the Windham County Sheriff’s Office for related traffic control, seconded by Jim Fleming. The motion passed unanimously.

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

O’Keefe noted that the BDCC visit was actually scheduled for the meeting of 11/6/2023 and was mistakenly included on the agenda. The Board decided to pass over this matter.

8. Town Officials Business

a. Planning Commission – Monthly update

Sharon Crossman spoke to several projects underway with the Planning Commission. On the Zoning Bylaw amendment project, the contractor, Brandy Saxton of PlaceSense, is moving out of the country and the Commission looks to finish off what has been started and to work with the Windham Regional Commission on needed mapping work. O’Keefe explained that the contract with PlaceSense has run its course and any extra expenses at this point would need to be paid from the Commission budget. It was acknowledged that a contract with WRC would be needed for project finalization. Crossman stated that she is looking to present the Bylaw to the Selectboard soon.

On the South Londonderry master planning project, she mentioned that the Commission is looking to defer that project until after the first of the year due to the holidays, and would need to finalize a consultant contract.

She mentioned the recent flooding and the need to address flood mitigation going forward, including working jointly with surrounding towns.

b. Parks Board – Discuss grant opportunity

Kelly Pajala mentioned that \$6 Million in funding was announced for the next round of the Vermont Outdoor Recreation Economic Collaborative (VOREC) Community Grant Program, which includes flood recovery as one of its funding categories. It is a very good opportunity to get Memorial Park up and running, she added. She mentioned that FEMA representatives would be visiting Memorial Park later in the week, and spoke of the volunteer labor and equipment used so far to clean up the flood damage to the Park, which can be considered a matching funds for FEMA recovery, and the cost of new wood chips. Pajala noted that there are improvements to the Park that have nothing to do with flood impacts or mitigation that the VOREC funding can address. There was discussion about a combination of FEMA funds and VOREC grant funds addressing various projects/efforts to improve Memorial Park. She asked the Board for authorization to proceed, and there was general support for the effort.

It was acknowledged that the VOREC program is very competitive and Pajala expressed confidence that the grant could be written successfully. Labeau mentioned that the Memorial Park reserve fund has upwards of \$30,000 available for local match if necessary.

c. Mountain Towns Recreation Director

Kelly Pajala introduced Liam Elio as a candidate for the Mountain Towns Regional Recreation Director position, and noted that she had forwarded to the Board his job application and supporting documents. Elio discussed his background and expressed his strong interest in the position.

Committee members spoke to his qualifications, and it was noted that he would be away on vacation in the immediate future and it was agreed that Elio would meet with the Board at the 12/4/2023 meeting.

On the local agreement, Pajala mentioned that four towns have already signed, and they are still working with the Town of Weston on some details and more information would be available in the coming weeks. She suggested that the Board could hear more about negotiations in an executive session, but offered that that it would all get worked out.

d. Development Review Board – Annual appointments

The Board reviewed an application for reappointment to the Development Review Board submitted by Bob Maisey, and an application for appointment as an alternate member from by Andy Rackear. Maisey spoke to his tenure with the DRB and his continued interest.

Taylor Prouty moved to reappoint Bob Maisey as a regular member of the Development Review Board, for a 3-year term extending to September 30, 2026, seconded by Jim Fleming. The motion passed unanimously.

Jim Fleming moved to move to appoint Andrew Rackear as an alternate member of the Development Review Board, for a 1-year term extending to September 30, 2024, seconded by Martha Dale. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that the forks for the new backhoe had arrived, and Labeau mentioned that the check for the sale of the old backhoe arrived that day. Cavanagh added that the take-it or leave-it shed is reopened, and Labeau mentioned that there have been issues with users not having annual permits.

10. Roads and Bridges

a. Updates/storm damage and recovery

Prouty noted that the replacement culvert for the Spring Hill Road project has arrived and has been set on place, and the project will be completed, and the road segment repaved soon.

Cavanagh noted that the Cobble Ridge Road Bridge has been opened, and the Board reviewed a letter from the Town engineer noting that the bridge is safe for vehicular traffic. The temporary access roadway to Boynton Road is now closed, he mentioned, and O’Keefe added that FEMA has agreed to pay for the reclamation costs of the temporary road the work for which would commence soon.

O’Keefe mentioned he would issue Invitations to Bid for repairs on Cohen, Edgehill and Rows Road in the coming days. A special Selectboard meeting will be needed to expedite the bid awards. Prouty mentioned that the remaining projects will not need structures or special materials, and therefore should go smoothly.

O’Keefe mentioned that there continue to be a number of meetings with FEMA, and that the Town’s primary FEMA representative has stated that Londonderry is in very good shape with its projects and paperwork.

11. Old Business

a. Ratify 10/12/2023 authorization for VLCT-PACIF insurance renewal

Because the Board voted on 10/12/2023 to authorize the Town Treasurer to renew insurance coverages when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Martha Dale moved to ratify the Board's 10/12/2023 decision to authorize the Town Treasurer to take the necessary steps and execute any documents necessary to renew the Town's insurance coverages for calendar year 2024 with the Vermont League of Cities and Towns Property and Casualty Intermunicipal Fund, seconded by Jim Fleming. The motion passed unanimously.

12. New Business

a. Consider employee compensation matter

Taylor Prouty moved to adjust the hourly rate of pay for Nick Doane to \$25.00, effective the next payroll, seconded by Jim Fleming. The motion passed unanimously.

13. Adjourn

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

The meeting adjourned at 7:06 PM. The next regular meeting of the Selectboard is scheduled for 11/6/2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved November 6, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, October 26, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe (via phone); Town Treasurer Tina Labeau; Road Foreman Josh Dryden; Others – 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)]

None.

3. Selectboard Pay Orders

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

4. Roads and Bridges

a. Updates/storm damage and recovery

Prouty mentioned that the invitation to bid for Rinehart Road work in the works, and O’Keefe confirmed that it was advertised that day.

Josh Dryden mentioned that Thompsonburg Road is scheduled to be closed to through traffic the following Tuesday and Wednesday for road repairs and paving. Cavanagh stated that he would post notice on the community forum and suggested that Emergency management Director Rich Phelan could provide a community alert on the closure to residents.

Coordination with the Fire Department Trunk or Treat event was discussed.

Fleming suggested placing cones in the vicinity of the most damaged area of Thompsonburg Road to provide warning to drivers of the conditions.

Prouty noted that the Spring Hill Road culvert has been set and the surface paved, and the road is now opened for traffic.

It was reiterated that the Cobble Ridge Road bridge is now open to traffic.

b. Review bids and award contract for Cohen Road Repairs Project (RFP 2023-17)

The Board received a bid tabulation and copies of all Invitations to Bid, and all bids received for this and the other storm-related road repair projects on the agenda.

Bids for this project were as follows:

1	Ameden Construction, LLC, Jamaica, VT	\$44,000
2	Blue Mountain Trucking & Excavating, South Ryegate, VT	\$59,500
3	Hunter Excavation, Inc., South Londonderry, VT	\$33,000
4	Markowski Excavating, Inc., Florence, VT	\$59,044
5	Waters Excavation, Inc., West Windsor, VT	\$28,575

Cavanagh stated that he and Dryden had discussed that they did not have much information about the low bidder, Waters Excavation, Inc. of West Windsor, VT, and it was noted that the company had done some recent roadway underdrain work for the State of Vermont but there was no other track record in the community. He added that the bid from Hunter Excavating was close to the low bid and the company is local and provides good quality work. O’Keefe directed the Board to the selection criteria spelled out in the Invitation to Bid, which has criteria beyond just price. The value of the Town’s familiarity of Hunter Excavating was mentioned.

The Board discussed the value of requesting and contacting references for future solicitations.

Martha Dale moved to accept the bid from Hunter Excavating, Inc. in the lump sum amount of \$33,000.00 for storm-related roadway repairs to Cohen Road, which was submitted in response to the Town’s 10/17/2023 Invitation to Bid, 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. Review bids and award contract for Rows Road Repairs Project (RFP 2023-18)

Bids received for this project were as follows:

1	Blue Mountain Trucking & Excavating, South Ryegate, VT	\$82,500
2	Hunter Excavation, Inc., South Londonderry, VT	\$25,000
3	Markowski Excavating, Inc., Florence, VT	\$77,048
4	Waters Excavation, Inc., West Windsor, VT	\$36,075

The low bidder is Hunter Excavation, Inc., and Prouty mentioned that the company will be able to coordinate on this well due to the quarry and pit location on Rows Road. O’Keefe mentioned that the company may be coming to the Board to request approval to go beyond the bid scope to widen the Town road to help with its gravel and quarry operations there.

Taylor Prouty moved to accept the bid from Hunter Excavating, Inc. in the lump sum amount of \$25,000.00 for storm-related roadway repairs to Rows Road, which was submitted in response to the Town’s 10/17/2023 Invitation to Bid and the addendum of 10/25/2023, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary services, seconded by Martha Dale. The motion passed unanimously.

d. Review bids and award contract for Edgehill Road Repairs Project (RFP 2023-19)

Bids received for this project were as follows:

1	Ameden Construction, LLC, Jamaica, VT	\$32,500
2	Blue Mountain Trucking & Excavating, South Ryegate, VT	\$34,701

3	Hunter Excavation, Inc., South Londonderry, VT	\$25,000
4	Markowski Excavating, Inc., Florence, VT	\$39,477
5	Waters Excavation, Inc., West Windsor, VT	\$21,200

Prouty noted that, similar to the Cohen Road bids, the bid from Hunter Excavation is only slightly more than the low bid, and Cavanagh added that Town knows that the quality is there and the work would get done timely.

Jim Fleming moved to accept the bid from Hunter Excavating, Inc. in the lump sum amount of \$25,000.00 for storm-related roadway repairs to Edgehill Road, which was submitted in response to the Town's 10/17/2023 Invitation to Bid and the addendum of 10/25/2023, 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.

5. 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 Josh Dryden and Tina Labeau to attend the executive session, seconded by Martha Dale. The motion passed unanimously.

The Board entered executive session at 5:42 PM, and came out of executive session at 6:16 PM.

6. Old Business

a. Consider employee compensation matters

Taylor Prouty Dale moved to adjust the hourly rate of pay for Nick Doane to \$26.00, effective this pay period, seconded by Jim Fleming.

It was noted that this increase is based on previous conversations with Doane where it was mentioned that he would get the 9% cost-of-living raise that other employees received.

The motion passed unanimously.

7. Adjourn

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

The meeting adjourned at 6:19 PM. The next regular meeting of the Selectboard is scheduled for 11/6/2023.

Respectfully Submitted,

Shane P. O'Keefe
Town Administrator

Approved November 6, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Thursday, November 2, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Taylor Prouty and Melissa Brown.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe. Others – 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)]

None.

3. Selectboard Pay orders

None.

4. Roads and Bridges

a. Updates/storm damage and recovery

O’Keefe mentioned that Thompsonburg Road repairs at Carly Lane have begun, and paving will take place over the next few days, and Cavanagh added that a first coat of paving has been done.

On Cohen Road there will need to be two additional culverts installed to forestall future drainage issues, and this will be handled by Hunter Excavating as the company is already out there doing road repairs. These culverts would not be FEMA funded.

Work on Edgehill Road began that day and it was found that a culvert under the road from Middletown Road was crushed at the Williams Dam and will need to be partially replaced. Cavanagh noted that there was confusion on ownership of the culvert, and O’Keefe mentioned that the project would be discussed with FEMA representatives the following day on how to categorize it.

Landgrove Road repairs are underway, O’Keefe noted, and the temporary Cobble Ridge Road access restoration work has been completed with some minor touchup work needed. He suggested meeting with the property owners who allowed for the temporary access to ensure their satisfaction with the work.

He mentioned that a meeting with FEMA on the following day would address meeting codes and standards for major projects, and whether FEMA would fund long-term replacements of culverts on Spring Hill and Rinehart Roads, and the Cobble Ridge Road Bridge, all three of which have hydrologic and hydraulic (H & H) studies indicating that the structures should be much larger.

It was mentioned that the recent and immediate work for these three sites are considered temporary, just to keep the roads open for resident, and long-term fixes in keeping with the standards set by the H & H studies are being pursued to avoid repetitive damage.

It was noted that the Town is close to being done with road repair projects and invoices are coming in for payment. On cash flow it was noted that with taxes having been due recently the Town is in a good place, but by January there may need to be further discussion on this. O'Keefe mentioned that the Town can begin to seek refunds from FEMA now that projects are wrapping up, and Cavanagh noted the opportunity to borrow internally from the Cemetery Fund at low rates if necessary.

b. Review bids and award contract for Rinehart RD Repairs Project (RFP 2023-21)

The Board received a bid tabulation and a copy of the Invitation to Bid, and all bids received for this storm-related road repair project. Bids for this project were as follows:

1	Ameden Construction, LLC, Jamaica, VT	\$24,000
2	Hunter Excavation, Inc., South Londonderry, VT	\$14,800

O'Keefe mentioned that an addendum had been issued after the pre-bid site visit, where it was concluded that additional widening of the roadway to pre-disaster width was warranted.

Martha Dale moved to accept the bid from Hunter Excavation, Inc. in the lump sum amount of \$14,800.00 for storm-related roadway repairs to Rinehart Road, which was submitted in response to the Town's 10/26/2023 Invitation to Bid, and the addendum of 10/31/2023 and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary services, seconded by Jim Fleming. The motion passed unanimously.

c. Ratify contract amendment for storm-related road repairs (Cobble Ridge Road Bridge temporary access)

O'Keefe explained that the original emergency response contract with Duane Hart to create the private access road for the Cobble Ridge Road neighborhood to Boynton Road, necessitated by the severe storm-related damage to the Cobble Ridge Road Bridge, needed to be amended to address the access agreement requirement to restore the property to pre-disaster conditions. And because of the short timeframe for action handle the restoration work to weather concerns, he drafted and signed a contract amendment to address the work at a lump-sum cost of \$5,000. He mentioned that he had conferred with the Town's FEMA representative on this who agreed that using the original contractor on a sole-source basis was acceptable, and Cavanagh mentioned that the cost fell below the Town's threshold to conduct a bid process.

Jim Fleming moved to ratify Amendment #1 of the July 11, 2023 contract between the Town and Duane Hart, D/B/A Hart's All Season Maintenance, for emergency response and protective measures for transportation infrastructure, such amendment being dated October 23, 2023 and executed for the sake of expediency by the Town Administrator, and which provides for restoration of privately-owned land used for emergency temporary access for property owners in the Cobble Ridge Road neighborhood, seconded by Martha Dale. The motion passed unanimously.

5. Adjourn

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

The meeting adjourned at 5:40 PM. The next regular meeting of the Selectboard is scheduled for 11/6/2023.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved November 6, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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 was 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

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, November 20, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Town Officials: Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk Kelly Pajala; Recycling Coordinator Esther Fishman; and Williams Dam Advisory Committee member Paul Hendler.

Others in Attendance: Ben Sargeant; Steve Ankuda, Esq.; Dan McKenna; Nancy Jensen; Christine Falango; Bill Sinsigalli and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda

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

Taylor Prouty moved to add to the agenda, as New Business item 11.c. “Consideration of 1st and 3rd class Liquor Licenses and Outside Consumption Permit for Londonderry Café and Tavern, LLC, DBA Jakes”, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to adjust the agenda by addressing the Executive Session – Discussion on a contract, per 1 V.S.A. 313 (a)(1)(A))” immediately after the consideration of Selectboard Pay Orders seconded by Jim Fleming. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 11/6/2023

Martha Dale moved to approve the minutes of the Selectboard meeting of 11/6/2023, seconded by Melissa Brown. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Executive Session – Discussion on a contract, per 1 V.S.A. 313 (a)(1)(A)

Tom Cavanagh moved to go into Executive Session to discuss a contract, per 1 V.S.A. 313 (a)(1)(A) seconded by Taylor Prouty. The motion passed unanimously.

Taylor Prouty moved to find that premature general public knowledge of contract matters related to the Interlocal agreement on the Mountain Towns Recreation Director will clearly place the Town of Londonderry at a substantial disadvantage Orders seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to enter executive session to discuss the Interlocal agreement on the Mountain Towns Recreation Director, pursuant to Title 1, V.S.A. Section 313(a)(1)(A), and

invite Kelly Pajala; Christina Falango; and Tina Labeau to attend seconded by Martha Dale. The motion passed unanimously.

The Selectboard entered executive session at 6:05 pm and came out at 6:53 pm. No decisions were made.

6. Announcements/Correspondence

a. Announcements

- Tina Labeau reminded everyone that the Town Office would be closed on Thursday, 11/23/23 and Friday, 11/24/23.
- The Transfer Station Permits for 2024 are now available.
- Our new Selectboard minutes-taker Debbie Carleton will begin taking the minutes as of this evening, and she'll be doing it remotely via video.
- Scott Denkman has moved away from Londonderry so his seat on the Development Review Board (DRB) has been vacated. His term extends to 9/30/2024. The DRB will likely interview one new candidate and Andy Rackear, the recently appointed alternate, has expressed an interest in the regular appointment.
- O'Keefe received a very nice letter from Donna Carpenter about the recent historic sign dedication, which accompanied a book about the life and times of Jake Burton Carpenter. We'll keep the book in the vault for safekeeping, he noted.

b. Correspondence

Correspondence included in the Board's meeting packet was as follows:

- A notice from Adam Walsh of 532 Landgrove Road that he will be filing an application to the Vermont Public Utility Commission for a 50kW ground-mounted solar array on his property.
- A letter of thanks from the Windham County Humane Society for the Town's annual appropriation.
- The October monthly report from the Windham County Sheriff's Office.

7. Visitors and Concerned Citizens

None

8. Town Officials Business

None

9. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman mentioned that she contacted Vermont Pest Control and asked if every other month maintenance would be effective, and they said yes. That would be a savings of \$1200.00 therefore this is what they are going to do.

Tom Cavanaugh added the compactor was not working today due to vermin damage so it will be good to have pest control maintenance place.

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

Cavanaugh said there were three bids submitted, which were as follows:

Bidder	Primary Bid	Alternate Bid	
	Winter 2023-24	Winter 2024-05	Winter 2025-06
Torrey Lawn & Land Services	\$6,000	\$6,200	\$6,400
Alberti Landscape & Construction	\$9,100	\$9,400	\$9,800
Hunter Excavating	\$30,000	No Bid	No Bid

Tina added that one bidder that submitted the first time around did not submit a new bid. Discussion ensued about the various bidders and past vendor costs and the Town's budgeted finds for this service.

Jim Fleming moved to accept the bid from Torrey. There was no second to the motion.

Melissa Brown moved to accept the bid from Alberti Landscape and Construction for Transfer Station winter maintenance for this winter and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary materials and services, with the option to do the next two seasons at the prices offered if the Board is satisfied, seconded by Martha Dale. The motion passed unanimously.

10. Roads and Bridges

a. Updates/storm damage and recovery

Cavanaugh noticed the stone boulders were missing on Edge Hill Road. Taylor responded that there should have been an RFP to replace them. Not sure if it should be replaced with stones or guard rails. Was not included in RFP. Taylor will talk with Road Foreman Josh Dryden.

Tom mentioned his concern about the fencing on the new café site not weathering the winter. He has also received complaints. Most of the projects are complete.

Shane said FEMA still has much to complete. We are still working with the State on the Cobble Ridge Road Bridge and Spring Hill Road culverts.

Tom thanked the road crew for all the hard work they have done.

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

Taylor emailed the property owners Andrew and Elizabeth Cooper but didn't receive a response. The Board discussed the size of the culvert that was replaced was too small and was installed without a permit.

The Board agreed to move the permit application approval passed over to the next regular meeting.

11. Old Business

a. Discuss regulation of short-term rentals

The Board reviewed the most recent draft of the proposed Short-term Rental (STR) ordinance which was included in the board packet. Housing Commission member Nancy

Jensen attended the Vermont Short Term Rental Alliance (VTSTRA) meeting via Zoom and provided the Board members with a handout from the meeting.

Melissa Brown stated that she feels the current ordinance is cumbersome and that the homestead language is not in the current ordinance.

Bill Sinsigalli said the City of Montpelier ordinance simplifies the language and is very clear and simple. Yet it is very restrictive. The language complexity here is hard to digest. He suggests using the Montpelier language but added that it does not have provisions for second homeowners. Cavanaugh said we must include both ordinance and second homeowners.

Brown said the Town needs to know how many and where they are, that is why an STR registration is necessary. And registrations will help the Town to see how many comply to see where we stand before starting with regulations. With a simplified version people will be more willing to comply, she added. Cavanaugh said Town Attorney Bob Fisher recommends they take out the nuisance ordinance information. Steve Ankuda said that once the City of Burlington lawsuit on STRs is complete the rules will become clear as they are based on the case law.

Cavanaugh said the proposed ordinance is not intended to eliminate short-term residences; it's intended to modulate and limit them within reason. He said it's a two-step process; Zoning (STR restrictions) and Ordinance (regulations and fines)

Brown read the email submitted to the board from Attorney Fisher regarding elimination of proposed limitations. Regarding Zoning Bylaws, the Planning Commission is the one that makes the recommendation. Then a hearing is scheduled before it makes its way to the Selectboard for adoption.

Cavanaugh recommends making changes discussed and bring back to the table. Shane O'Keefe will make the recommended changes.

b. Consider job description for Mountain Town Recreation Director position

The Board reviewed the proposed job description and agreed that it should include the position reports to the Advisory Committee.

Martha Dale moved to approve the new job description for the position of Mountain Towns Recreation Director seconded by Melissa Brown. The motion passed unanimously.

c. Discuss governmental operations/structure audit study

O'Keefe, Labeau and the Board members reviewed the governmental operations study received at the previous meeting, and discussed the several recommendations and considered assigned responsibilities and timelines. Dale volunteered to work with O'Keefe on continuity plans.

O'Keefe added that the Personnel Policy is scheduled for discussion at the next meeting. The Town website logo, vision/mission statement, shared Grant Writer, and IT Specialist will be part of upcoming efforts.

Brown suggested further discussion on a shared grant writer, and Cavanaugh mentioned that there is State funding for grant writing needs.

Dale suggested revisiting this in 6 months to take a look back at implementation efforts.

d. Discussion participation in the Vermont 250th Anniversary Commission celebration of the American Revolution

The Board discussed Town participation on the Vermont 250th Anniversary, and it was noted that the Londonderry Arts and Historical Society was considering whether to be the Town's liaison to the Commission.

Jim Fleming moved to 1) approve and execute the Vermont 250th Anniversary Resolution, and 2) establish the Londonderry Arts and Historical Society as the Town's liaison to the Vermont 250th Anniversary Commission. Seconded by Taylor Prouty. The motion passed unanimously.

12. New Business

a. Consider appointment to the Londonderry Housing Commission to fill vacancy

Jim Fleming moved to appoint Bill Sinsigalli to the Londonderry Housing Commission for a term extending to June 30, 2024. Melissa Brown seconded the motion. The motion passed unanimously.

b. Itinerant Vendor Permit Application – Michael Roy (2170 North Main Street)

The Board reviewed and discussed an itinerant vendor permit application to allow for temporary sale of Christmas decorations in the parking lot adjacent to the Maple Leaf Diner.

Melissa Brown moved to approve Itinerant Vendor Permit #2023-04, submitted by David Howald and Michael Roy, to allow for the weekend sale of Christmas wreaths and decorations on property located at 2170 North Main Street for a period of 4 weeks. Jim Fleming seconded the motion. Motion passed unanimously.

c. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Londonderry Café and Tavern, LLC, DBA Jake's Restaurant and Tavern

The Board reviewed and discussed State liquor permit applications for Jakes' Restaurant and Tavern.

Taylor Prouty moved to approve 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Londonderry Café and Tavern, LLC, doing business as Jake's Restaurant and Tavern, related to property located at Mountain Marketplace, 5800 VT Route 100. Jim Fleming seconded the motion. Motion passed unanimously.

The Board's decision will be considered for ratification at the next regular meeting.

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

Martha Dale moved to find that premature general public knowledge of probable litigation in the matter of alleged road salt contamination will clearly place the Town of Londonderry at a substantial disadvantage. Jim Fleming seconded the motion. The motion passed unanimously.

Taylor Prouty moved to enter executive session to discuss probable litigation regarding alleged road salt contamination of a drinking water well, to which the Board is a party,

pursuant to Title 1, V.S.A. Section 313(a)(1)(E), and invite Town Administrator Shane O’Keefe to attend. Martha Dale seconded the motion. Motion passed unanimously.

The Board entered executive session at 8:55 PM and came out at 9:02 PM.

Melissa Brown moved to authorize the Town Administrator to sign a settlement agreement with property owners of 929 Middletown Road regarding salt contaminations to the extent of the Towns liability coverage. Seconded by Martha Dale. Motion passed unanimously.

The Board’s decision will be considered for ratification at the next regular meeting.

13. Adjourn

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

The meeting adjourned at 9:03 PM. The next regular meeting of the Selectboard is scheduled for 12/04/2023.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved December 4, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, December 4, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Town Officials: Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk Kelly Pajala; Housing Commissioner Patty Eisenhaur; Planning Commissioner Sharon Crossman and Williams Dam Advisory Committee member Paul Hendler.

Others in Attendance: Flavors Hook Kids VT representative William Greer; Dufresne Group engineer Chrissy Haskins; Levi Dryden of Dryden’s Outdoor; Liam Elio; Chester Snowmobile Club representative Lewis Lettenberg 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)]

None

3. Minutes Approval – Meeting(s) of 11/6/2023

Jim Fleming moved to approve the minutes of the Selectboard meeting of 11/20/2023, seconded by Taylor Prouty. The motion passed unanimously.

4. Selectboard Pay Orders

Jim Fleming moved to approve the pay orders for payroll and accounts payable, seconded by Melissa Brown. The motion passed unanimously.

5. Announcements/Correspondence

a. Announcements

- O’Keefe mentioned that because the first Monday in January is New Years’ Day and there are 5 Mondays in the month, he looks to include on the next meeting agenda a proposal to move January’s regular meetings to the 2nd and 4th Mondays.
- He reported that there was some flooding damage in one of the two Town Hall bathrooms into which we are looking to repair.
- Goodaleville Bridge is now open to traffic.

b. Correspondence

Correspondence included in the Board’s meeting packet was as follows:

- The first notice to the Town of local option taxes collected, showing that 34 returns were processed, which collected \$8,354.50 of which the Town received \$5,706.30.

- A letter of thanks from the West River Montessori School for the Town's annual appropriation.

6. Visitors and Concerned Citizens

- William Greer from Flavors Hook Kids VT / Coalition for Tobacco Free VT informed the board that this group is modeling the Massachusetts law to help enforce a bill to outlaw flavored tobacco products. If they are successful VT will be the sixth state to do so.
- Bruce Frauman said a State flooding mitigation meeting is scheduled for this Thursday, December 7, 2023.

7. Town Officials Business

a. Planning Commission -- South Village Master Plan

Crossman noted the Planning Commission accepted the scope of work for the proposed South Village master plan and is subject to clarification changes of some items. They plan to move forward as soon as possible. She described potential revitalization projects that could come about.

It was noted that the State grant amount is \$22,000, with a \$2,636 required local match and \$3,000 of match has been budgeted.

Martha Dale moved to accept the proposal from Stevens & Associates to provide consultant services for the South Village Main Street Study and Master Plan, which is funded by a Municipal Planning Grant awarded by the Vermont Department of Housing and Community Development, and to 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.

b. Planning Commission -- Reappointment of Administrative Officer per 24 VSA 4448(a)

Crossman stated that William Goodwin was recommended for reappointment as the Town Administrative Officer by the Planning Commission vote.

Taylor Prouty moved, in keeping with Title 24 V.S.A 4448(a), to reappoint William Goodwin as the Town's Administrative Officer, to provide Zoning Administrator & Floodplain Administrator services, a part-time position working an average of 20 hours per week, Jim Fleming seconded the motion. The motion passed unanimously.

c. Village Wastewater Committee – Project Update

Crossman noted that the next public meeting is scheduled for Wednesday, January 10th, 2024, at the Town Office. The committee would like a Selectboard liaison at these meetings.

Haskins stated that the 60% project completion report needs to be completed by December 31, 2023. They need the Selectboard to endorse the report soon, which would be non-binding.

There will be discussions on how the project will be paid for and how it will be managed.

The North Village sites under consideration are not providing adequate capacity needed to address the needs of the service area. The village could lose all funds or take a step back and recalculate.

The acceptance of 60% of the report by the Selectboard would be a good step as far as support. Brown and Dale will share the role as liaison for the committee. Regular meetings of the Village Wastewater Committee are the 1st Friday at 9:00AM and 3rd Tuesday at 6:00PM monthly.

d. Town Treasurer – Year-to-date budget review

Labeau noted the budget is looking good. Approximately \$450,000 has been spent so far on flood repairs and \$900,000 will have been spent soon.

8. Transfer Station/Solid Waste Management

a. Updates

Rats have chewed the compactor wires for the third time. Pest control has treated the area but it will take at least a month to be effective.

9. Roads and Bridges

a. Updates/storm damage and recovery

Prouty gave the fuel usage numbers he received from Road Foreman Josh Dryden.

October 2023

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 647, Town Office Generator – 0, Transfer Station – 104

November 2023

Salt – 70 tons Sand – 185 yards

Fuel (gallons): Vehicles – 837, Town Office Generator – 10, Transfer Station – 0

The flood damage projects are ending soon. The Edgehill Road repairs were discussed and re-installation of large stones at the roadside where not in the project scope of work but have been addressed through placement of waste blocks. Guardrails should go there in the future is was mentioned.

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

Prouty noted he has emailed the property owner about the fact that the culvert installed is undersized, who has not responded. Cavanagh suggested that the Town send a certified letter in hopes of receiving a response. Prouty stated he will communicate with Zoning Administrator Will Goodwin on the next steps. The Board did not render a decision on the permit request.

c. Approve contract for garage door maintenance at Town Highway Garage

Prouty stated that continuation of the maintenance agreement made sense, and O’Keefe confirmed the rate remains the same at \$240.

Marsha Dale moved to 1) accept the proposal from Overhead Door Company of Rutland for annual planned maintenance of garage doors at the Town Garage for 2024 as submitted, and 2) authorize the Town Administrator to sign any documents necessary for the hiring of the firm to conduct the necessary work, seconded by Jim Fleming. The motion passed unanimously.

10. Old Business

a. Discuss regulation of short-term rentals

Brown spoke about further revisions developed by her, Patty Eisenhower and Mimi Lines. The Selectboard went over line-by-line the changes to previous versions. Board members recommended that the Planning Committee add Short Term Rentals (STRs) to proposed Zoning

Bylaws. Once the Zoning Bylaw is passed, the Board should revisit STR proposals for limitations.

The STR Ordinance will be on the next meeting agenda for adoption.

b. Discuss interlocal agreement for the Mountain Town Recreation Director position

Kelly Pajala spoke about issues with the Town of Weston with a 3-year agreement. An addendum is being revised and Attorneys will review and discuss alternatives. Weston may join at a later date and pay in retroactively.

c. Consider amendments to the Personnel Policy

O'Keefe reviewed changes to the Personnel Policy that were discussed the previous year, including some more recent changes he recommends the Board consider. Board members voiced that they prefer Paid Time Off (PTO) language be used as it is more common. Discussion ensued. The Personnel Policy will be on the next meeting agenda.

d. Ratify 11/20/2023 decision to approve 1st & 3rd Class Liquor Licenses & Outside Consumption Permit f Londonderry Café and Tavern, LLC, DBA Jake's Restaurant and Tavern

Jim Fleming moved to ratify the Board's 11/20/2023 decision to approve 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Londonderry Café and Tavern, LLC, doing business as Jake's Restaurant and Tavern, related to property located at Mountain Marketplace, 5800 VT Route 100, Taylor Prouty seconded the motion. The motion passed unanimously.

11. New Business

a. Consider contract extension for winter maintenance of Pingree/Memorial Parks & the Town Hall parking lot

It was noted that the previous contract for these services expired and needed to be considered for extension, and O'Keefe mentioned revised rates to which he and Levi Dryden had tentatively agreed would be appropriate.

Jim Fleming moved to extend the term of the service contract between the Town and Dryden's Outdoor, Inc for plowing and sanding of Pingree Park, the entryway of Memorial Park, and the Town Hall parking lot to include this winter, at a seasonal cost of \$1,500 for Pingree Park, and a per-event cost of \$75 for the other two locations, and authorize the Town Administrator to amend the previously approved contract with the vendor to reflect these changes. The original contract was authorized by the Board on November 15, 2021, and an amendment authorized on December 5, 2022, seconded by Taylor Prouty. The motion passed unanimously.

b. Consider changes to land use review fees

The Selectboard reviewed proposed new land use permitting review fees proposed by Zoning Administrator Will Goodwin. O'Keefe noted that the fees were for early review and were drafted in anticipation of the proposed new Zoning Bylaw should be adopted. There was no action.

c. Consider participation in the Municipal Technical Assistance Program through the Windham Regional Commission (WRC)

The Selectboard received an email from the WRC asking the board to consider participating in projects in the Municipal Technical Assistance Program (MTAP).

The Board elected to participate in the following categories:

- a. Water supply and wastewater infrastructure
- b. Housing
- c. Community recovery, workforce development, and business support
- d. Climate change mitigation and resilience
- e. Other community economic development projects identified by a municipality and approved by the State

Martha Dale moved to participate in the Municipal Technical Assistance Program, seconded by Melissa Brown. The motion passed unanimously.

d. Approve preventative maintenance agreement for Town Office generator

O’Keefe noted that the Town Office generator was installed 5 years ago, and it was agreed in the past conduct once-per year preventative maintenance until the generator was 5 years old, and then go to twice per year service, Thos cost difference for 2024 would be \$644 for one visit and \$1,050 for two visits, and at the recent service visit it was recommended that a “load bank” be conducted at an additional cost of \$1,709. This service is recommended to put the generator under full load due to the small electrical load the building normally demands. O’Keefe advised that he received a lower revised estimate for this service if coupled with one of the services visits.

Martha Dale moved to accept the preventative maintenance agreement from Brook Field Service for annual service of the Town Office generator two times per year, to include a one-time load bank test at a cost of \$1,316 and authorize the Town Administrator to execute the agreement on behalf of the Board, seconded by Melissa Brown. The motion passed unanimously.

e. Consider appointments to the Development Review Board to fill vacancies

Jim Fleming moved to appoint Andrew Rackear as a regular member of the Development Review Board, for term extending to September 30, 2024, to fill a vacancy, seconded by Taylor Prouty. The motion passed unanimously.

Jim Fleming moved to appoint Robert Trask as an alternate member of the Development Review Board, for a 1-year term extending to September 30, 2024. seconded by Martha Dale. The motion passed unanimously.

f. Consider request by Chester Snowmobile Club for use of Town property for snowmobile trails

Taylor Prouty moved to approve the request from the Chester Snowmobile Club to use a portion of both Lowell Lake Road and Mansfield Lane for snowmobiling between December 15, 2023 and April 15, 2024, and authorize the Town Administrator to execute a Vermont Association of Snow Travelers, Inc. landowner permission form on behalf of the Town, seconded by Martha Dale. The motion passed unanimously.

12. Executive Session (s) – The appointment of 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 Liam Elio, Tina Labeau, and Kelly Pajala to attend the executive session, seconded by Jim Fleming. The motion passed unanimously.

The Board entered executive session at 8:05 PM and came out at 9:02 PM.

Elio, Lebeau, and Pajala left executive session at 8:30 PM. and reentered at 8:45 PM.

The executive session ended at 8:50 PM. No decisions were made.

13. Adjourn

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

The meeting adjourned at 8:51 PM. The next regular meeting of the Selectboard is scheduled for 12/18/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved December 19, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Thursday, December 14, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Martha Dale and Taylor Prouty.

Town Officials: Town Treasurer Tina Labeau and Town Clerk Kelly Pajala.

Others in Attendance: Liam Elio.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:04 PM.

2. Additions or deletions to the agenda

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

None.

3. Executive Session (s) – The appointment of employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Jim Fleming 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 Liam Elio, Tina Labeau, and Kelly Pajala to attend the executive session, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 5:06 PM and came out at 5:08 PM.

Melissa Brown moved to hire Liam Elio to the full-time position of Mountain Towns Recreation Director with starting salary of \$55,000.00, plus full benefits, effective December 16, 2023, subject to an acceptable pre-employment criminal background check, and completion of a probationary period of 6 months, seconded by Jim Fleming. The motion passed unanimously.

Pajala stated that Elio already passed the background check.

4. Consider One Londonderry request for letter of support for recreation grant application

Brown inquired if a match was needed. Cavanagh confirmed a match is not required.

Jim Fleming moved to support the application for funding under the Vermont Outdoor Recreation Economic Collaborative program being submitted by One Londonderry for a regional trail access and connectivity project, and authorize the Selectboard Chair to sign a letter indicating this support on behalf of the Board, seconded by Melissa Brown. The motion passed unanimously.

5. Adjourn

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

The meeting adjourned at 5:12 PM. The next regular meeting of the Selectboard is scheduled for 12/18/2023.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved December 19, 2023.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Tuesday, December 19, 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.

Town Officials: Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Williams Dam Advisory Committee member Paul Hendler.

Others in Attendance: Ben Sargent; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:05 PM.

2. Additions or deletions to the agenda

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

None.

3. Minutes Approval – Meeting(s) of 12/4/2023 and 12/14/23

Taylor Prouty moved to approve the minutes of the Selectboard meeting of 12/4/2023 and 12/14/2023, seconded by Melissa Brown. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Tina Labeau has initiated a delinquent tax sale process with fifteen properties. The total amount is \$290,000. The tax sale is for any property owner that is two years or more delinquent. The owner has one year to pay in full.

Shane O’Keefe noted that the radar speed sign northbound on VT Route 100 by the plaza has been damaged. He is working on getting it disconnected remotely. Board members discussed repairs.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

Village Wastewater Committee – Consider North Village Project

O’Keefe reminded the Board about the status of the Village wastewater project and that December 31, 2023, is the deadline to decide on whether to proceed with the project at the full funding amount, or to scale back the project to a handful of cluster systems. He noted

that Chrissy Haskins of the Dufresne Group had previously provided a synopsis of the project(s).

The Prouty land has been tested and approved for the South Londonderry Village project. The Custer Sharp test results for the North Village project have not been received.

The Vermont Department of Environmental Conservation project leaders have noted there is not enough opportunity for the North Village community system. Each village is allotted 4 million dollars, but the North Village could scale back to cluster systems for a smaller dollar amount.

There is a Wastewater Committee meeting after this meeting which will give greater information. Brown and Dale will be attending and will report back to the Selectboard. The Selectboard will then have a special meeting to make an informed decision.

8. Transfer Station/Solid Waste Management

Cavanagh said a metal sleeve has been installed on the compactor to protect the wires from rodents and wildlife.

Cavanagh also reported that something is drawing a significant amount of power at the Transfer Station. The last invoice indicated the daily usage has increased to seven kilowatts all day every day. Labeau contacted Green Mountain Power to investigate but was told they had to resolve it themselves. An electrician is checking into this further.

9. Roads and Bridges

a. Updates/storm damage and recovery

O'Keefe noted the last of the major projects from the July flood is complete.

Cavanaugh reported that the 12/18/2023 storm had minor damages not as bad as expected. He said that 5 or 6 loads of sure-pac should take care of the damage. These repairs will be done by Friday.

O'Keefe said that after the new year a FEMA representative will meet with staff to discuss next steps. The recovery process requires uploading all kinds of information to FEMA, and we will hopefully get reimbursements soon. Prouty added that there was a 6-month project filing extension as well.

The Selectboard discussed the status of Mad King Quarry operations. Cavanaugh said the Governor's emergency response permit extension expired on 12/15/2023.

10. Old Business

a. Consider adoption of an ordinance regulating short-term rentals

Brown spoke about the work she and others have done on the language for the Zoning Ordinance that addresses the short-term rentals (STR). The Planning Commission has accepted the document.

There were discussions about two changes that bring the revisions to draft 8c. There were also discussions about a start date, when to establish fees, and wait for a petition period timeframe.

Melissa Brown moved to adopt the Ordinance to Regulate the Operation of Short-term Rentals as amended, such ordinance to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b), seconded by Taylor Prouty. The motion passed unanimously.

The ordinance as adopted is included as an addendum to these minutes.

b. Consider amendments to the Personnel Policy

The Selectboard opted to not discuss at this meeting.

11. New Business

a. Review and discuss annual community and social service appropriations

Labeau provided a budget comparison sheet for FY'21 to FY'25. Thus far it has increased \$65,000. The Selectboard reviewed and discussed each appropriation request and decided to request a warning article petition for any increase from each social service agency and emergency services provider that has increased its allocation request. The two articles proposed amount is \$109,422. Petitions must be submitted by January 19, 2024, and Articles approved by the Selectboard by January 22, 2024.

A special Selectboard budget meeting will need to be held during the first week of January, 2024.

b. Consider changes to January Selectboard meeting schedule

Taylor Prouty moved to adjust the regular Selectboard meeting schedule for January 2024, to meet on January 8 and 22, instead of January 1 and 15, seconded by Melissa Brown. The motion passed unanimously.

12. Adjourn

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

The meeting adjourned at 6:05 PM. The next special meeting of the Selectboard is scheduled for 1/8/2024.

Respectfully Submitted,

Debbie Carleton
Minutes Taker

Approved January 8, 2024.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

ADDENDUM

ORDINANCE TO REGULATE THE OPERATION OF SHORT-TERM RENTALS Town of Londonderry, Vermont

ARTICLE 1. AUTHORITY. Under authority granted in 24 V.S.A. § 2291(29) and 24 V.S.A. § 1971 *et seq.*, and other such general enactments as may be material hereto, it is hereby ordained by the Selectboard of the Town of Londonderry that the following civil ordinance requiring the annual registration of all short-term rentals operating within the town (which may also be referred to as the "Short-Term Rental Ordinance") is adopted for the Town of Londonderry, Vermont.

ARTICLE 2. PURPOSE. The purpose of this Ordinance is to promote and protect the public health, safety, welfare, and convenience of the town, to preserve residents' rights to quiet enjoyment of homes and properties, and to ensure the safety of occupants of short-term rentals. The Londonderry Selectboard hereby find that unregulated short term (i.e., less than 30 day) transient occupancy of dwelling units in residential neighborhoods presents a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in the town. Unregulated short-term rentals have negative secondary effects on residential areas, with such areas experiencing heightened adverse impacts from parking, garbage, noise and outdoor/nighttime activities. These negative effects, when left unchecked, injure and degrade the community as a whole and constitute a public nuisance. The purposes of this Ordinance are: (a) to balance the desire of property owners to rent their residential properties to short term rental guests for compensation against the desire of residents to preserve the traditional peace and quiet of their residential neighborhoods; (b) to preserve and protect residential neighborhood character and livability from the nuisance impacts that are often associated with short term rentals; (c) to limit or prevent long term rentals from being replaced with short term rentals; (d) to ensure the safety of occupants of short term rentals and the well-being of the community; and (e) to promote the public health, safety and welfare of the Town, its residents and visitors.

ARTICLE 3. DEFINITIONS

- A. "Operator" means a person who operates or manages a short-term rental. The operator/person shall be defined as an individual, a married couple, one or more family members living in the same household, a corporation, a partnership, or Limited Liability Company ("LLC") or other LLCs with overlapping members, all of which shall be deemed an operator, but which shall exclude from the definition any tenant or lessee of a lease.
- B. "Short-term rental" or "STR" means a dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year, and is either:
 - 1. " meaning a room or group of rooms located within an Operator's primary residence or an accessory dwelling or cabin on the premises of the Operator's primary residence; or,

- 2. “Unhosted” meaning a furnished house, condominium, apartment, or an accessory dwelling or cabin that is not the Operator’s primary residence or located on the premises or property of the Operator’s primary residence.
- C. “Dwelling unit” means a room or rooms connected together containing cooking, sanitary and sleeping facilities that constitute a separate, independent housekeeping establishment. It shall include prefabricated modular units and mobile homes, but shall not include a motel, boarding house, shelter or similar structure.
- D. “STR Administrator” means a person or persons designated by the Selectboard of the Town of Londonderry to administer and enforce this Ordinance.
- E. “Bed and Breakfast”, “Boarding House”, “Motel” and “Inn” shall have the same definitions as contained in the Town of Londonderry Zoning Bylaw as amended from time to time. This Short-Term Rental Ordinance shall not apply to Bed and Breakfasts, Boarding Houses, Motels and Inns which have zoning permits issued pursuant to the Town of Londonderry Zoning Bylaw and Ordinance.
- F. “Lot” means a parcel of land undivided by any street or road, and occupied or to be occupied by only one primary structure or principal use and the accessory buildings or uses customarily incidental to such structures or uses. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yard and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the Planning Commission. In no case shall the division or combination of land result in the creation of a parcel which does not meet the requirements of this Bylaw.

ARTICLE 4. SHORT TERM RENTAL REGISTRATION.

- A. The short-term rental of a dwelling unit requires the annual issuance of a Short-Term Rental Registration from the STR Administrator. A person shall not commence the use of a dwelling unit as a short-term rental unless and until the STR Administrator issues the requisite Short-Term Rental Registration.
- B. Any application made by a person other than a single individual must detail the other members of any Corporation, LLC, or Partnership (“Common Ownership”), and any out-of-state entity must provide a valid and current copy of the articles of organization for the entity.
- C. All STRs must be offered via an STR rental platform to satisfy any reporting requirements and the payment of any municipal, state and federal taxes. The operator must also have a Vermont Meals and Rooms Tax account and post the number on any advertisements for the STR.
- D. Operators of three or more STRs must show proof of registration with the Corporations Division of the office of the Vermont Secretary of State.
- E. The dwelling unit overnight capacity of a short-term rental shall be a maximum of two occupants for every bedroom indicated in the Town Listers property database for the dwelling unit, plus an additional two occupants. For example, a three-bedroom dwelling unit shall have a dwelling unit capacity of eight persons ((3 bedrooms X 2) + 2) when used as a short-term rental. An owner shall not advertise or permit occupancy by more than the capacity set forth in this section.

- F. An operator shall provide the following information in an application for Short-Term Rental Registration for dwelling units with an occupancy of 8 or less, on a form provided by the Town:
1. The number of bedrooms to be rented and the requested dwelling unit capacity to be approved in the Short-Term Rental Registration.
 2. The Operator's name, mailing address, email, and a cell phone number or other number (such as a property management company) that will be answered 24 hours a day during the time that the short-term rental unit is being rented.
 3. The property owner's and, if applicable, tenant's name, address, phone number, email, date of birth, driver's license and license state, and military status (active or not), and if the owner is a corporation, the registered corporate agent and president of the corporation and their name and address, and if the owner is a partnership, the registered partnership agent and the names and addresses of the general partners (information that is needed to enforce a municipal complaint before the Judicial Bureau).
 4. Property owners who are not in residence at the property the entire time it is being rented shall designate and provide the name and contact information of a designated agent located in Windsor, Bennington or Windham Counties who shall be responsible for responding to emergency situations occurring at the Short-term rental dwelling unit.
 5. The Posting of Contact Information required by 18 V.S.A. § 4467 within the Short -term rental dwelling unit.
 6. The education materials required by 18 V.S.A. § 4468(a), including without limitation the self-certification form pertaining to health and safety precautions that Operators must take into consideration prior to renting a dwelling unit required by 18 V.S.A. § 4468(b).
 7. Confirmation of liability insurance of not less than \$1,000,000 to cover each short-term rental unit, unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage, and that the liability insurance policy that covers the dwelling unit extends bodily injury and property damage insurance coverage that occurs during or as a result of the use of the dwelling unit as a short-term rental.
 8. Proof, satisfactory to the Town, that the Operator has obtained and performed all necessary licensing and registrations with the State of Vermont Department of Health, Division of Fire Safety and Department of Taxes necessary to operate a Short-term rental. A short-term rental is a "public building" as defined by 20 V.S.A. § 2730, subject to inspection and regulation by the Vermont Division of Fire Safety. An owner shall provide to the STR Administrator proof of satisfactory inspection results for the most recent inspection required by the Vermont Division of Fire Safety prior to the first occupancy by an occupant as defined in this Ordinance, and with each annual registration of the short-term rental.
 9. Annually, beginning with the first renewal of said registration, the Operator shall file with the Town an accounting/printout of the total number of days the property was rented on a short-term basis during the previous year. Failure to submit said accounting/printout will result in the renewal registration being denied.

- G. An application for Short-Term Rental Registration, for dwelling units with a capacity of greater than 8 occupants, shall require compliance with subsection D above, plus the following:
 - 1. Confirmation that the septic capacity is at least equal to the requested short-term rental dwelling unit capacity. This shall be evidenced by a) a valid State of Vermont Wastewater and Water Supply Permit for the property for dwelling units or wastewater and water supply systems constructed, modified or occupied after June 30, 2007, OR, b) a local zoning or septic permit for dwelling units constructed before July 1, 2007 indicating the number of bedrooms permitted, OR, c) by the number of bedrooms indicated in the listers property database if a local zoning or septic permit does not exist for dwelling units constructed before July 1, 2007.
 - 2. An inspection report with occupancy approved from the State of Vermont Division of Fire Safety for the requested short-term rental dwelling unit capacity.
- H. No registration for the short-term rental of a dwelling unit shall be issued unless the applicant has complied with subsection D above (for dwelling units with an occupancy of 8 or less) or has complied with subsection E above (for dwelling units with a capacity of greater than 8 occupants).
- I. Short-Term Rental Registrations shall expire on June 30 of each year and require renewal to continue use of a dwelling unit as a short-term rental. In the event that a property for which a Short-Term Rental Registration has been filed is transferred or conveyed to a new property owner, the new owner/operator shall file a new application for a new Short Term Rental registration.
- J. The number of lessees, guests, or other persons using a dwelling unit pursuant to the short-term rental lease or other agreement with the Operator shall not exceed the approved dwelling unit capacity on the Short-Term Rental Registration.
- K. This occupancy standard is for overnight guests and is not intended to unreasonably limit visitors to the property.

ARTICLE 5. FEES. A fee shall be paid to the Town of Londonderry with the submission of any Short-Term Rental Registration application or annual renewal, regardless of date of registration. The fee shall be in an amount as determined by the Selectboard which may, from time to time, modify this fee and may establish and adopt other fees related to the administration and enforcement of this Ordinance, and may incorporate all such fees into a duly adopted fee schedule.

ARTICLE 6. RESERVED.

ARTICLE 7. ENFORCEMENT. A short-term rental shall be made available by the owner for inspection within one week of a request by the STR Administrator. Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800 per day for each day that a violation continues. Each day the violation continues shall constitute a separate offense. The STR Administrator and the Londonderry Zoning Administrator, along with the Selectboard and Town Administrator, shall all be designated and authorized to act as Issuing Municipal Officials to issue and pursue complaints before the Judicial Bureau, or other court having jurisdiction.

ARTICLE 8. WAIVER FEES. An Issuing Municipal Official is authorized to recover waiver fees, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Waiver fee for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements.	\$125 per day	\$250 per day	\$500 per day	\$650 per day plus revocation for twelve months before a new Short-Term Rental Registration application may be submitted. The revocation can be appealed.
Waiver fee for all other violations.	\$150 per day	\$350 per day	\$600 per day	

Offenses for the purpose of calculating waiver fees shall be counted on a twelve-month basis, beginning on July 1 and ending on June 30 of each year. An Issuing Municipal Official shall have authority to issue a written warning, without recovering a waiver fee, for any First Offense violation. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

ARTICLE 9. PENALTIES. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements.	\$200 per day	\$400 per day	\$650 per day	\$800 per day plus revocation for twelve months before a new Short-Term Rental Registration application may be submitted. The revocation can be appealed.
Fine for all other violations.	\$250 per day	\$500 per day	\$750 per day	

Offenses for the purpose of calculating penalties shall be counted on a twelve-month basis, beginning on May 1 and ending on April 30 of each year. An Issuing Municipal Official shall have authority to issue a written warning, without recovering a civil penalty, for any First Offense violation. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses. Failure to timely pay a penalty upon entry of judgment under 24 V.S.A. § 1981 shall result in the automatic suspension until paid of any approved Short-term rental registration(s) registered to the person against whom the civil judgment has been entered including registrations for any other Short-term dwelling units owned or operated by the person and located within Londonderry.

ARTICLE 10. OTHER RELIEF. In addition to the enforcement procedures available under Chapter 59 of Title 24, the Londonderry Town Administrator is authorized to commence civil action in the Civil Division of the Vermont Superior Court to obtain injunctive and other appropriate relief, to request revocation or suspension of any Short-Term Rental Registration on behalf of the Londonderry Selectboard, or to pursue any other remedy authorized by law.

ARTICLE 11. OTHER AUTHORITIES NOT PREEMPTED. This Ordinance is not intended to preempt or be exclusive with regard to any other permitting or regulatory law or authorities that pertain to the ownership, operation, management or use of property or dwelling units engaged in Short-term rentals.

ARTICLE 12. SEVERABILITY. The provisions of this ordinance are declared to be severable and if any provisions hereof be adjudged invalid such judgment shall not affect the validity of any other provisions.

ARTICLE 13. DESIGNATION. This ordinance is hereby designated as a civil ordinance pursuant to Title 24, Vermont Statutes Annotated Section 1971(b), and may be referred to as the Short-Term Rental Ordinance and in a prosecution hereunder a copy of such ordinance, certified by the Londonderry Town Clerk shall be prima facie evidence thereof. An allegation that the act constituting the offense charged is contrary to a specified provision of this ordinance shall be a sufficient reference hereto.

ARTICLE 14. PUBLICATION AND POSTING. This Ordinance and any subsequent amendment of this ordinance, or a concise summary thereof, shall be published in a newspaper of general circulation in Londonderry, within fourteen (14) days of its adoption, and shall be filed with the Town Clerk and posted at five (5) conspicuous places within the community.

ARTICLE 15. RIGHT OF PETITION. Notice is hereby given of the right to petition for a permissive referendum vote on this ordinance at an annual or special meeting as provided for in 24 V.S.A. § 1973. Such petition for a permissive referendum must be signed by not less than five (5) percent of the qualified voters of the Town of Londonderry and shall be presented to the Selectboard or the Town Clerk within forty-four (44) days following the date of adoption.

ARTICLE 16. EFFECTIVE DATE. Unless a petition is filed in accordance with 24 V.S.A. § 1973, the Ordinance shall become effective sixty (60) days after its adoption. However, the Short-Term Rental registration requirements under Article 4 shall not take effect until July 1, 2024, though registration applications may be accepted by the STR Administrator beginning April 1, 2024.

Adopted by the Town of Londonderry Selectboard at its meeting held on the 19th day of December 2023.

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