Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Thursday, January 4, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Taylor Prouty

Town Officials: Town Administrator Shane O'Keefe and Town Treasurer Tina Labeau

Others in Attendance: GNAT Video Producer 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. Review and discuss proposed FY2025 Budget

Tina Labeau reviewed the proposed draft FY2025 Budget line-by-line, providing detailed explanation to the Selectboard. Various questions were posed by the Selectboard, and Labeau and O'Keefe answered each appropriately.

4. Adjourn

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

The meeting adjourned at 6:51 PM. The next regular meeting of the Selectboard is scheduled for 1/8/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved January 8, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, January 8, 2024
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; Assistant Town Clerk Jennifer Lawrence; Town Assessor Jeremiah Suud; Town Lister Sandra Clark and Planning Commission Sharon Crossman.

Others in Attendance: Neighborhood Connections representative Nikki Wengerd; Londonderry Volunteer Rescue Squad (LVRS) representatives Pete Cobb, Alex Sheets, Doug Friant and Peter Pagnucco; Dufresne Group engineer Chrissy Haskins; 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. **Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)**

James Fleming ***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 Kelly Pajala, Tina Labeau and Jennifer Lawrence to attend the executive session,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Board entered executive session at 6:02 PM, and Pajala, Labeau and Lawrence left the executive session at 6:14 PM. The Board came out of executive session at 6:18 PM.

Martha Dale ***moved to increase the pay rate of Jennifer Lawrence to $20.00 per hour effective the pay period ending 12/19/2023,*** *seconded by James Fleming. The* ***motion passed*** *unanimously.*

4. Minutes Approval – Meeting(s) of 12/19/2023 and 1/4/24

Martha Dale ***moved to approve the minutes of the Selectboard meeting of 12/19/2023 and 1/4/2024****, 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 James Fleming. The* ***motion passed*** *unanimously.*

6. **Announcements/Correspondence**

   a. **Announcements**

      1. O'Keefe mentioned that last week the newly adopted Short-term Rental Ordinance was posted and appeared in the Vermont Journal. The next milestone toward its final adoption is the petition period to request a Town Meeting vote, which has a 2/1/2024 deadline. Absent that the Ordinance would take effect on 2/17/2024.
      2. Sharon Crossman announced the Village Wastewater Committee meeting is scheduled for Wednesday, 1/10/2023 at 6:00 p.m. There will be remote options available that are available on the Town website: www.londonderryvt.org
      3. Tom Cavanagh and Martha Dale testified in front of the Economic Development Committee of Senate regarding the July 2023 flood. Cavanagh will testify on Wednesday, 1/10/2024 in front of the Senate Government Operations Committee about the actions during this flood and the actions taken.
      4. Kelly Pajala announced it is time to renew and report dog licenses for 2024.

   b. **Correspondence included in the Board's meeting packet was as follows:**

      1. A letter from the Mountain Towns Housing Project thanking the Town and giving a status report on the new house on Bob Perry Lane.
      2. Regarding the new solar array at the former septage spreading fields behind the Transfer Station, a notice from the Vermont Public Utilities Commission regarding an alleged violation of the certificate of public good regarding timely completion of the aesthetic mitigation plan. The Commission is imposing a civil penalty in the amount of $1000.00 pursuant to 30 VSA §§30(a)(1) and (b). The Town will confer with Town Attorney Bob Fisher.
      3. A 12/26/2023 article in Valley News regarding a settlement for alleged violations of the Vermont Open Meeting by the Town of Norwich was included for cautionary reasons as it deals with the need for committees and subcommittees to abide by the law.
      4. The Town of Londonderry has received the PFAS Groundwater Monitoring Report for the former septage fields. Numbers are going down in well #6 closest to the West River. Hopefully, requirements will go down in the next year or two. The next monitoring event is scheduled for May 2024.

7. **Visitors and Concerned Citizens**

   a. Londonderry Volunteer Rescue Squad (LVRS) President, Pete Cobb asked about appropriation procedures. Cavanagh explained that petitions must be submitted to the Board from those that have increased the asking amount. Cobb noted that some LVRS costs have increased 50%. Last year they received appropriations from all towns of $41,000. The insurance and diesel fuel costs alone are $40,000. He said they cannot ingest these costs. This year, their appropriation request from all 7 towns reflects a 5% increase. He said, "as volunteers we are not going to be doing petitions". He asked that the Board accept the submitted invoice as a bill and it be added to the budget. It was clarified that LVRS was seeking to have its Town Meeting warning article appropriation for this year raised from $15,000 to $15,750, and to be added to the budget in the future.

Cobb spoke about the contributions from other LVRS service area towns and described the ambulance services provided by other regional communities. The total LVRS budget is just under $200,000, he noted, and mentioned that there were 601 calls last year, with 306 in Londonderry.

Martha Dale **moved to change the initial budgetary allocation for the Londonderry Volunteer Rescue Squad,** seconded by *Taylor Prouty*. The **motion passed** unanimously.

b. Neighborhood Connections Nikki Wengerd presented the Board with specific information on the areas that have increased in cost and reminded the Board that the grant funding for the transportation program ends 6/1/2024. She noted they are working on a petition to submit to the Board for increased funding at Town Meeting.

c. Bruce Frauman reminded the Board that the radar feedback sign going into the north village from the south on VT Route 100 is damaged. O'Keefe said there will be an insurance claim on this device.

8. Town Officials Business

a. Village Wastewater Committee – Presentation on 60% Project Report

Project engineer Chrissy Haskins reported they had a committee meeting on Friday, 1/5/2024 and have scheduled a public meeting on Wednesday, 1/10/2024 where they will review the Project Report and its alternatives. She referenced the 60% Draft Preliminary Engineering Report and spoke about the recommended projects. ARPA funds each village at approximately $4 million dollars. The recommendation is to go with larger systems in each village. It was noted that 90% of construction costs are covered by ARPA funding and 100% of non-construction costs are covered. Design and acquisition are funded for the non-funded village if choose to go with only one village. Maintenance fees are included in these preliminary projected costs.

At the next Selectboard meeting on 1/22/2024 a decision will need to be made to continue with both villages or just one. Sharon Crossman added that the Village Wastewater Committee would like to do both. Haskins added that bond vote/s for local cost share would need to be submitted by 8/31/2024.

Martha Dale **moved to accept the 60% Draft Preliminary Engineering Report for the Village Wastewater Project, dated 12/21/2023 prepared by the Dufresne Group,** seconded by *Melissa Brown*. The **motion passed** unanimously.

b. Village Wastewater Committee – Discuss bond vote for local project cost share

The Selectboard discussed when they would do bond vote/s and decided to do them on Town Meeting Day 3/5/2024. Haskins is calling the State tomorrow to see if they would consider both North and South Village projects. Then the Selectboard can move forward with the Warning.

There was discussion on how the bonds would be paid down; whether to include some tax funds in addition to just user fees.

Martha Dale **moved to schedule and take the necessary steps to arrange for a bond vote for the local funding match requirements of the Village Wastewater Project for the**

meeting at the Annual Town Meeting on 3/5/2024, seconded by *James Fleming.* The **motion passed** unanimously.

c. Board of Listers & Town Assessor – Consider proposal and award contract for town-wide property reappraisal

Jerimiah Sund explained that due to the rising housing sales, the Listers have received notice from the State that a property reappraisal must be done. The Listers will need to create a plan and Reserve Fund for reassessment to be done in 2028. Requests For Proposals were sent out to 14 vendors from the qualified list, and 4 replied. The reappraisal has been a 10-year cycle; but has changed to 6-years. The Vermont Legislature is working on a state-wide system.

Taylor Prouty **moved to accept the proposal from New England Municipal Resource Center (NEMRC) for Town-wide property reappraisal services and authorize the Town Administrator and Town Assessor 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.**

9. Transfer Station/Solid Waste Management

a. Updates

Cavanagh said there are new permits on sale at the respective?? locations.

The Selectboard discussed a potential new fee from Green Mountain Power (GMP) affecting electricity costs at the Transfer Station.

10. Roads and Bridges

a. Updates/storm damage and recovery

O'Keefe said the Town has requested approximately $250,000 for reimbursements from FEMA so far.

A new Town truck is now under construction.

The Cobble Ridge Bridge meeting is on 1/12/2024 with FEMA.

b. Access Permit 2023-04 – Middletown Road, Parcel 062001.000
According to Prouty, the culvert that was too small has been replaced and passed inspection.

Martha Dale **moved to approve access permit application No. 2023-04, submitted by property owners Andrew and Elizabeth Cooper, for a modification of an existing 2nd access to parcel #062001.000, located on the east side of Middletown Road, authorize the Chair to sign the permit on behalf of the Selectboard,** seconded by James Fleming. The motion **passed unanimously.**

11. Old Business

a. Review and discuss proposed FY2025 Budget

The proposed Budget of FY2025 is in process.

b. Consider amendments to the Personnel Policy

The Selectboard opted to discuss the policy in smaller portions.

c. Discuss establishment of a new Town website

O’Keefe suggested that he assemble a working group for this effort and request proposals from a small number of companies that specialize in small government websites and come back to the Board with a recommendation. It was agreed by Board members that this is an important project to better communicate with the public. Board members mentioned including members of the public to help advise staff on this.

12. New Business

a. Review draft Town Meeting Warning

The Selectboard reviewed each of the twenty-one articles in the Warning.

An article seeking to fund a fourth Road Crew member at a cost of $90,000 was discussed.

O’Keefe mentioned the article that increases the contribution to the Highway Improvement Reserve Fund to $300,000 in keeping with the paved roads capital plan approved in 2021.

Articles seeking property tax exemptions for the Second Congregational Church parsonage and the Library’s Janeway property adjacent to the Town Office were briefly discussed.

The Local Option Tax (LOT) was reviewed and discussed at length. It is a way for municipalities in Vermont to raise revenue beyond the property tax. It was noted that a vote to establish a LOT for sales, rooms, meals and alcohol failed at the 2020 Town Meeting, and that a vote at the 2021 special Town Meeting for sales only also failed, but a LOT for rooms only was passed last year. O’Keefe noted that to put it on the Town Meeting Warning again the Board must take a specific vote to do so.

Taylor Prouty **moved to recommend pursuant to 24 VSA Section 138(b), that the Voters of the town of Londonderry vote at the next Town Meeting to assess a local option tax for meals and alcohol, and to include in the Town Meeting warning an article providing for the same,** seconded by *Melissa Brown. The motion* ***passed unanimously.***

Taylor Prouty **moved to recommend pursuant to 24 VSA Section 138(b), that the Voters of the town of Londonderry vote at the next Town Meeting to assess a local option tax for sales, and to include in the Town Meeting warning an article providing for the same,** seconded by *Melissa Brown. The motion* ***passed unanimously.***

The Board discussed a proposed article regarding establishment of the Town Manager form of government, which was recommended by the Government Structure Study prepared by the New England Municipal Resource Center and discussed at the 11/3/2023 meeting. Given that there has been little discussion on this significant change for the Town, it was agreed that it’s premature to include on the Town Meeting warning and that the subject requires additional discussion by the Board and public feedback. It was agreed to post the Study to the Town website for public review.

13. Adjourn

James Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty. The motion* ***passed unanimously.***

The meeting adjourned at 9:10 PM. The next regular meeting of the Selectboard is scheduled for 1/22/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved January 22, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, January 22, 2024
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; Town Clerk Kelly Pajala; Mountain Towns Recreation Director Liam Elio (via phone); Planning Commissioners Sharon Crossman, Larry Gubb and Heather Stephenson; Development Review Board member Bob Maisey; Housing Commission member Bill Sinsigalli and Town Moderator Doug Friant.

Others in Attendance: Dufresne Group engineer Chrissy Haskins; residents Steve Swinburne and Kim Ray and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:05 PM.

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)*]*

Taylor Prouty ***moved to remove from the Town Officials section of the agenda, the year-to-date budget review,*** *seconded by Melissa Brown. The* **motion passed** *unanimously.*

Taylor Prouty ***moved to add to the Town Officials section of the agenda, as new item 7.c, consideration of a VT Cannabis Control Board permit S.000005677, for a Mixed Cultivator Tier 1 Small Cultivator operation on parcel #051017.000,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

Melissa Brown ***moved to add to the Old Business section of the agenda, as new item 10.g, an update on Short Term Rentals,*** *seconded by Martha Dale. The* **motion passed** *unanimously.*

3. Minutes Approval – Meeting(s) of 1/8/2024

Martha Dale ***moved to approve the minutes of the Selectboard meeting of 1/8/2024****, 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

a. Announcements

1. O'Keefe announced the Town Hall renovations will commence again this week, beginning Thursday, with the start of some siding being removed and truss support work.
2. We received notice that the Annual Windham County Meeting of the voters presenting the proposed budget for the county for the ensuing year will be held on Wednesday, January 24, 4:00 PM at the Windham County Sheriff's Office. A hand-out was distributed at this meeting.
3. O'Keefe said his deposition for the Vermont Woodchips Notice of Zoning Violation case is scheduled for this Wednesday morning.
4. Pajala spoke about the Presidential Primary and the party of choice. Absentee Ballots are available at the Town Clerk's Office.

b. Correspondence included in the Board's meeting packet was as follows:

1. The Chester Telegraph has published article on 1/17/2024 "North, South Village wastewater plans proposed for Londonderry".
2. The Vermont Public Utility Commission has sent notice that the alleged violation of the certificate of public good with regard to timely completion of the aesthetic mitigation plan at the solar array on the Town-owned former septage fields has been closed.
3. On 1/18/2024 O'Keefe sent a letter requesting an extension from VTrans structures grant award of $175,000 for another year. This grant covers engineering and other project "soft costs", and he noted that the extension was granted that day.
4. Notice of filing of an application submitted by Landgrove Road property owner Adam Walsh to the Vermont Public Utility Commission seeking approval for a 50-kw ground mounted net-metered group solar array. The application includes information about changes to the project that have occurred since the initial 45-day notice of advance submission. Both the Selectboard and Planning Commission are statutory parties that can request intervenor status. If the Board would like to seek this status this matter should be placed on the next regular Board meeting agenda.
5. The November and December 2023 monthly reports from the Windham County Sheriff's Office.

6. Visitors and Concerned Citizens

None

7. Town Officials Business

a. Planning Commission – Monthly update

Planning Commission Chair Sharon Crossman gave an update on the Commission meeting held earlier that day where they unanimously voted in favor of the By-laws and Conservation Map.

She noted that Stevens and Associates is working on the contract's scope of services for the South Londonderry Wastewater Study and expects it to be done soon.

b. Mountain Towns Recreation Director – Authorize Town website access

Mountain Towns Recreation Director; Liam Elio explained that he needs access to the Town website for parks director purposes. Prouty asked how much information and how often he would need to make updates. Elio said the parks director webpage needs a fair amount of work and the Mountain Town Recreation website needs are to be determined. He would like to combine both to have its own site as it will be used for student registrations as well. He has designed a 14-page mockup trial. The concept is very simple and accessible. The Advisory Committee is helping Elio with the design. Pajala encouraged the Board to have Elio move forward sooner than later.

Marsha Dale ***moved to authorize the Mountain Towns Recreation Director to have access to the Town website to create content and make changes regarding parks and recreational matters, and to explore creating a new website specific to parks and recreation matters,*** *seconded by Melissa Brown. The* **motion passed** *unanimously.*

**c. Local Cannabis Control Commission – Consider VT Cannabis Control Board permit S-
000005677, for a *Mixed Cultivator Tier 1 Small Cultivator operation* on parcel #051017.000.**

This is a renewal of the previous Cannabis Control Board approval from last year prior to establishment of the Local Cannabis Control Commission.

Marsha Dale ***moved to grant a local control license to Skyler, Meghan, and Forrest Clark to operate a Mixed Cultivator Tier 1 Small Cultivator operation on property located at parcel #051017.000, subject to compliance with and adherence to all Town of Londonderry ordinances, regulations and bylaws at all times,*** *seconded Taylor Brown. The* **motion passed** *unanimously.*

d. Local Cannabis Control Commission - Consider VT Cannabis Control Board permit S-000001187 for a retail cannabis establishment on parcel #1002007.000.

This is a new retail Cannabis Control Board approval request.

Melissa Brown ***moved to grant a local control license to Kellie D'Elia Laskin to operate Retail operation on property located at parcel #102007.000, subject to compliance with and adherence to all Town of Londonderry ordinances, regulations, and bylaws at all times,*** *seconded by Taylor Prouty. The* **motion passed** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh said rats have chewed through the compactor wires again. The Board discussed increasing rat trap bating systems. The electrician is going to add metal sheathing around the wiring connection to prevent future happenings.

9. Roads and Bridges

a. Updates

Prouty reported that there was a truck fire in the garage due to a faulty alternator wire. The fire was quickly extinguished. Repairs were made with the new hydraulic hose maker.

b. Annual VTrans Certificate of Highway Mileage [19 VSA 305(b)]

O'Keefe noted that VTrans made a change to Rest Haven Road mapping.

Taylor Prouty ***moved to approve the annual VTrans certificate of highway mileage, indicating VTrans-initiated changes involving Town Highway 33 (Rest Haven Road), and authorize the Selectboard Chair to execute it on behalf of the Board,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

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

O'Keefe noted that we do not have special weight limits on roads or bridges, but the Board has the right to do so. The State gives the Town until February if it wants to establish some weight limits. Prouty explained that the excess vehicle weight permit applications will be coming in soon. Therefore, we work with those people individually on vehicle weights as needed. This system seems to work fine.

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

There was discussion on whether to require vehicles to be covered with tarps and if this should be tied to the excess weight permit.

Taylor Prouty ***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 Martha Dale.*

Brown raised the issue of large vehicles travelling on Town roads without tarps covering their loads, and whether this can be addressed through the excess vehicle weight permitting conditions. There was extended discussion on this, and it was agreed that this matter would be discussed at the next meeting with Road Foreman Josh Dryden.

Prouty withdrew his motion.

e. Approve rustproofing Release and Hold Harmless Agreement

Cavanagh noted this agreement is voted on 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.*

10. Old Business

a. Village Wastewater Project – Declaration of Official Intent for bond vote

O'Keefe gave an overview of the discussion from the previous Selectboard meeting. Dufrene Group engineer Chrissy Haskins has developed and reviewed with the Board spreadsheets that were included in the meeting packet. There are two alternatives for the North Village and one for the South Village.

Haskins gave an overview of the latest versions of the North Village. Alternative one is $3,385,000 for 6,490 gallons per day (gpd). The contingency increased from 30% to 35%. There is 10% per local share for construction and 0% for other costs. This serves all the current users of North Main Street. The local share equals $282, 000 for the Bond.

Alternative two is $4,765,000 for 8,000 gpd, two 4,000-gallon systems with pre-treatment. This is a high cost of pre-treatment is $500,000, a lot of dollars for not much increase of coverage. This exceeds the ARPA grant. The local share equals $755,000 for the Bond.

Serves all users on the north and south side of North Main Street. Cluster systems are possible on the north side of the street. There was discussion on processing the design for expansion. The Board general support is for 6,490 gpd option.

The South Village alternative is $4,525,000 for 6,200 gpd on the Prouty land. The lower field is entirely in the flood plain so not eligible. The $4,525,000 cost with $515,669 local match. The collection system can be designed for 12,000 gpd and possibly increase.

Martha Dale ***moved to adopt, with regard to the Village Wastewater project, the Declaration of Official Intent of the Town of Londonderry to Reimburse Certain Expenditures from Proceeds of Indebtedness, and to request that the Town Clerk certify the Selectboard's adoption, and to attach said certified Declaration to the minutes of this meeting of the Selectboard,*** *seconded by Melissa Brown. The* **motion passed** *unanimously.*

b. Village Wastewater Project – Declaration of Necessity for bond vote

Martha Dale ***moved to approve the following declaration of necessity and resolution:***

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

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

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

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

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

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

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

c. Review and approve Special Town Meeting Warning for Village Wastewater Project bond votes

O'Keefe noted that the Informational Meeting will be held on Thursday, February 29, 2024 at 6:00 PM.

Martha Dale ***moved to approve and sign the Warning for the Special Town Meeting for the Village Wastewater project bond vote, scheduled for March 5, 2024,*** *seconded by Taylor Prouty. The* **motion passed** *unanimously.*

d. Review and approve Annual Town Meeting Warning

O'Keefe went over the changes to the previous draft version of the Warning. The Selectboard reviewed and discussed the Short-Term Rental administration position.

Melissa Brown ***moved to approve and sign the Warning for the Annual Town Meeting, scheduled for March 5, 2024,*** *seconded by Taylor Prouty. The* **motion passed** *unanimously.*

e. Review and approve proposed FY2025 Budget

Labeau went over the proposed budget with the Board, noting that she had included revenue from the local options tax for rooms in the revenues.

Martha Dale ***moved to approve the proposed Fiscal Year 2025 budget in the amount of $2,697,517, subject to Town Meeting approval,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

f. Consider amendments to the Personnel Policy

O'Keefe went over changes that had been previously reviewed. In general there were no issues with Sections 1–5, 7-9 and addendums A and B, but the Board suggested further discussion on Section 6, Conflicts of Interest, further at the next meeting.

g. Update on short-term rentals

Brown spoke on behalf of the Housing Committee. They are working on new language for consideration by the Planning Commission to include in the new Zoning Bylaw. She mentioned she would send out the proposed new language for people to review.

Crossman mentioned that the Bylaw draft is done and this new STR language would create some delay.

11. New Business

None.

12. Adjourn

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

The meeting adjourned at 8:17 PM. The next regular meeting of the Selectboard is scheduled for 2/5/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved February 5, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

ATTACHMENTS:

Attachment A – Declaration of Intent to Reimburse Expenditures from Indebtedness
Attachment B – Special Town Meeting Warning
Attachment C – Form of Ballot

Attachment A

Declaration of official intent of the Town of Londonderry to Reimburse Certain Expenditures from Proceeds of Indebtedness

WHEREAS, the Town of Londonderry, Vermont (the "Issuer") intends to construct two separate community wastewater systems, one in the north village area and one in the south village area, to be considered by the Issuer at the annual meeting thereof to be held on March 5, 2024 (the "Projects"); and

WHEREAS, the Issuer expects to pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Projects prior to the issuance of indebtedness for the purpose of financing costs associated with the Projects on a long-term basis;

WHEREAS, the Issuer reasonably expects that for that part of the Projects consisting of design, permitting, acquisition, contract administration, fiscal and construction costs, debt obligations in an amount not expected to exceed a total of $797,700 for both systems ($282,000 for the north village area, and $515,7000 for the south village area) will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the Issuer declares its reasonable official intent to reimburse prior expenditures for the above-described part of the Projects with proceeds of a subsequent borrowing:

NOW THEREFORE, the Issuer declares:

<u>Section 1</u>. The Issuer finds and determines that the foregoing recitals are true and correct, and that all of the capital expenditures covered by this Resolution were or will be made no earlier than 60 days prior to the date of this Resolution.

<u>Section 2</u>. This declaration is made solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Projects.

<u>Section 3</u>. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, within 18 months of either the date of the first expenditure of funds by Issuer for such Projects or the date that such Projects are placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of Issuer funds for such Projects), and to allocate an amount not to exceed $282,000 of the proceeds thereof for the north village area wastewater project and $515,700 for the south village area wastewater system (for a total of $797,700) to reimburse itself for its expenditures in connection with the Projects.

<u>Section 4</u>. The Issuer's debt obligations for the aforementioned purposes will not be “private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986.

Section 5. All prior actions of the officials and agents of Issuer that are in conformity with the purpose and intent of this Resolution and in furtherance of the Projects shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 6. All other resolutions of the legislative body of the Issuer, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. It is hereby found that all discussions and deliberations of the legislative body of the Issuer leading to the adoption of this Resolution occurred at one or more meetings of the legislative body conducted pursuant to public notice and open to public attendance.

Section 8. This declaration shall take effect from and after its adoption.

Attachment B – 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 5, 2024, 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 Articles of business:

ARTICLE I

Shall general obligation bonds or notes in an amount not to exceed Two Hundred Eighty-Two Thousand Dollars ($282,000), subject to reduction by the application of federal and state grants-in-aid, and reserve funds for the purpose of financing the cost of the Town’s local share obligations for a new community wastewater system in the north village area, the estimated cost of such improvements being Three Million Three Hundred Eighty-Five Thousand Dollars ($3,385,000)?

ARTICLE II

Shall general obligation bonds or notes in an amount not to exceed Five Hundred Fifteen Thousand Seven Hundred Dollars ($515,700), subject to reduction by the application of federal and state grants-in-aid, and reserve funds for the purpose of financing the cost of the Town’s local share obligations for a new community wastewater system in the south village area, the estimated cost of such improvements being Four Million Five Hundred Twenty-Five Thousand Dollars ($4,525,000)?

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 February 29, 2024, 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 propositions.

Adopted and approved at a regular meeting of the Selectboard of the Town of Londonderry duly called, noticed and held on January 22, 2024. Received for record and recorded in the records of the Town of Londonderry on January 22, 2024.

Attachment C – Form of Ballot

OFFICIAL BALLOT
TOWN OF LONDONDERRY
SPECIAL MEETING MARCH 5, 2024

ARTICLE I

Shall general obligation bonds or notes in an amount not to exceed Two Hundred Eighty-Two Thousand Dollars ($282,000), subject to reduction by the application of federal and state grants-in-aid, and reserve funds for the purpose of financing the cost of the Town's local share obligations for a new community wastewater system in the north village area, the estimated cost of such improvements being Three Million Three Hundred Eighty-Five Thousand Dollars ($3,385,000)?

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: ☐

ARTICLE II

Shall general obligation bonds or notes in an amount not to exceed Five Hundred Fifteen Thousand Seven Hundred Dollars ($515,700), subject to reduction by the application of federal and state grants-in-aid, and reserve funds for the purpose of financing the cost of the Town's local share obligations for a new community wastewater system in the south village area, the estimated cost of such improvements being Four Million Five Hundred Twenty-Five Thousand Dollars ($4,525,000)?

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
Regular Meeting Minutes
Monday, February 5, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Martha Dale (via phone), Jim Fleming, and Melissa Brown.

Board Members Absent: Taylor Prouty.

Town Officials: Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Mountain Towns Recreation Director Liam Elio; Housing Committee member Bill Sinsigalli and Road Foreman Josh Dryden.

Others in Attendance: 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)*]*

Jim Fleming ***moved to delete from the agenda a discussion on the results of the 2023 Equalization Study*** *seconded by Melissa Brown. The* **motion passed** *unanimously.*

Tom Cavanaugh ***moved to add to the agenda a discussion of a fill-in for the Road Crew,*** *seconded by Melissa Brown. The* **motion passed** *unanimously.*

3. Minutes Approval – Meeting(s) of 1/22/2024

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of 1/22/2024****, 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 Melissa Brown. The* **motion passed** *unanimously.*

5. Announcements/Correspondence

a. **Announcements**

1. O'Keefe reported that there was no referendum petition received by the 2/1/2024 deadline for the Short-Term Rental Ordinance, so it will go into effect on 2/17/2024.
2. He added that a meeting with architect Jon Saccoccio regarding the Town Office renovations had taken place and we're looking forward to bidding on the project this spring. Jon will attend the next regular Selectboard meeting to give a project presentation and answer any questions.
3. O'Keefe's deposition for the Vermont Woodchips Notice of Zoning Violation case is next Tuesday, not on 1/24/2024 as previously mentioned.

b. **Correspondence included in the Board's meeting packet was as follows:**

1. A 1/24/2024 invitation from the Windham Regional Commission to the Selectboard and Planning Commissioners in Londonderry, Jamaica, and Weston to meet to discuss working together on flood mitigation activities, O'Keefe noted that he understood that the meeting has been set for Monday, 2/12/2024 at 11:00 AM
2. A letter of 1/23/2024 from Green Mountain Power providing notice of upgrade and relocation of an electric distribution line along VT Route 11.
3. Correspondence from the Vermont State Archives forwarding information on the original charter of the Town from 4/20/1780, which notes that the spelling at the time was Londondary.
4. Labeau spoke regarding the absentee ballots and early voting.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Board of Listers-Annual certificate of no appeals/suits [32 VSA 4155]

O'Keefe noted that Town Assessor Jeremiah Sund had confirmed that there were no pending appeals or suits.

Jim Fleming ***moved that the Board approve and sign the annual Certificate of No Appeal or Suit Pending,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

b. Village Wastewater Committee-Approve ARPA grant funding agreements

O'Keefe spoke about the ARPA Grant Agreements with the Vermont Department of Environmental Conservation for the north and south village projects that were included in the meeting packet. He noted that Town Attorney Bob Fisher has reviewed and approved the agreements for conformity. And project engineer Chrissy Haskins has said the scope of work and timeframe is all that is expected.

Melissa Brown ***moved to accept the terms of ARPA funding grant agreements with the State of Vermont Department of Environmental Conservation for both the north and south village wastewater projects and authorize the Town Administrator to execute the documents on behalf of the Town,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Mountain Towns Recreation Director – Authorize contracts for activity signups and program website

Elio explained that Stacksports is a company that Flood Brook Athletic Association and the West River Sports Association have used for many years for sporting event sign-ups. He spoke to the need for Sports Connect software. There would be no cost to the Town, he noted, and that all sports are arranged and paid for through the software. He mentioned that the contract can be cancelled at any time and that the software is intended for all sports. He recommends establishing an overall program website to be:

http://wwwmountaintownsrecreationsports.org for all 5 Mountain Towns program to register and sign up.

Melissa Brown ***moved to authorize Mountain Towns Recreation Director to execute contract agreements for 1) recreation activity sign-ups and 2) website services for the Mountain Towns Recreation Program,*** *seconded by Jim Fleming. The* **motion passed** *unanimously.*

d. Mountain Towns Recreation Director – Authorize issuance and use of a Town credit card

The Selectboard briefly discussed the limits of a Town credit card. The maximum limit is $5,000 and any charges over $1,000 must be approved by the Selectboard prior to purchase.

Jim Fleming ***moved to authorize Mountain Towns Recreation Director Liam Elio to receive and use a Town credit card exclusively for Town business,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

e. Town Treasurer-Year to date budget review

Labeau described the year-to-date budget. She said everything is okay with the exception of the $1,000,000 expended but not yet reimbursed for flooding.

f. Delinquent Tax Collector-Discuss upcoming Tax Sale & appoint Town representative

Labeau explained that the tax sale is scheduled for 2/21/2024 at 10:00 AM, and that a Board member must be assigned to represent the Town in a purchase if necessary.

Melissa Brown ***moved to appoint Jim Fleming as agent for the Selectboard to purchase properties on behalf of the Town at the upcoming tax sale as provided for under 32 VSA Section 5259,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Cavanaugh said the rats have not chewed through the conduit or wires of late.

9. Roads and Bridges

a. Updates

December 2023	Salt – 97 tons	Sand – 236 yards	
	Fuel (gallons): Equipment – 1184		Transfer Station - 140
January 2024	Salt – 323 tons	Sand – 1144	
	Fuel (gallons): Equipment – 2885		Transfer Station – 5

Dryden said the blasting cut-off date at Mad King Quarry is set for 2/15/2024. The Board discussed the matter of ongoing blasting.

He said the new truck is built and on its way. Once here it will need the dump body installed.

He has investigated pricing on a backhoe versus a loader and is looking into a trailer as well.

b. Discuss Radar Speed Feedback Signs

O'Keefe mentioned that the insurance claim for the damaged radar speed sign on VT Route 100 whether the Board wanted to replace the sign and from which budget the funding would come. There was also discussion about moving the new sign closer to the plaza. O'Keefe raised the issue of whether to continue to pay for cloud-based access to the programming software, which is approximately $450/year for each sign, or to forgo that and use location-based Bluetooth connections for programming and data collection. He was asked to research this and report back at the next regular meeting.

Melissa Brown ***moved to purchase a new radar speed feedback sign to replace the one recently damaged, to be paid for from the signs budget,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Jim Fleming ***moved to add the Town-owned radar speed feedback signs to the Town's property schedule for insurance purposes,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

c. Consider application(s) for excess vehicle weight permits [32 VSA1400a]

O'Keefe handed out new language for the notice distributed to excess weight permittees related to tarps being desired. The Selectboard supported the new language for owners to provide proper tarps for trucks. Dryden added that some of the Town trucks don't have tarps.

Melissa Brown ***moved to change the language to the overweight permit vehicle notice adding the appropriate coverage to materials being transported,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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

- ***Newport Sand & Gravel Co., Inc. / Carroll Concrete Co., Inc., and***
- ***G.W. Tatro Construction, Inc.***

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

d. Fill-in for Highway Department

Cavanagh noted that resident Donny Derby submitted an application for employment to fill-in for the Highway Department crew. The maximum hours he is available would be 23 ½ hours per week on average. He will be asked to be at the next regular Board meeting for an interview.

10. Old Business

a. Town Hall Renovation Project – Project update and flooding damage repairs

O'Keefe reviewed progress and issues. He said the truss work inside the attic is very impressive. He explained that the windows are not attached to their own stud but are instead attached to the carrying beam. Therefore, the structural engineers will be meeting with the building contractor to review the situation and determine a solution.

The balcony seats will need to be moved from the main floor to the backstage before Town Meeting it was noted.

Water has seeped into the basement creating mold on the walls. The contractor will be taking out the wall to see where the water is coming from. Servpro is coming in before Town Meeting Day to take care of the mold issue. O'Keefe will compare pricing with a local mold remediation company, Home Maintenance Associates, owned by Carl Grey first, as suggested by Brown.

O'Keefe suggested that the Board authorize looking into installing humidity control equipment to address the ongoing mold concerns.

O'Keefe will file a claim with VLCT-PACIF for the water damage.

*Jim Fleming **moved to seek proposals for design and installation of humidity control equipment for the Town Hall basement level,** seconded by Melissa Brown. The **Motion passed** unanimously.*

*Jim Fleming **moved to authorize up to $10,000.00 for cleanup of flooding damage, and mold removal and control, in the Town Hall basement level, and authorize the Town Administrator to execute any contractual documents necessary to implement the necessary services,** seconded by Martha Dale. The **motion passed** unanimously.*

b. Consider amendments to the Personnel Policy

O'Keefe reminded the Board that there were some questions at the last meeting regarding over the "conflict of interest" provision of the Personnel Policy, particularly having to do with relatives and close associations in a small town such as Londonderry. He suggested that actual or perceived conflicts should simply be announced publicly. Dale asked if the legal council could give further advice on whether there are special conditions that address small communities. O'Keefe will contact the town attorney.

11. Ratification of Local Cannabis Control Commission decision to approve VT Cannabis Control Board permit S-000005677, for a Mixed Cultivator Tier 1 Small Cultivator operation on parcel #051017.000

Because the Board voted on 1/22/2024 to approve Cannabis Control Board permit application 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 1/22/2024 decision, acting as the Local Cannabis Control Commission, to approve the VT Cannabis Control Board permit S-000005677, for a Mixed Cultivator Tier 1 Small Cultivator operation on parcel #051017.000,** seconded by Martha Dale. The **motion passed** unanimously.*

12. New Business

a. Short -Term Rental Ordinance – Establish registration fees

Bill Sinsigalli spoke about the Housing Commission working on a proposed fee structure. They are not yet ready to propose the fee schedule, but he noted that it would be a tiered system that would be a nominal fee for homesteaders and would generate enough funds to pay for the STR Administrator as well as generate leftover funds for housing initiatives. Brown spoke further about this proposal and described a tiered fee schedule for different types of STRs based on ownership category.

The Selectboard and attendees discussed the registration fees at length and determined to continue at the next Board meeting.

b. Short-Term Rental Ordinance – Review job description for STR Administrator

O'Keefe reviewed with the Board the draft Short-Term Rental Administrator job description that was included in the packet. Sinsigalli mentioned that some towns are discussed using a third-party contractor for this administration position. Dale said that something about the job being public facing should be added and stressed the need for the individual to be particularly pleasant with the public. Cavanaugh said O'Keefe nailed the job description.

Jim Fleming ***moved to approve the new job description for the position of Short-Term Rental Administrator,*** *seconded by Martha Dale. 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 7:37 PM. The next regular meeting of the Selectboard is scheduled for 2/19/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved February 19, 2024.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, February 19, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Town Assessor Jeremiah Sund, Williams Dam Advisory Committee members Rich Phelan and Paul Hendler, Village Wastewater Committee Chair Sharon Crossman, and Planning Commission Chair Heather Stephenson

Others in Attendance: Donald Derby, Dufrene Group Engineer Chrissy Haskins, Architect Jon Saccoccio, and GNAT camera operator Bruce Frauman.

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)*]*

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 evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town administrator Shane O'Keefe, Town Treasurer Tina Labeau and Donald Derby to attend the executive session,*** *seconded by Martha Dale. The* **motion passed** *unanimously.*

The Board entered executive session at 6:04 PM and came out at 6:28 PM. No action was taken.

4. Minutes Approval – Meeting(s) of 2/5/2024

Martha Dale ***moved to approve the minutes of the Selectboard meeting of 2/5/2024****, seconded by Jim Fleming. The* **motion passed** *unanimously.*

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

a. Announcements

1. Cavanaugh and Fleming are up for re-election this year and each mentioned they were planning to run.

2. Labeau noted that early and absentee ballots can be picked up at the Town Clerk's Office.
3. Pajala said there is a rabies clinic at the Green Mountain Veterinary Hospital on 3/13/2024 from 9:00 AM to 10:00 AM.
4. O'Keefe reported that on 2/12/2024 long-time Planning Commission Chair Sharon Crossman has stepped down as Chair and that her replacement is Heather Stephenson. There was a round of applause to honor Crossman.
5. The Short-Term Rental (STR) Ordinance took effect on 2/17/2024.
6. Brown reminded everyone that 3/5/2024 Town Meeting Day is not only primary voting it is also voting on the school budget. If cannot be present an absentee ballot can be obtained at the Town office.

b. Correspondence included in the Board's meeting packet was as follows:

1. The Town of Winhall's Town Plan Public Hearing will take place on 3/6/2024 at 6:30 PM.
2. The most recent accounting from the State of Vermont on Londonderry's 1% Local Option tax on rooms, which was instituted on 7/1/2023.
3. The 2/9/2024 closeout notice from FEMA for the Platt Elevation Project (project # 126-R FEMA-4022-DR-VT).
4. A notice of upcoming vegetation management activities along the power lines from Green Mountain Power.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Board of Listers – Discuss results of the 2023 Equalization Study

Jeremiah Sund, Town Assessor spoke about the equalization process. The main reason for the Equalization Study is that the State of Vermont raises the education fund primarily through the state education property tax. He noted that the Common Level of Appraisal (CLA) is 75.81% and the Coefficient of Dispersal (COD) is 26.38% reflective of equity. Assessments are 25% under their current market value. This is the listed value on your Homestead Declaration. This determines the Fair Market Value and the current value of the Grand List. This brings the sales in line with the assessments, causing the education rate to change.

The Equalization Study is a three-year sales study that every property owner and municipality go through. The job of the lister is to qualify these sales and make sure the sales included in the sale are accurate. The Town of Londonderry is up for tax assessment in 2028.

Pajala added that the reduction of rates is a statewide trend.

b. Village Wastewater Committee- Presentation on 90% Project Report

Dufrene Group engineer Chrissy Haskins gave a brief presentation on the Village Wastewater 90% Project Report. O'Keefe handed out a flyer regarding the informational meeting for the Bond Vote which will be held on Thursday, 2/29/2024 at 6:00 pm at the Londonderry Town Office as part of a special Selectboard meeting.

Jim Fleming ***moved to accept the 90% draft preliminary engineering report for the Village Wastewater Project, dated January 31, 2024, prepared by the Dufresne Group,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

c. Williams Dam Advisory Committee – Discuss Committee charge

Rich Phelan of the Williams Dam Advisory Committee spoke about the process of establishing a contract with the flooding analysis engineer. The committee is asking to have a deadline for recommendation of 30 days past the report or a hard deadline of 7/1/2024.

Before the Committee can give a recommendation, they need to know what happens if the dam is removed with respect to flooding.

Martha Dale ***moved to amend the charge given to the Williams Dam Advisory Committee, originally approved by the Selectboard on April 3, 2023, and amended on November 6, 2023, to allow for the deadline for providing a recommended course of action with regard to alternatives for the dam to be extended from April 15, 2024 to July 1 2024,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

d. Parks Board – Review job description for parks maintenance Employee

The Selectboard reviewed the proposed job description for the existing parks maintenance employee position and determined that the employee would now report to the Town Recreation Director. There was discussion about the interplay between the parks maintenance employee nd the Highway Department work. Pajala said there would be no new hiring until after Town Meeting Day.

Melissa Brown ***moved to approve the new job description for the position of Parks Maintenance Employee,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

9. Transfer Station/Solid Waste Management

a. Updates

Cavanaugh said there have been no reports on the compactor, which is still running.

10. Roads and Bridges

a. Updates

Prouty reported that the new truck has arrived at the facility that attaches the body to the frame of the truck. It could be summer before we receive the truck.

b. Discuss Radar Speed Feedback Signs

O’Keefe recommended not using the cloud-based connectivity to access information from the radar feedback signs. He noted that the information can be accessed at the sign location via Bluetooth without paying for the cloud feature, which is approximately $450 per year for each sign.

Jim Flemming ***moved to discontinue cloud connectivity to existing radar speed feedback signs at the end of the one-year service period in March 2024,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. Adopt annual VTrans Certification of Compliance with Town Road & Bridge Standards and network Inventory

O'Keefe noted that the Town standards, previously approved by the Board on 8/5/2019, are in the meeting packet. 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 Martha Dale. The* **motion passed** *unanimously.*

d. Discuss VTrans FY2025 Municipal Highway Grant application

O'Keefe discussed the program and town rankings for project funding eligibility. He explained there are two components in the Municipal Highway Grant, one is for structures, and one is for class 2 road paving. Examples for the structures grants include the Derry Woods Road and Springhill Road culverts and a class 2 road paving was approved for Landgrove Road last year. There's an ongoing list within the district and Londonderry is #19 on the list for paving so it's highly unlikely we could get new grants this year.

He said we're #10 on the list for structures grant funding. The State only awards 5 grants per year so it's not likely to be approved, but a good idea to get something submitted in the case that others are defunded and/or more money becomes available. He recommends we move forward and talk about projects such as the Cobble Ridge Road Bridge and maybe just the engineering costs for that as we don't seem to be getting far with FEMA on that project. He said we could also consider doing the Reinhardt Road culvert. He suggested having Road Foreman, Josh Dryden come in to discuss this grant opportunity.

e. Consider application(s) for excess vehicle weight permits [32 VSA1400a]

The Board reviewed a number of excess vehicle weight permits.

Jim Flemming ***moved to approve the excess weight permit(s) for:***
• Record Concrete, Inc.
• Frost Wells and Pumps, Inc.
• Renaud Brothers, Inc.
• Valley Crane Services, Inc., and
• Hunter Excavating, Inc., Hunter Transport, Hunter Timber harvesting, 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. Town Hall Renovation Project – Consider project improvement plans, budget, and schedule for bidding

O'Keefe introduced Project Architect Jon Saccoccio and reminded those present that there was a bond vote last year to fund this project. He said the project is almost ready to go out to bid. Saccoccio gave a presentation and review of major work to be done. The presentation documents were included in the meeting packet. He went over the general scope of work on the two floor levels and pointed out the clear objectives such as putting in an elevator and finishing out the basement for more space.

There will not be many changes made to the meeting room, the clerk's office or the listers office. Off from the first floor hallway they will be adding a small mail room, bathroom, and small storage area.

The front entrance will have a ramp compliant with accessibility requirements and the parking lot will be repaved. There will be added exterior lighting.

On the basement level will be a waiting area, another bathroom, washroom, an IT closet, another meeting room, mechanical room, two offices, and a kitchenette.

O'Keefe stated that the bond voted on was for $1.3 million but the construction estimate is for $1.6 million. Saccoccio noted this could be lowered depending on the bids we get, and some items could be removed. O'Keefe said there is also money in the Building Reserve Fund. He is also looking into other funding sources.

The building will need to be shut down for 6 to 8 months while the work is carried out. An alternative space will need to be located for the staff to continue work.

Martha Dale ***moved to accept the Town Office renovation plans and preliminary cost estimate as proposed and to proceed with bidding out the project as soon as possible,*** *seconded by Jim Flemming. The* **motion passed** *unanimously.*

b. Short-Term Rental Ordinance – Establish registration fees

O'Keefe reminded the Board that they wanted to discuss the registration fees further with a full Board. And noted that in the interim the Housing Committee has recommended a flat fee schedule that was provided to the Board for review.

Cavanaugh said he has spoken to the Town Attorney Bob Fisher, and he noted that the fees must only cover expenses and not be a revenue raiser. Only the salary and any other administrative expenses can be covered. Cavanaugh proposed at the last meeting that the charge should be a flat fee of $500 for everybody and there shouldn't be any extra.

Brown said the entire Selectboard previously agreed on the following:

1. That it's reasonable to put limits on Short Term Rentals (STR)
2. That they do not want it to prohibit STR of second homes
3. They want to prevent it for investment purposes

Therefore, she doesn't feel it's unreasonable to charge a higher amount for an investment property. She promotes a tiered fee system to apply greater cost to investment properties. She references the two letters of concern addressed to the Board.

Cavanaugh said there is no legal definition in the ordinance to determine investment property or second home. Dale said the Selectboard should create this. Brown said they need to be clear and fair across the board. O'Keefe added that it is simpler to do a one level fee. Dale suggested using the first year of the program to see how easily it is discerned between second homeowners and investment property owners; make them the same for this year and then determine with the data collected for the following year.

Dale asked if registration fees could be used for expenses unrelated to administration of the STR Ordinance. O'Keefe noted that the monies would go to the General Fund balance unless voted otherwise.

Flemming asked that they talk with Attorney Fisher prior to Town Meeting to get questions answered.

Brown said registration fees could be different for different types of STRs. She asked if any of this would change if it's a license as opposed to a registration. The Board preferred to stay with a registration form.

Heather Stephenson said another question for the attorney is what should the headers be for the fee structure? Along with defining Second Homes and Investment Property.

O'Keefe will send all questions to Attorney Fisher and copy all Board members. He then read aloud an example response letter to a member of the public who had inquired about the status of the STR ordinance registration timeframe.

c. Consider amendments to the Personnel Policy

O'Keefe informed the Board that Attorney Fisher responded that day and handed out the email to the Board members. Attorney Fisher would like the Board to have further discussions in the sections of conflict of interest and anti-nepotism. Also, on the discipline and termination and "employee at will" sections. The Board members reviewed and discussed in great depth.

Jim Fleming ***moved to accept the proposed changes to the Town's personnel Policy, for adoption at a later date.*** *The motion was later* ***withdrawn****.*

In Section 6: Conflict of Interest, Dale suggested having a form that discloses potential conflict of interest. Labeau added that the Town Clerk has this form and it's on the website. The Board agreed that language should be added regarding the form. O'Keefe will bring this question to Attorney Fisher along with having a nepotism clause or not. It was agreed to remove changes to covered persons under Section 2 and to remove Addendum B.

12. 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 to consider the evaluation of a Town officer, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town Administrator; Shane O'Keefe to attend the executive session****, seconded by Jim Flemming. The* ***motion passed*** *unanimously.*

The Board entered Executive Session at 8:58 PM and came out at 9:06 PM. No action was taken.

b. 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 officer, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town Administrator; Shane O'Keefe to attend the executive session****, seconded by Jim Flemming. The* ***motion passed*** *unanimously.*

The Board entered Executive Session at 9:06 PM and came out at 9:30 PM. No action was taken.

13. Adjourn

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

The meeting adjourned at 9:31 PM. The next regular meeting of the Selectboard is scheduled for 3/4/2024, with a special meeting scheduled for 2/29/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved March 4, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

* * *

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

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

Board Members Absent: Jim Fleming.

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

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

1. Call meeting to order

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

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

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

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

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

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

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

2. Additions or deletions to the agenda [1 VSA 312(d)(3)(A)*]*

None.

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

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

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

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

> "RESOLVED, that the public interest and necessity demand certain public wastewater system improvements, namely, construction of two new separate community wastewater systems, one in the north village area and one in the south village area, with an estimated cost of Three Million Three Hundred Eighty-Five Thousand Dollars ($3,385,000) and Four Million Five Hundred Twenty-Five Thousand Dollars ($4,525,000), respectively; and
>
> BE IT FURTHER RESOLVED, that funds granted to the Town through the American Rescue Plan Act (ARPA) will cover Ninety percent (90%) of the construction cost of each community wastewater system; and
>
> BE IT FURTHER RESOLVED, that the cost of constructing such improvements, after application of available state and federal grants-in-aid, and available reserves, will be too great to be paid out of the annual revenue of the Town; and
>
> BE IT FURTHER RESOLVED, that a proposal for the issuance of general obligation bonds or notes of the Town in the aggregate amount not to exceed Two Hundred Eighty-Two Thousand Dollars ($282,000) for the north village area, and Five Hundred Fifteen Thousand Seven Hundred Dollars ($515,700) for the south village area (for a total of Seven Hundred Ninety-Seven Thousand Seven Hundred Dollars ($797,700) to pay for its local share of the cost of the same, subject to reduction through the receipt of any state or federal grants-in-aid and other financial assistance, should be submitted to the legal voters of the Town at a special meeting thereof to be duly called and held for that purpose on March 5, 2024; and

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

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

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

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

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

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

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

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

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

Haskins welcomed questions and comments.

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

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

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

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

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

4. Adjourn

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

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

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved March 18, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, March 4, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Jim Fleming.

Town Officials: Town Administrator Shane O'Keefe, Village Wastewater Committee Chair Sharon Crossman, Planning Commission Chair Heather Stephenson, Road Foreman Josh Dryden, and Town Treasurer Tina Labeau and Town Clerk Kelly Pajala

Others in Attendance: GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:18 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)***]*

Taylor Prouty ***moved to add to the end of the New Business part of the agenda, consideration of both a Second-Class Liquor License and a Tobacco License for AGS Vermont, Inc., also known as the Londonderry Village Market,*** *seconded by Martha Dale. The* **motion passed** *unanimously.*

3. Minutes Approval – Meeting(s) of 2/19/2024

Martha Dale ***moved to approve the minutes of the Selectboard meeting of 2/19/2024****, seconded by Taylor Prouty. 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

a. Announcements

1. O'Keefe mentioned that the mold in the Town Hall basement has been remediated and the floor steam-cleaned in preparation for Town Meeting and elections scheduled for the following day. And a big thank you goes out to the Champion Fire Company for helping the Town Hall Renovation Committee to move the balcony seats to the backstage area to accommodate the Town Meeting.
2. He added that following Town Meeting, the Selectboard will hold its organizational meeting, right now scheduled for 3/18/2024, and in addition to annual appointments of the Road Commissioner, Emergency Management Director, Windham Regional Commission representatives, Tree Warden, E911 Coordinator, Animal Control Officer, and Communications Union District representatives, this year the Board will be making an appointment for the First Constable, and if needed, a Second Constable. This appointment is a result of last year's Town Meeting vote to authorize the Selectboard to make these appointments.

3. Regarding the annual appointments, O'Keefe stated that the incumbents will be contacted to see if they're interested in continuing to serve in these positions, but anyone is invited to submit a request for appointment.
4. Labeau said the polls would be open the following day from 7:00 AM to 7:00 PM at the Town Hall on 139 Middletown Road.
5. Crossman said the Village Wastewater Committee wants to encourage people to vote on the bond and to look for an information sheet that they put together with 3 basic points; the need for the project; the value of the project; and touch points for the residents.

b. Correspondence included in the Board's meeting packet was as follows:

1. A 2/15/2024 letter of thanks to the residents of Londonderry from the My Community Nurse Project for the Town's annual contribution.
2. The January 2024 monthly report from the Windham County Sheriff's Office.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Discuss upcoming annual Town Meeting – Tuesday March 5th at Town Hall

Frauman spoke for the GNAT appropriation. On a personal level, he has been taping for GNAT for at least 20 years. He keeps engaged in the community. It is a public service, and he gets paid.

GNAT is now streaming Selectboard and other local meetings thanks to a new camera, he added. Go to Facebook or YouTube and search for G-N-A-T. Scroll down to find the meeting. YouTube might be a little problematic. You can call GNAT. 802-362-7070 for help. Also, on gnat-tv.org there is a new very complete regional calendar. You can search for events or post your own.

O'Keefe suggested that the Board assign members specific articles to answer questions if necessary. Labeau said the new road crew position is expected to be a topic for much discussion. Prouty volunteered to answer these questions.

Cavanagh said he would cover any questions regarding the Short-Term Rental (STR) administrator.

O'Keefe referred to Article 19 and Article 20 on local option taxes. He discussed the dollars and cents of the proposed local option taxes. He asked that the spreadsheet he put together be run on the projector during the meeting.

On the village wastewater bond votes, O'Keefe asked the Board to assume the question of "how is the bond going to be paid for". Cavenaugh said the answer should be that "the Selectboard did not receive the information soon enough to make that decision". Prouty agrees with the Village Wastewater Committee on the bond payment methodology. Stephenson said the Committee should make a formal voted recommendation to the Board.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanaugh said there are no updates at this time.

9. Roads and Bridges

a. Updates

Dryden reported materials used:

February 2024	Salt- 102 tons	Sand- 461 yards
	Fuel (gallons): Equipment - 991	Transfer Station – 70 gal.

He reported that the new truck was at Reed's and ready to go to the body shop. They have purchased a new trailer for $5,000 which will be used to move culverts, hay bales, and more.

Martha requested the previous year material data, statistics, and a year-to-date budget be provided to the Board. Dryden noted there was less sand used this year.

Prouty also reported that tree contractor TTS has been working in the area for Green Mountain Power. He is monitoring them to ensure that no damage is done to the Town roads.

b. Discuss VTrans FY2025 Municipal Highway Grant application

Dryden and the Selectboard reviewed the projects for the program and determined that the failing culvert on Windy Rise Lane West is the best option.

Tayor Prouty ***moved to authorize the Town Administrator to submit an application for funding under the VTrans Municipal Highway Grant program for Windy Rise Lane West culvert,*** *seconded by Martha. The* **motion passed** *unanimously.*

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

The Board reviewed an excess vehicle weight permit that was submitted.

Taylor Prouty ***moved to approve the excess weight permit(s) for Fabian Earth Moving, Inc., and authorize the Town Administrator to execute the permit(s) on behalf of the Town,*** *seconded by Martha. The* **motion passed** *unanimously.*

10. Old Business

a. Short-Term Rental Ordinance – Establish registration fees

O'Keefe provided hand outs to the Board that included the following comments from Town Attorney Bob Fisher:

1. **Can registration fees be used for unrelated to administration Short-Term Rental (STR) Ordinance.** No. There is a difference between fees and taxes. Fees are charged to cover the expenses of implementing a program. Taxes are imposed to raise revenue for governmental services or projects. Here, the Housing Commission's proposal would be challenged in court, due to the "fee" being so high as to be beyond that which is needed to implement the STR registration program and to pay for the administration and ordinance. It would be considered a tax if the purpose was to raise funds for housing, that would be problematic because the State legislature has not provided express authority for the Town to impose a local tax for the purpose of raising funds for housing.
2. **Can registration fees be different for different types of STR.** Yes. Based on the difference between the size of the STR and/or the hosting or non-hosting of the STR, the enforcement and administration requirements may be different, and likely a greater burden for the large non-hosted STR. Thus, the registrations fees can be different, but they should reflect a nexus between the cost to administer the ordinance for the different types of STR.

3. **Do these answers change if the board issues a license as opposed to a registration.** No. The license is still a regulatory permission to perform a certain act or type of business. The license or registration is still a fee as compared to a tax, so there is little difference between the registration and the license.

Also handed out was information from Brown on the City of Winooski's new STR fees, and a letter from Attorney Nicholas Low to the Selectboard written on behalf of Ben Sargent to comment on the STR registration fee schedule proposed by the Londonderry Housing Commission.

Cavanagh said $450 is a good registration fee, then we can determine how many homesteads there are, and we can reassess next year and change the fees if necessary.

Prouty spoke about the larger STRs. For example, if there is an 8 bedroom that would service 16 people and 8 cars, could the price be adjusted based on size? Cavanagh said the registration would confirm the quantity of people then next year we will have the data to make an informed decision. O'Keefe said he didn't know if the administrative effort would change if the STR Administrator had to review State wastewater permits for larger STRs. Brown said there are several ways to do a fee schedule and the Board just needs to decide on which one we want to select. She does not agree on setting the fees after getting the data in the first year. Prouty said the most limiting factor is the amount of money we can make. The Board discussed single flat fee versus hosted or unhosted scenarios.

Martha Dale ***moved to establish the following Short-Term Rental registration application fee(s) in keeping with Article 5 of the Town of Londonderry Ordinance to Regulate the Operation of Short-Term Rentals, with such fee(s) being applicable on the effective date of the Ordinance:***

- ***$150 per year (July 1 to June 30) for Hosted short-term rentals and***
- ***$500 per year (July 1 to June 30) for Unhosted short-term rentals,***

seconded by Taylor Prouty. The ***motion passed*** *unanimously.*

b. Consider amendments to the Personnel Policy

O'Keefe reported that he has been in contact with Attorney Fisher regarding Conflicts of Interest and Nepotism. He will make Conflicts of Interest consistent with Nepotism in the Personnel Policy.

Dryden inquired about when the changes would be implemented. O'Keefe responded possibly 4 more meetings.

Prouty asked if there is a change to a new employee after they have been hired, how do we handle this? O'Keefe explained that the revised Personnel Policy would be provided to the employee(s) and they would sign an acknowledgement of receipt.

11. New Business

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

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

b. Tobacco Lícense – Jelley's Auto Care Center (DBA Jelley Enterprises, Inc.)

Taylor Prouty ***moved to approve a Tobacco License for Jelley's Auto Care Center, also known as Jelley Enterprises, Inc., related to property located at 2102 North Main Street,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

c. Consider property/equipment auction contract with Auctions International, Inc.

Martha Dale ***moved to accept the online auction contract with Auctions International, Inc., and authorize the Town Administrator to execute the contract on behalf of the Town,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. 2nd Class Liquor License – ASG Vermont, Inc. (DBA The Londonderry Village Market)

Martha Dale ***moved to approve a 2nd Class Liquor License for AGS Vermont, Inc., also known as The Londonderry Village Market, related to property located at 5700 VT Route 100, Suite A-10,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

e. Tobacco License – AGS Vermont, Inc. (DBA The Londonderry Village Market)

Martha Dale ***moved to approve a Tobacco License for AGS Vermont, Inc., also known as The Londonderry Village Market, related to property located at 5700 VT Route 100, Suite A-10,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

12. Adjourn

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

The meeting adjourned at 7:49 PM. The next regular meeting of the Selectboard is scheduled for 3/18/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved March 18, 2024.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, March 18, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Town Officials: Town Administrator Shane O'Keefe, Village Wastewater Committee members Sharon Crossman, Tom Metcalf and Larry Gubb, Williams Dam Advisory Committee member Paul Hendler, Town Treasurer Tina Labeau and Town Clerk Kelly Pajala

Others in Attendance: 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 make an addition to 11. Old Business, after item a., on the Short-Term Rental (STR) Ordinance,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Melissa Brown ***moved to make an addition to 11 Old Business adding item f. for the discussion of formation of the South Londonderry Master Task Plan Force,*** *seconded by, Martha Dale. The* ***motion passed*** *unanimously.*

3. Organization

a. Elect a Selectboard Chair and Vice-Chair **[24 VSA 871(a)]**

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

Melissa Brown ***moved to elect Martha Dale as Selectboard Vice Chair****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Set Regular Meeting Schedule & Location **[1 VSA 312(c)(1)**

The Board discussed adding additional meetings as necessary. O'Keefe informed the Board that the State law authority to hold remote-only meetings expires in July.

Martha Dale ***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 Melissa Brown. The* ***motion passed*** *unanimously.*

c. Designate newspaper of record **[17 VSA 2641(b)]**

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

d. Designate location of posting of notices **[1 VSA 312(d)(1)**

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

e. Designate member with authority to sign warrants & pay orders **[24 VSA 1623(a)(1)]**

Taylor Prouty ***moved to appoint Tom Cavanagh as the designated Selectboard member with authority to sign warrants and pay orders, pursuant to 24 VSA Section 1623(a)(1),*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

f. Adopt Rules of Procedure

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

4. Minutes Approval – Meeting(s) of 2/29/2024 and 3/5/2024

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of 2/29/2024 and 3/5/2024****, 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

6. Announcements/Correspondence

a. Announcements

1. Pajala announced it is dog registration time.
2. O'Keefe informed the Board that he will be at a conference on 4/1 and 4/2/2024 so he will not attend the next regular meeting.
3. Labeau said she will have year-to-date financials next month.

b. Correspondence included in the Board's meeting packet was as follows:

1. The grant agreement for the Class II roadway edge striping in the amount of $35,000, which has to take place in 2024.
2. The February 2024 monthly report from the Windham County Sheriff's Office.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Village Wastewater Committee – Discuss next steps for project

Gubb and Metcalf presented the next steps for the village wastewater project. Gubb said they are between the preliminary engineering and the design contract which is needed very quickly. The South Londonderry Village will be in 2 phases and needs to proceed first.

The appraisal and topographical survey work is needed. Archeological work is critical and could cause design and/or schedule changes. The South Londonderry Village engineering work needs to be done by June 2024 and North Londonderry Village by September 2024.

It is critical currently to get a contract with the Dufresne Group for final engineering services.

Prouty asked if the committee would be making a recommendation for the Selectboard to appoint a Project Manager. Gubb said it is okay to hire the Windham Recreation Commission (WRC) for this service. Brown noted that it is important to hire a project manager soon to keep things on schedule. O'Keefe will email Emily Hackett of the Vermont Agency of Natural Resources (ANR) for a determination on available funds for this and whether the WRC can provide the service on a sole-source basis. It was agreed that, if possible, the Board would agree on contract awards for property appraisals, project engineering and project management.

Prouty noted that the $1,260 per year per user in South Londonderry is determined by the operating costs divided by the number of 24 hookups. Gubb said if qualified users do not want to hookup, the option to connect extends out others beyond the initial target area who may be on the waiting list.

The Board reviewed a request from the Planning Commission to no longer have the Village Wastewater Committee report to the Commission.

Taylor Prouty ***moved to amend the Board's 9/22/2022 vote establishing the Village Wastewater Committee by removing the need to report to the Planning Commission,*** *seconded by Jim Fleming. The* **motion passed** *unanimously.*

b. Mountain Towns Recreation Director – Discuss proposal for concert fundraiser at Pingree Park

Pajala has met with the Mountain Towns Recreation Director Liam Elio and Jed Hughes to begin the planning of the proposed Mountain Towns Recreation Fundraiser. The concert fundraiser will be on 6/8/2024 at Pingree Park from 4:30 PM to 9:00 PM. They have chosen the East Bound Jesus, Malette Brothers, and Saints and Liars bands to provide entertainment and there will be a silent auction. This year they will be doing ticket prices along with b.y.o.b. They wanted to get the approval from the Selectboard before moving forward with advertising. They would be asking the Windham County Sheriff for traffic control as they did last year. The fundraiser is to support the Mountain Towns Recreation programming. They need to raise $8,300 for the bands, the lighting and the sound systems. There was no opposition.

c. Appoint Road Commissioner [17VSA2646(16) & 2651(a)]

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

d. Appoint Emergency Management Director [20VSA6(a)]

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

e. Appoint Windham Regional Commission Representatives [24VSA4343(a)]

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

It was noted that WRC representative Denis Pinkernell had declined to request reappointment, and that there is a vacancy needing to be filled.

f. Appoint Tree Warden [24VSA871(b)]

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

g. Appoint 911 Coordinator [30VSA7056(a)]

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

h. Appoint Animal Control Officer [20VSA3549]

O'Keefe informed the Board that there is an alternative option this year to be part of a contract with the Windham County Sheriff's Office with other municipalities that would provide animal control services. The overall costs would likely be less than $3,000 per year. The Board opted to wait on the proposal that is specific to Londonderry.

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

i. Appoint First Constable [17VSA2651a & 24 1936a]

O'Keefe reminded the Board that, due to the 2023 Town meeting vote, this is the first time they have had the option to appoint a first and second constable, if needed. He said he also contacted the sheriff's office regarding the constable and this position already fits into the existing contract with the Town. Fleming said he would prefer to have these local positions.

*Jim Fleming **moved to appoint Kevin Beattie as the Town's First Constable,** seconded by Melissa Brown. The **motion passed** unanimously.*

j. Appoint Second Constable [17VSA2651a & 24 1936a]

*Jim Fleming **moved to appoint Steve Twitchell as the Town's Second Constable,** seconded by Tom Cavanagh. The **motion passed** unanimously.*

9. Transfer Station/Solid Waste Management

a. Updates

Labeau said that the Electronics Waste date is set for 6/1/2024.

10. Roads and Bridges

a. Updates

Prouty said we are starting to see some headway with mud season. He said they can get on the roads and start grading and add more materials. Hopefully, the roads will continue to dry out.

Labeau said that in anticipation of future flooding, Josh Dryden is going to either take pictures or film (using a go-pro camera) the dirt roads before and after damage. There were no issues with purchasing a go-pro camera.

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

O'Keefe informed the Board that each year after the Town Meeting, a VTrans representative comes to the office to review the Annual Financial Plan for Town Highways. A copy of the plan was included in the Board packet. The representative looks at the budget and maintenance to come up with the non-winter maintenance figure. This is the figure that 10% is received for State funding for road damage due to disasters.

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 Jim Fleming. The* ***motion passed*** *unanimously*

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

The Board reviewed the excess vehicle weight permits that were submitted.

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

- ***St. Pierre, Inc.,***
- ***Consolidated Communications, Inc.,***
- ***David Chaves Excavating, Inc.,***
- ***R.K. Miles, Inc.,***
- ***Gurney Brothers Construction, Inc., and***
- ***Bazin Brothers Trucking, Inc.,***

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

11. Old Business

a. Discuss hiring of a part-time Short-Term Rental Administrator (2024 Town Meeting Art.9)

O'Keefe reported that there have been 3 applications received. The Board discussed the interview process and decided to have the Board Chair, Vice Chair and Town Administrator interview and report back to the Board at the next meeting on 4/1/2024.

a.1. Short-Term Rental Discussion

Brown informed the Board that the Short-Term Rental (STR) Ordinance is going to require some work to align with the Zoning By-Laws. She asked the Board if they would consider a working committee combined of 2 members of the Planning Commission, 2 members of the

Londonderry Housing Commission, 2 members from the Selectboard and the new STR Administrator to review the ordinance language and develop a strategic plan that will accomplish the goals of the ordinance. The purpose of the ordinance is covered very well. She read the purpose to the Board.

Melissa Brown ***moved to make a working committee consisting of 2 members of the Planning Commission, 2 members of the Londonderry Housing Commission, 2 members from the Selectboard, and the STR Administrator to review the ordinance language and develop a strategic plan to accomplish the goals of the ordinance,*** *seconded by Jim Fleming. The* **motion passed** *unanimously.*

a.2. Short-Term Rentals Fire Safety

O'Keefe referred to a letter in the Board packet from the Division of Fire Safety. He said that he and Cavanagh would be meeting with someone from that office on 3/19/2024 to discuss their views on STR and report back to the Selectboard on 4/1/2024.

b. Consider amendments to the Personnel Policy

Dale referred to the drug testing section of the policy, she noted that she would prefer that they cut out the blood testing piece. Prouty said the blood testing puts a lot of pressure on the Town. The Board agreed to remove blood testing from the random drug testing section. Discussion ensued.

c. Consider projects for funding through the Municipal Technical Assistance Program

O'Keefe referred to the email in the Board packet that he sent Chris Campany from the Windham Regional Commission (WRC). He is anticipating a conversation with him regarding the Vermont Agency of Administration (AOA) and the Municipal Technical Assistance Program (MTAP) funding program.

Cavanagh wants to review the remaining flood damage and figure out where the funding is going to come from because there is no telling what FEMA is going to do. O'Keefe said that FEMA is cleaning house; the Town is losing its project manager and the head of Vermont Public Assistance Program is out. Hopefully, this is a good thing as working with FEMA has been extremely confusing. Discussion ensued about projects involving structures such as bridges and culverts. O'Keefe encouraged the Board to get these projects designed so that they are ready and don't miss any funding deadlines. Cavanagh said we can't come up with a list if we don't have the money yet.

d. Ratify 3/4/2024 decision to approve 2nd Class Liquor License – AGS Vermont, Inc. (DBA The Londonderry Village Market)

Taylor Prouty ***moved to ratify the Board's 3/4/2024 decision to approve a 2nd Class Liquor License for AGS Vermont, Inc., also known as The Londonderry Village Market, related to property located at 5700 VT Route 100, Suite A-10,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

e. Ratify 3/4/2024 decision to approve Tobacco License – AGS Vermont, Inc. (DBA The Londonderry Village Market)

Jim Flemming ***moved to ratify the Board's 3/4/2024 decision to approve a Tobacco License for AGS Vermont, Inc., also known as The Londonderry Village Market, related to property located at 5700 VT Route 100, Suite A-10,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

f. South Londonderry Village Master Plan Task Force

Brown said the task force is needed for the proper management of the village plan. There is a group of interested community members she mentioned, and their first meeting is 3//21/2024 from 1:00 PM to 2:00 PM. She asked the Board to approve the establishment of task force. Dale asked how the North Londonderry Village task force was formed. Brown said the Planning Commission is taking on both North and South Villages. Crossman explained that the South Londonderry Village is different because it's a smaller village, and there will be a shorter process in terms in the way that it's being put together. Because of the timing and for other reasons it seemed like it made sense to be a compressed timeframe and it's a different process that we're going through. The same outcome is expected and it is proposed to be completed before summer. Several people are willing to walk around with our consultant it was noted. Brown suggested having the vote now and ratify at the next meeting so that the force can warn the meeting properly. Cavanagh encouraged the Planning Commission to come to the Board next time in a timelier manner.

Melissa Brown ***moved to form a South Derry Master Planning Task Force and the Planning Commission will bring the applications to the Selectboard meeting on 4/1/2024. The Task Force to include Bruce Frauman, Elsie Smith, Jamie Foley, Emmet Dunbar, Mimi Lines, Paul Hendler, and alternate Sharon Crossman,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

12. New Business

a. Follow-up discussion on 2024 Town Meeting

Pajala said there were 173 attendees. Brown said it was nice to have the young people from the schools back. Pajala said there was some feedback on the downstairs voting. It worked well space-wise but not great for people with mobility issues. The back door had issues as well. In general, building something to go between levels would be ideal and more user friendly for everyone. There was also feedback on the bathrooms not being ADA compliant. Better signage would also be very helpful. All access points really need improvement.

O'Keefe said notice has been given to the Vermont Department of Taxes regarding the vote on meals and alcohol coming into effect on 7/1/2024.

b. Town Office Renovation Project – Discuss bidding process

O'Keefe said starting 3/20/2024 the advertisement bids will go into the newspaper for the Town Office renovation project. The deadline to submit bids electronically is 2:00 PM on 4/17/2024.

Martha Dale ***moved to adjust the Town's approved Bid Process as follows:***

- ***Bid documents will only be made available digitally, with no hard copies of bid documents.***
- ***Bid documents will only be provided by the project architect to ensure that any bid addenda are distributed equally.***
- ***There will be a mandatory prebid meeting.***
- ***A bid security of 5% of the bid amount will be required.***
- ***Bids will be opened publicly by staff and a bid tabulation will be provided afterward to the Selectboard for its consideration and contract award.***

Seconded by Taylor Prouty. The **motion passed** *unanimously.*

c. Annual Appointments – Planning Commission

O'Keefe said Maryann Morris and Sharon Crossman have expressed interest in these positions.

Martha Dale ***moved to appoint Maryann Morris and Sharon Crossman to the Planning Commission, each for a three-year term ending 3/31/2027.***

13. Adjourn

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

The meeting adjourned at 8:18 PM. The next regular meeting of the Selectboard is scheduled for 4/1/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved April 1, 2024.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, March 25, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Martha Dale, Jim Fleming, Melissa Brown, and Jim Fleming.

Absent Board Members: Taylor Prouty

Town Officials: Town Administrator Shane O'Keefe, Village Wastewater Committee members Sharon Crossman, Tom Metcalf, and Larry Gubb

Others in Attendance: Mercedes Ross, Scott Ross, and GNAT camera operator Silas Bullock.

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)*]*

Crossman said the Village Wastewater Committee would like to share a draft document to provide property owners with more information of the affected areas.

*Melissa Brown **moved to add to Old Business, a report from the Village Wastewater Committee,** seconded by Martha Dale. The **motion passed** unanimously.*

3. Selectboard Pay Orders

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

O'Keefe added that the pay orders include $12,800 in payments for State permits.

4. New Business

Cavanagh said that with no objections he would like to start with item 4b. There were no objections.

b. Discuss participation in FEMA Hazard Mitigation Grant Program

O'Keefe said they received an application regarding the FEMA Buyout Program. They also just received a letter indicating that the Buyout Program deadline is 3/29/2024 to submit an expression of interest notice or to attempt to apply. The Board reviewed the information submitted by Scott and Mercedes Ross.

Mercedes Ross spoke about the history of flooding of property at 2486 and 2508 VT. Route 11 Londonderry, VT. and that it has affected them severely. The place was basically devasted and they are looking for options. One possibility is to build up high. Both homes on the two properties were basically under water. He is living at the farmhouse, but the next flood will be flood him out again. She suggests looking at what the Town would do as that property has flooded 3 times and rebuilt. The double-wide must be towed away as it is totaled along with the barn, she added. If the home is not considered for a buyout, is it possible to raise it otherwise the house is going to flood. Mr. Scott said the farmhouse is more in the flood zone than the modular home according to the flood map. It is just a matter of time before it floods again. Fleming asked if it has a concrete basement and Ross confirmed. Cavanagh asked them if they were aware that if the Town did do a buyout the property could never be built on again. He said he understands that as the surrounding properties that were bought out still have a drainage problem. Even 3 inches of rain covers the drainage pipe. She said the only option is to build up high on the structure or raise the farmhouse. If there is no buyout is there the ability to mitigate to raise the farmhouse and build up higher on the structure.

O'Keefe said the Town has done an elevation project and it is too risky for the Town. He said the downside is the properties come off the grand list and the taxes are then spread off to the others on the list. Dale asked about the buyout benefit to the property owners. O'Keefe said historically the owners receive 75 percent of the property value, but he understands now that it's 100 percent, which is a good deal. That value is what is appraised the day before the disaster event. Ms. Ross said they have quotes to demolish the doublewide and farmhouse and to build on a higher level. They just added two SBA loans to the mortgage that he already has, which adds another $500,000 worth of debt on that property which in the end won't be worth this amount; it's a lose-lose situation. She said if the Board would do something about the dam it would be helpful. Mr. Ross said the Mill Pond water across the street is one of the biggest problems the Selectboard has. Some mitigation needs to be done. O'Keefe said the dam is under study at this time. Cavanagh said they are in the process of multiple mitigations throughout the Town but some of the projects could take another 10 years to resolve. Ms. Scott said she has 6 contractors waiting and the amount of money they have will barely build a tiny little house. The insurance wouldn't pay for the items in the container because it wasn't attached to the ground, she added. The problem is that it was everything he used to make a living, Mr. Scott stated. Ms. Scott said they don't know what to do as it's one hit after another, and this is why they are at the meeting to see if the Town will do a buyout and then they can begin to start over. Cavanagh said he didn't think they could do a subdivision and build up high and still do a buyout. She said the two properties became one when he bought it. O'Keefe said the first step is to see if the Board is okay with the application. Then they can find out more information on the history of the two properties and if there is an opportunity to subdivide and put a house on that property. His sense is that the answer is no. She said someone has cleared a spot that indicates they were going to build up high on the property. O'Keefe said the key is to get in the program first and then it's a commitment on the Town to move forward. The Board agreed to submit the application by 3/29/2024. Discussion ensued.

Martha Dale ***moved to have the Town Administrator submit the written expression of interest to the State of Vermont Hazard Mitigation Grant program for the buyout of properties at 2486 and 2508 VT Route 11 for Scott Ross,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

a. Consider amendments to the Ordinance to Regulate the Operation of Short-Term Rentals

Cavanagh and O'Keefe met with the State of Vermont Fire Marshals last week, and reported being told that the Division of Fire Safety does not have the staff to do any inspections on a Short-Term Rentals (STR) where there is an occupancy of less than 9.

O'Keefe referenced the handout page 3 of 3 of the STR Ordinance. Brown said that she would like to find a solution for inspection of STRs with occupancy of 8 and below. O'Keefe said that the Town could require that the owner do an inspection. Gubb said this has been a problem state-wide even for residential inspections. The owner is liable. Perhaps the State could provide a checklist for owners to go through. O'Keefe said there is one already in place for self-reporting. Fleming said these forms will need to go in all STR for confirmation that it has been done. If they don't, they can't get a certificate. Brown would like to talk to the 2 fire chiefs in Town to get their input.

O'Keefe asked the Board if they wanted to change the deadline for the STR registration from 7/1 to 10/1. The Board agreed to keep it at 7/1.

Matha Dale ***moved to adopt the amendment to the Short-Term Rental Ordinance that provides for:***

> ***1) under Article 4.F.8, deletion of the requirement to provide proof of inspection from the Vermont Division of Fire Safety for dwelling units with a capacity of 8 or less;***
>
> ***2) under Article 4.G.2, insertion of language noting that a satisfactory inspection result from the Vermont Division of Fire Safety must be provided for dwelling units with a capacity of greater than 8 occupants;***
>
> ***such amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b),*** *seconded by Jim Fleming. The* **motion passed** *unanimously.*

The ordinance amendment as adopted is included as an addendum to these minutes.

5. Roads and Bridges

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

The Board reviewed the excess vehicle weight permits that were submitted.

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

- ***AmeriGas***
- ***Fuller Sand & Gravel Inc.***
- ***Camp Precast Concrete Products, Inc.***
- ***New England Quality Service, Inc.***
- ***Dead River Company***
- ***Resource Management, Inc.***

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

6. Other Business

a. Report from the Village Wastewater Committee

Metcalf referenced a letter that was handed out to the Board. He spoke to the need to send this letter to those eligible for connection to the proposed wastewater system. With this letter the eligible owner can decide on what they want to do; connect or not connect to the systems. The point is to drive home that these systems have limited capacity but that limited capacity it intended for priority areas, and if you don't commit to connect now that you would be relinquishing that right of that capacity. The purpose is to get this information to the designer to move forward. The deadline to return the form is 4/8/2024.

Melissa Brown ***moved to approve the letter to the residents in the North and South Villages that have been identified as possible hookups to the Village Wastewater System, provided that engineer Chrissy Haskins from the Dufresne Group is agreeable with its terms,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

7. Adjourn

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

The meeting adjourned at 6:56 PM. The next regular meeting of the Selectboard is scheduled for 4/1/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved April 1, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

ADDENDUM

ORDINANCE TO REGULATE THE OPERATION OF SHORT-TERM RENTALS
Town of Londonderry, Vermont

Pursuant to 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 Ordinance to Regulate the Operation of Short-Term Rentals (also referred to as the "Short-Term Rental Ordinance") adopted on December 19, 2023, is hereby amended for the Town of Londonderry, Vermont.

NOTE:	Language to be added is <u>underlined</u>. Language to be deleted is in ~~strikethrough~~. All other ordinance language shall remain unchanged.

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, showing satisfactory inspection results for the most recent inspection, 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.

* * *

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, April 1, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Town Officials: Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Minutes Taker Debbie Carlton, and Williams Dam Advisory Committee member Paul Hendler

Others in Attendance: Weston Theater Company Susanna Gellert, Bob Wells, Michael Peters, Andy Dahlstrom, 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)]**

Melissa Brown ***moved to add to the agenda items 12e and 12f, executive session for the appointment or employment or evaluation of a public officer or employee, pursuant to 1 V.S.A. Section 313(a)(3),*** *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 appointment or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Michael Peters and Tina Labeau to attend the executive session,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Selectboard went into Executive Session at 5:05 PM and returned at 5:27 PM.

Melissa Brown ***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 Andy Dahlstrom and Tina Labeau to attend the executive session,*** *seconded by, Taylor Prouty. The* ***motion passed*** *unanimously.*

The Selectboard went into Executive Session at 5:30 PM and returned at 6:16 PM.

Taylor Prouty ***moved to appoint Andy Dahlstrom as the Short-term Rental Administrator (STR) and this offer will be pending acceptance from Dahlstrom,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

4. Minutes Approval – Meeting(s) of 3/18/2024 & 3/25/2024

Dale said there was a spelling error in the minutes of 3/18/2024 on page 6 of 8, the name of the Windham Reginal Commission Executive Director is Chris Campany and not Chris Company.

Brown said there was an amount error in the minutes of 3/25/2024 on page 1 of 6. The amount is $12,800, not $1,200.

*Jim Fleming **moved to approve the minutes of 3/18/2024 and 3/25/2024 with corrections,** 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 Jim Fleming. The **motion passed** unanimously.*

6. Announcements/Correspondence

a. Announcements

1. Debbie Carlton mentioned that Vincent Annunziata has resigned his position as a member of the Town Hall Renovation Committee, which leaves two vacancies on the 5-person committee.
2. She added that the mandatory pre-bidding for the Town Office Renovation Project took place this past Wednesday (3/17/2024) and five contractors attended. Bids are due 4/17/2024.

b. Correspondence included in the Board's meeting packet was as follows:

1. A notice from Green Mountain Power regarding the company's plan to begin upgrades of the Thompsonburg Road substation on 4/16/2024.

   Prouty explained that the work should not have any effect on the traffic as it's just the substation and parking area where they will be working.

c. Updates

1. Labeau said as the last day of dog registration was yesterday. Therefore, if you haven't yet registered the late fee per day is an extra $2.00.

7. Visitors and Concerns

None.

8. Town Officials Business

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

Labeau said she will have the March year-to-date figures ready for the next meeting.

9. Transfer Station/Solid Waste Management

a. Updates

Cavanagh said the compactor is still up and running.

10. Roads and Bridges

a. Updates

Prouty said that road foreman Josh Dryden is not at the meeting as he is gearing up for the upcoming storm. He will be at the next meeting to report on the salt and sand usage.

Prouty said that he and Dryden have been working on the summer work plan. Some of the plans will be with contracted services and some will be routine projects. They will have the outline at the next meeting. They are looking forward to the posting of the new full-time job opening. He noted that if they don't find a full-time position, they still have the option of a part-time position available. Brown said the full-time position should be posted now as the position starts 07/01/2024.

11. Old Business

a. Authorize Municipal Energy Resilience Program (MERP) mini-grant application

Frauman said he is speaking on behalf of himself and Shane O'Keefe regarding energy issues. He said they received an email from the Vermont Department of Buildings and General Services. He read the notice out loud. He noted that he and O'Keefe feel it's a good grant to apply for at the Town Hall and are looking for permission to do so.

Martha Dale ***moved to authorize the Town Administrator to apply for mini-grant funding under the State Municipal Energy Resilience Program for the analysis of needs for compliance with the Americans with Disabilities Act at the Town Hall,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Consider proposed projects for the Municipal Technical Assistance Program (MTAP)

Cavanagh noted that they have not heard back from multiple people regarding the program. Therefore, will hold off until the next regular Selectboard meeting.

c. Ratify 3/18/2024 decision to establish a Short-Term Rental Working Committee

Melissa Brown ***moved to ratify the Board's 3/18/2024 decision to establish a working committee consisting of 2 members of the Planning Commission, 2 members of the Londonderry Housing Commission, 2 members from the Selectboard, and the STR Administrator to review the ordinance language and develop a strategic plan to accomplish the goals of the ordinance,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

d. Ratify the 3/18/2024 decision to establish the South Derry Master Planning Task Force

Melissa Brown ***moved to ratify the Board's 3/18/2024 decision to form a South Derry Master Planning Task Force, to include Bruce Frauman, Elsie Smith, Jamie Foley, Emmet Dunbar, Mimi Lines, Paul Hendler, and alternate Sharon Crossman,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Frauman added that there will be a South Derry Master Planning Task Force public meeting on 4/4/2024 at 6:00 PM.

12. New Business

a. Consider request to use Town Hall

Susanna Gellert of the Weston Theater Company said the theater spaces were severely impacted by the previous floods therefore, they are looking for a large room to accommodate their rehearsals from 5/19/2024 to 6/7/2024 and 6/30/2024 to 7/19/2024.

Jim Fleming ***moved to authorize use of the Town Hall for theatrical rehearsals by the Weston Theater Company for the period 5/19/2024 to 6/7/2024 and 6/30/2024 to 7/19/2024, 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) ***6/30/2024 to 7/19/2024 are approved provided, 5/19/2024 to 6/7/2024 are held without incident,*** *seconded by Martha Dale. The* **motion passed** *unanimously.*

b. Consider proposal for sculpture at the Aiken's Corner property

Bob Wells provided handouts to the Selectboard, Recognizing the 50th Anniversary of Burton Boards. He said back in October of 2023 we installed the roadside historic marker at the intersections of routes 11 and 100. Over 300 people came. He believes it helped put Londonderry on the map. Recently, it dawned on him that we have the opportunity to create a second half to this event. The year 2027 is the 50th anniversary of Burton Boards. We could invite Donna Carpenter and key members of Burton Boards, Vermont Historic Preservation representatives, Vermont State dignitaries, the press, worldwide and local ski and snowboard competitors and enthusiasts, and residents from all around the green mountains of Vermont. To make the event special we could have the sculpture on page 2 of the handout that is cast in bronze and 10 feet high. The sculpture exists and belongs to a friend of Jake Carpenter. The team working on Aiken's Corner seems to be highly in favor of placing this piece on the corner which is exhibited on page 3 of the handout. He stated that he is here to get the Selectboard approval for initial planning.

Wells noted that there is a price tag of $100,000, delivered to the Town. No work has started on fundraising, but the good news is that it is two years away from now. He thinks this would be a terrific thing for Londonderry and would like approval to move forward. His mission is to do something that would make the town of Londonderry proud.

Cavanagh said his family is very active in snowboarding. He said he's not sure that Aiken's Corner is the best place for the sculpture and once Wells digs into this will find the same. He is almost positive that the property is deed and flood restricted. He would not be opposed to putting the sculpture near the monument. Wells said he feels that Aiken's Corner is the perfect place for visibility. He said if it's not going to be visible it's not worth the energy it would take to make it happen. Brown said someone from FEMA would have to answer these questions. Cavanagh said VTRANs is going to need to be involved as well. Dale said that since the Selectboard are all in support of the sculpture, that Wells should then come back to the Board and let them know about the restrictions. Cavanagh will speak with the Town Administrator Shane O'Keefe in this regard.

c. Use of excess ARPA funds for Town Hall Technology needs

Labeau noted that there is around $4,000 left in the account because they didn't spend all the money on the OWL.

Jim Fleming ***moved to authorize use of excess funds allocated on 4/3/2023 to the Planning Commission for audio-visual equipment and services for hybrid public meetings to be used for technology improvements at the Town Hall,*** *seconded by Marsha Dale.* ***The motion passed*** *unanimously.*

d. Annual appointments – Beautification Committee

Martha Dale ***moved to appoint Cheryl Edwards and Marlene Boyaner to the Beautification Committee, each for a three-year term ending 3/31/2027,*** *seconded by Melissa Brown. 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 appointment or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3),*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 7:07 PM and came out at 7:41 PM.

13. Adjourn

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

The meeting adjourned at 7:42 PM. The next regular meeting of the Selectboard is scheduled for 4/15/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved April 15, 2024.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, April 15, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Absent Board Members: Jim Fleming

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Road Foreman Josh Dryden, and Mountain Town Recreation Director Liam Elio

Others in Attendance: Andy Dahlstrom, Trevor Dryden 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 the first items under New Business, the consideration of contract award for storm damage and related excavation services for Memorial Park,*** *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)

Melissa Brown ***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 Andy Dahlstrom, Shane O'Keefe and Tina Labeau to attend the executive session,*** *seconded by Martha Dale. The* **motion passed** *unanimously.*

The Selectboard went into Executive Session at 6:02 PM. Dahlstrom left the executive session at 6:24 PM, and returned at 6:35 PM.

The Selectboard came out of Executive Session at 6:36 PM.

Martha Dale ***moved to hire Robert Andrew (Andy) Dahlstrom to the part-time position of Short-Term Rental Administration (STR) at a rate of pay of $43.27 per hour, plus a monthly stipend of $50.00 for cell phone usage, effective 4/22/2024, subject to completion of a probationary period of six months,*** *seconded by Taylor Prouty. The* **motion passed** *unanimously.*

4. Minutes Approval – Meeting(s) of 3/18/2024 & 3/25/2024

Martha Dale ***moved to approve the minutes of the Selectboard meeting of 4/1/2024,*** *seconded by Melissa Brown. 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

O'Keefe announced the following:

a. Announcements

1. The Planning Commission's public hearing on the proposed comprehensive amendment to the Zoning Bylaw is scheduled for this Wednesday 4/17/2024 at 7:00 PM at the Town Office.
2. Today, notice was received that a supplementary analysis of the Town Office for asbestos in the upstairs area, including the ceilings, came back as negative.

b. Correspondence included in the Board's meeting packet was as follows:

1. A 4/3/2024 letter to Judy & Tom Platt forwarding a check to return leftover funds in the project escrow account made available by completing the project under budget.
2. A letter from the Town Attorney to the Environmental Court, dated 4/5/2024, noting availability of Town's witnesses in the zoning violation case of the Town vs. Vermont Woodchips for a merits hearing.
3. A 4/4/2024 award letter from the Vermont Department of Buildings in response to the Town's application for a $4,000 mini-grant under the Municipal Energy Resilience Program to conduct a compliance review and proposals for ADA compliance at the Town Hall. The signed has already received the funds and architect Jon Saccoccio will visit this week to take a look and provide a proposal for a service contract.
4. A letter of 3/18/2024 from the Agency of Natural Resources Waste Management and Prevention Division on revisions to the above-ground storage tank rules.
5. The latest check received by the Town for participation in the national opioid settlement, in the amount of $74.91. A check for the same amount will soon be forwarded to The Collaborative.
6. A 4/3/2024 letter from Blue Flame gas Company providing its bi-annual notice to the Town of its underground propane pipeline distribution system.
7. A thank you letter, dated 3/18/2024, from the Chester Snowmobile Club for use of Town roads for its members.

7. Visitors and Concerns

None.

8. Town Officials Business

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

None.

9. Transfer Station/Solid Waste Management

a. Updates

None.

b. Discuss Shed roof replacement/repair

Work to replace the shed roof started on Sunday and will be finished by Wednesday.

10. Roads and Bridges

a. Updates

Dryden gave the following usage numbers for March 2024:

Salt – 82 tons Sand – 210 yards
Fuel (gallons): Vehicles – 1,739, Town Office Generator – 0, Transfer Station - 0

He discussed the late season storms. Springhill Road was closed but is now reopened. A culvert had caved in but has now been repaired. Wes Ameden did the work.

Prouty and Dryden worked on a month-to-month summer work plan with specific projects. Prouty gave copies to the Selectboard. They discussed the need for mowing, particularly poison parsnips. They spoke about the extra efforts that the new 4th road crew member can help address. O'Keefe was asked to post the want ad for the new position.

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

Martha Dale ***moved to approve the excess weight permit(s) for:***
- ***Cota & Cota, Inc,***
- ***Structural; Wood Corporation, and***
- ***Casella Construction, Inc.,***

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

c. Approve letter of intent for the FY2025 Municipal Roads Grants-in-Aid Program

O'Keefe said this is done every year and we have until fall to complete. He said we get roughly $17,000. Prouty said the one for this year is on Cody Road for ditching and stone lining culverts.

Taylor Prouty ***moved to seek funding through the VTrans 2025 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 Martha Dale. The* ***motion passed*** *unanimously.*

11. Old Business

a. Consider proposed projects for the Municipal Technical Assistance Program (MTAP)

Cavanagh said he and O'Keefe had a discussion with a grant-writing contractor from the Windham Regional Commission and they gave some ideas of what flood-related projects might be funded through this program. O'Keefe shared an email from Gretchen Havreluk of Ingram & May and referenced pages 18 through 30 of the meeting packet.

O'Keefe stated that the Planning Commission is interested in funding the Town Plan through the MTAP initiative. He referenced page 23 of the meeting packet and asked the Board to keep in mind the WRC comment that "if a funding source other than MTAP is available to do all projects (such as a municipal planning grant for town plan updates), then it won't be as competitive". He also stated that the Housing Commission has submitted a letter, which he distributed, that they are seeking funding for a feasibility study of the Prouty property to see what its potential could be. Cavanagh said that the cost is $20,000 and we're talking $100,000 for the engineering of a project that can go forward to FEMA mitigation grants.

O'Keefe referenced a list of flood-related projects on page 26 of the meeting packet. He noted Access through River projects being handled by the Two Rivers Ottauquechee Planning Commission that is going to bat for 17 towns including Londonderry to tackle some of the projects.

Cavanagh clarified that the Planning Commission can readopt the Town Plan on a temporary basis and apply for the grant next year.

Martha Dale ***moved to approve submitting an MTAP Scoping Study for alternate access to Cobble Ridge Road and Stone Hollow via Derry Woods Road,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

a. Appoint Board members to the Short-Term Rental Working Group

O'Keefe noted that Bill Sinsigalli and Paul Abraham of the Londonderry Housing Committee have been appointed to the Short-Term Rental (STR) Working Group.

Melissa Brown ***moved to appoint Tom Cavanagh and Martha Dale as the Selectboard's representatives to the Short-Term Rental Working Group,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Village Wastewater Project – Consider connection of Town facilities

O'Keefe said included in the meeting packet is a letter that was sent out to 120 property owners inquiring whether they were interested in connecting to one of the two proposed community wastewater systems. The Board discussed municipal facilities to be connected, which would be limited to the Town Hall, the Town Office and Town Highway Garage on the proposed South Londonderry community wastewater system. Prouty noted that the Town should consider giving up the opportunity if other community residents needed the allocation.

Martha Dale ***moved to express to the Village Wastewater Committee the Town's strong interest in connecting the Town Hall, the Town Office and Town Highway Garage to the proposed South Londonderry community wastewater system,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. Town Office Renovation Project – Consider architectural services contract amendment

O'Keefe explained that project costs had increased by a net amount of $1,400 due to some changes to the project scope of work.

Taylor Prouty ***moved to accept and approve the proposal for amendment to the contract for professional architectural services with J.A. Saccoccio Architectural Workshop for the Town Office renovation project, previously approved by the Board on 4/17/2023, and authorize the Town Administrator to execute any service contract amendment documents,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

It was noted that bids for the renovation are due on 4/17/2024 and there may be a need to hold a special meeting to meet with the architect on the project.

12. New Business

a. Consideration of contract award for storm damage and related excavation services for Memorial Park

The Board reviewed the following bids received in response to the Town's Invitation to Bid, and Liam Elio noted that the Parks Board recommended Boulder Excavation from Morrisville, VT.

	Part 1		Part 2
Boulder Excavation	$13,800	+	$3,225 = $17,025
Hunter Excavation	$5,500	+	$7,500 = $13,000

The Part 1 work included removing material from the shallow half of the swimming pond, which is part of the flood recovery effort from the July storms, and the Part 2 work was removal of material from the deep half of the pond, which was not storm cleanup. According to Elio, Boulder Excavation gave a complete explanation of the proposed work and came to the optional site visit. It was a more thorough bid, he noted.

Martha Dale ***moved to accept the bid from Boulder Excavating in the lump sum in the amount of $17,025 for storm-related and other repairs to Memorial Park, which was submitted in response to the Town's March 22, 2024 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 Melissa Brown. The* ***motion passed*** *unanimously.*

b. Annual appointments – Parks Board

Melissa Brown ***moved to reappoint Marge Fish and Elizabeth Labeau to the Parks Board for a three-year term ending April 30, 2027,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

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

O'Keefe noted that John Hankin has volunteered to be the representative for both of the communications union districts. And that alternates would be sought.

Melissa Brown ***moved to appoint John Hankin as the Town's Representative to the Southern Vermont Communications Union Districts Governing Board for a one-year term,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

Melissa Brown ***moved to appoint John Hankin as the Town's Representative to the Deerfield Valley Communications Union Districts Governing Board for a one-year term,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

d. 3rd Class Liquor License – Upper Tamarack, Inc. (The Upper Pass Lodge)

There was discussion about the different types of liquor licenses, and it was noted that they fall under the following categories:

1st Class Liquor License = Serving & Consumption Onsite
2nd Class Liquor License = Retail of Beer & Wine
3rd Class Liquor License = Alcohol Retail

Martha Dale ***moved to approve a 3rd Class Liquor License for Upper Tamarack, Inc., also known as Upper Pass Lodge, related to property located at 420 Magic Mountain Access Road,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

d. 2nd Class Liquor License O'Connor's Corner Store, LLC (The Corner)

Melissa Brown ***moved to approve a 2nd Class Liquor License for O'Connor's Corner Store, LLC, also known as The Corner, related to property located at 1 Main Street,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

e. Tobacco License – O'Connor's Corner Store, LLC (The Corner)

Melissa Brown ***moved to approve a Tobacco License for O'Connor's Corner Store, LLC, also known as The Corner, related to property located at 1 Main Street,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

f. 2nd Class Liquor License for Michael & Tammy Clough (Mike & Tammy's Main Street Deli/Market)

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

g. Tobacco License – Michael & Tammy Clough (Mike & Tammy's Main Street Deli/Market)

Taylor Prouty ***moved to approve a Tobacco License for Michael & Tammy Clough also known as Mike & Tammy's Main Street Deli/Market, related to property located at 2170 VT Route 11,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

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

Tayor 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 Town Administrator Shane O'Keefe to attend the executive session,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Board entered Executive Session at approximately 7:40 PM and came out of executive session at 8:06 PM.

i. 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 appointment or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3),*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 8:06 PM and came out at 8:19 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 8:20 PM. The next regular meeting of the Selectboard is scheduled for 5/6/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved May 6, 2024.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, April 29, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Absent Board Members: Martha Dale

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, and Emergency Management Director Rich Phelan

Others in Attendance: Architect Jon Saccoccio 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 delete consideration of Selectboard pay orders from the agenda,*** *seconded by Jim Fleming. The* **motion passed** *unanimously.*

3. Announcements/Correspondence

A. Announcements

Cavanagh announced that Saturday 5/9/2024 is Green Up Day. There will be recyclable bags available at the Town Office and the Transfer Station.

B. Correspondence included in the Board's meeting packet was as follows:

None.

4. Visitors and Concerns

None.

5. Town Officials Business

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

Phelan said that he is also on the Londonderry Volunteer Rescue Squad that meets on Monday nights as well, so attendance at some Selectboard meetings is difficult. He noted that the Local Emergency Management Plan is now an electronically filed form and he has added all the Board members' information to the Plan. He has also added the Transfer Station for emergency hazardous waste events such as flooding.

Taylor Prouty ***moved to adopt the 2024 update of the Town of Londonderry Local Emergency Management Plan and authorize the Selectboard Chair to execute any***

documents necessary for the action, *Jim Fleming seconded. The* ***motion passed*** *unanimously.*

6. Old Business

a. Town Office Renovation Project – Consider project funding

O'Keefe said the bids came in good at roughly $1.6 million dollars plus some extras. Our bond is $1.3 million so we'll have to find additional dollars or cut parts of the project. There is a healthy amount of money in the Towns Building Reserve Fund. By 7/1/2024 there will be $290,000. His thoughts are if there are parts that will be cut out things are never going to get cheaper.

Architect Jon Saccoccio gave a brief summary of the bids. He said the were five interested contractors but only two submitted bids: GPI and All Seasons Construction. He said this is the point where the Board should select the alternatives (added work) and determine what the final number will be and ideally come to a decision. He reviewed each alternative.

1. Refinish the ceiling, removing the popcorn finish
2. Refinish the wood floor or new carpet or vinyl flooring
3. Built-in case/cabinet work for storage
4. Built-in exterior cabinets for insulation
5. Replace windows in the front half of the building
6. Roof shingles on the front of the building
7. Solar panels and electrical panels
8. Building roof structure for solar panels
9. Mechanical equipment
10. Generator conduit rerouting

GPI has confirmed about 220 days to complete the project and All Seasons has said they can do it in 240 days. Both GPI and All Seasons can start the job around August/September 2024. Paving would be done in the spring of 2025.

O'Keefe provided the Board with a cost breakdown of the project cost tracking. He noted there will be additional cost for an onsite trailer for the Town Clerk, Town Treasurer and Assistant Clerk, as well as other staff intermitantly, to do business.

The Board discussed how to pay for as many alternates as possible. Cavanagh said they could borrow from the Cemetery Fund and get an interest rate better than the bank. Brown said since we don't have the money for the alternatives, could the bidders give a better bid. Saccoccio said he would guess not as it is a very challenging process.

Saccoccio said the next steps would be for him and O'Keefe to meet with GPI to review and verify alternates and to ask about what can be added later scenario along with holding their pricing. He hopes to come back to the Board with a proposal for alternates to potentially add later.

O'Keefe pointed out that $12,800 has been paid to the State for permits on the Project Cost Tracking form.

The Town Hall project will be put on hold for approximately one year.

Melissa Brown ***moved to allocate $100,000 from the Town Building Reserve Fund for the Town Office Renovation Project,*** *seconded by Taylor Prouty. The* **motion passed** *unanimously.*

O'Keefe asked that the Board hold off on making the award of construction contract until the regular Board meeting on 5/6/2024.

b. Town Office Renovation Project – Consider award of construction contract
Saccoccio said he would speak with the candidates and return to the meeting on 5/6/2024 with a recommendation to award the contract.

O'Keefe said he has worked with both candidates and found them both to be reputable companies.

7. Adjourn

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

The meeting adjourned at 7:08 PM. The next regular meeting of the Selectboard is scheduled for 5/6/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved May 6, 2024.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, May 6, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Absent Board Members: None.

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Short-Term Rental Administrator Andy Dahlstrom and Planning Commissioner Dick Dale.

Others in Attendance: Ruck Up, Inc. representative Pamela Spaulding; West River Farmers Market representative Sarah Greenfield; Parkrun representative Robbie Collins; 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)]

Taylor Prouty ***moved to add to the agenda, to follow the liquor permits under the New Business, consideration of a subrecipient grant agreement with the State of Vermont Department of Public Safety related to FEMA Public Assistance Program,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

Tom Cavanagh ***moved to add to the New Business part of the agenda the consideration of an itinerant vendor permit for Mountain Fresh Bowl,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Board agreed to move the executive session scheduled for the beginning of the meeting to the end of the meeting.

3. Minutes Approval – Meeting(s) of 4/15/2024 & 4/29/2024

Melissa Brown ***moved to approve the minutes of the Selectboard meetings of 4/15/2024 and 4/29/2024,*** *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:

- There has been particularly good progress with FEMA reimbursement process over the past few weeks now that there is new FEMA staff working with FEMA Recovery Assistant Bill Kearns and we'll be able to commence with the first drawdowns in the3 next week.

- He will be on vacation beginning 5/16 for a week or so and will miss the next regular Board meeting.

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

- A letter of 4/26/2024 to Treasurer Tina Labeau from the Vermont Department of Taxes indicating that the education tax due to the Town would be reduced by $19,094.50 due to flood-related property abatements.
- Letters dated 4/19/2024 from the Town's bond counsel to the Vermont Bond Bank attesting to the legality of the Village Wastewater Project's bond votes.
- A letter of thanks to the Board from the Mountain Towns Housing Project Steering Committee for the Town's support of the Bob Perry Lane affordable housing project.
- Windham County Sheriff's monthly report for March 2024.

Bruce Frauman noted that the Vermont Film and Folklore Festival is scheduled for 5/23-26 in Manchester, VT, and features 4 venues and 42 films.

6. Visitors and Concerns

None.

7. Town Officials Business

a. Town Clerk - Approval of Annual and Special Town Meeting Minutes of March 5, 2024

Labeau mentioned that the special Town meeting minutes were not available.

Martha Dale ***moved to approve the minutes of the Annual Town Meeting of March 5, 2024,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Planning Commission – Accept submission of proposed Zoning Bylaw amendment

Dick Dale spoke to the Board on behalf of the Planning Commission on the comprehensive review and rewrite of the Town's Zoning Bylaw, including new maps, that it has submitted to the Selectboard, and thanked the many participants in the project since its beginning in March of 2018. He noted that there was extensive public outreach that helped shape the Bylaw, which seeks to establish Unified Development Regulations, and the Commission considered a significant amount of testimony over at least 8 public meetings to create a detailed legally binding document that is consistent with the Town Plan. He referenced the required report prepared by the Commission that accompanies the bylaw and describes in detail its provisions.

He mentioned that the Commission believes that the proposed Zoning Bylaw makes sense and is complete, but that there may be some unintended consequences or minor mistakes in the drafting of the document, that can be addressed through subsequent amendments.

Dale stated that the Commission held a public hearing on the proposed Zoning Bylaw on 4/17/2024, after which the Commission formally approved the document. He explained that it was found that clarifying language regarding housing density was needed, and the Commission on 4/28/2024 rescinded the approval, amended the Bylaw to comply with the statuary change, and then voted to approve the document that was now being presented to the

Board. He stated he was thankful that the Commission is able to hand over the proposed Zoning Bylaw to the Board for adoption.

There was brief discussion on some provisions, and Dale noted that any use or building that is presently legal will be "grandfathered".

O'Keefe clarified that once accepted, the Board must hold a public hearing within 120 days [24 V.S.A. 4442(a)], and once public notice is posted for the first Selectboard hearing the Zoning Administrator must review any new application for compliance with both the proposed Bylaw and existing Bylaw [24 V.S.A. 4449(d)].

Cavanagh noted that the final version was just presented to the Board and needed further review. Brown spoke about the Planning Commission efforts to get the Bylaw drafted as well as possible, but that not everyone will be happy with the results.

It was noted that the soonest possible date for the Board to hold a first public hearing if accepted that evening would be 6/3/2024.

Melissa Brown ***moved to accept the submission of a proposed Zoning Bylaw Amendment and associated report from the Planning Commission, which seeks to establish Unified Development Regulations, as provided for under 24 V.S.A. section 4441(g),*** *seconded by Martha Dale. The* **motion passed** *unanimously.*

c. Planning Commission – Set date for public hearing on Zoning Bylaw amendment

Cavanagh stated that he was not comfortable setting a public hearing without first going over the final proposal, noting that it had not been received until the day before the meeting. Brown suggested that the Bylaw has been vetted by the Cmmission and the community

O'Keefe handed out a copy of the statute regarding the Zoning Bylaw adoption process [24 V.S.A. 4442] and read the portion on the Selectboard amendment process: "(t)he legislative body may make minor changes to the proposed bylaw, amendment, or repeal, but shall not do so less than 14 days prior to the final public hearing".

Dick Dale explained some of the changes to the Bylaw that were made over the past few months. Martha Dale spoke to the momentum of the process and the need to proceed without delay. Cavanagh reiterated his interest in reviewing the document before setting the public hearing date.

Melissa Brown ***moved, with regard to the proposed Zoning Bylaw amendment establishing Unified Development Regulations, filed by the Planning Commission along with the associated report in keeping with 24 V.S.A. section 4441(g), to hold a public hearing, as required under 24 V.S.A. section 4442(a), on June 3, 2024 at or about 6:00 PM, and direct the Town Administrator to ensure proper public notice of the hearing,*** *seconded by Martha Dale. The* **motion did not pass,** *with Brown and Dale voting aye, and Cavanagh, Fleming and Prouty voting nay.*

It was agreed to hold a special meeting the following week to further consider the matter of setting a hearing.

d. STR Administrator – Update on progress and discussion on procedures

Andy Dahlstrom spoke to a number of issues with regard to short-term rentals, including a case involving the State of Hawaii, life safety matters, and housing stock issues. He presented a copy of the State of Vermont form that must be posted in all STRs.

Dahlstrom stated that he hopes to have an application finalized in the next two weeks. There was discussion about the enforcement process. Fleming suggested requiring floor plans to ensure adequate egress so that site visits might not be necessary.

Dahlstrom also raised the matter of occupancy was of concern, and the interplay of State regulations and septic limitations. And he pointed out some provisions of the ordinance that need to be amended, which can be addressed at the next regular meeting. State fire alarm regulations were discussed, and Cavanagh noted that a meeting with the State Fire Marshal for the area brought up the reality that there would be no mandatory inspections of smaller STRs conducted by the State, which led to the recent amendment to the Ordinance. Brown suggested that the local fire departments can assist with inspections. Martha Dale suggested random inspections to address fire safety concerns.

Brown referred to the STR Working Group, which can take up some of these issues. She also suggested that Dahlstrom should provide a report to the Board each month. Cavanagh suggested that Dahlstrom should concentrate on rolling out the STR registration process before the Working Group meets for the first time.

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

Labeau provided an update on the FY2024 budget through March. She remarked that the finances are doing well except for large outlay for storm recovery efforts, but that cost reimbursement from FEMA should begin soon. She noted that the Highway Department equipment repair budget is likely to be overspent.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that the electronics collection day is scheduled for 5/18/2024 from 9:00 AM to 1:00 PM, and Labeau mentioned that hazardous waste collection day is 6/1/2024, also from 9:00 AM to 1:00 PM.

Dale spoke about recent Green Up Day efforts, noting that there was not much emphasis or visibility for the annual event, and there appeared to be no accounting of collected materials. Brown recalled past Green Up Days in the community having greater participation and access to Town trucks. Labeau mentioned that there was no Green Up Day coordinator this year. The difficulty of sorting of collected materials was discussed and Cavanagh mentioned that Town trucks are now too big to be effective for people to use for waste drop off. Brown recommended that the Town begin work on Green Up Day earlier next year to ensure its success.

9. Roads and Bridges

a. Updates

Taylor Prouty spoke about the Road Crew members' vacation and work schedules.

There was discussion about the recruitment effort for the new full-time Road Crew member, and O'Keefe how the position was being advertised and noted that he had not yet received any applications. Prouty recommended that the Board entertain the one application received for a part-time person if they were still interested. The need for this position was discussed.

It was agreed that Cavanagh would contact the individual and inquire about their interest, and invite them to the special meeting the following week.

b. Access Permit 2024-03 – 2904 Thompsonburg Road, Parcel 035040.000

Taylor Prouty spoke to this proposal, which called for a new driveway to replace one elsewhere on the site. The home at the location was destroyed by fire and a new home is being constructed elsewhere on the property, prompting the need for a new access location and abandoning the one no longer needed.

*Jim Fleming **moved to approve access permit application No. 2024-03, submitted by Daniel Gehring on behalf of property owners Mila and Veli Etropolski, for replacement of an existing access to parcel #035040.000, located at 2904 Thompsonburg Road, and authorize the Chair to sign the permit on behalf of the Board, subject to all written requirements of the Road Foreman as specified in the access permit, and with the condition that the existing access shall be abandoned to the satisfaction of the Town Road Commissioner once the new access is serving the proposed new structure on the property once the new structure is in active use,** seconded by Taylor Prouty. The* **motion passed** *unanimously.*

c. 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 was paid, and insurance certificate received.

*Martha Dale **moved to approve the excess weight permit(s) for Cardinal Logistics Management Corporation, 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

a. Consider amendments to the Personnel Policy

O'Keefe reviewed with the Board proposed changes to the Personnel Policy specific to employee benefits, including various forms of leave. He spoke about the employee health insurance buyout benefit that a VLCT representative reviewing the policy noted was greater than other communities. It was explained that the Town would reimburse an employee 50% of the eligible premium cost if they would use a viable insurance different than the Town's, such as with a spouse's plan or Medicare. The Board expressed support for this program.

There was discussion on continuation of limited medical benefits for retirees, and O'Keefe was asked to look into this further.

O'Keefe recommended additional vacation day benefits to stay competitive with other municipalities. It was agreed that he would review benefits comparisons generated by VLCT and report back to the Board.

Labeau suggested considering a Paid Time Off (PTO) program whereby all holiday, vacation and sick leaves are rolled into one leave allotment. She mentioned that some of the sick leave provisions are State-mandated. O'Keefe and Labeau will explore this further and report back to the Board.

Carry-forward of some leave benefits was discussed.

b. Town Office Renovation Project – Consider award of construction and asbestos remediation contracts

O'Keefe noted that the project architect is still working with the project bidders on their proposals to get better clarity on price and timing, and hopes to have information for the Board at the meeting the following week.

The Board reviewed a revised proposal from Catamount Environmental, Inc. for asbestos abatement work. O'Keefe explained that the work would take place in August, would take about a week, and the cost almost doubled since the 2019 proposal.

Fleming inquired about other costs to be added on to the project.

Martha Dale ***moved to waive the Bid Process provisions of the Town's Purchasing Policy and accept the sole source proposal from Catamount Environmental, Inc. for asbestos remediation and abatement of the Town Offices in the amount of $16,250, to be paid for from the Town Buildings Reserve Fund, and to authorize the Town Administrator to execute any documents necessary to employ the vendor for this service, including a contract agreement, on behalf of the Town****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

c. Ratify 4/15/2024 decision to award contract for storm damage and related excavation services for Memorial Park

Because the Board voted on 4/15/2024 to accept the bid for Memorial Park excavation services 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 4/15/2024 decision to accept the bid from Boulder Excavating in the lump sum in the amount of $17,025 for storm-related and other repairs to Memorial Park, which was submitted in response to the Town's March 22, 2024 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 on behalf of the Town****, seconded by Jim Fleming. The* **motion passed** *unanimously.*

11. New Business

a. Itinerant Vendor Permit Application – West River Farmers Market

Sarah Greenfield, Secretary of the West River Farmers Market Board, thank the Selectboard and Parks representatives for their support last year when the market was displaced by the

July flooding. She spoke briefly about the excitement for the upcoming season. Martha Dale noted that the market was a signature event for Londonderry that puts it on the map.

Jim Fleming ***moved to approve Itinerant Vendor Permit #2024-01 submitted by the West River Farmers Market of Londonderry, Inc. for 2024, 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 an acceptable certificate of insurance that names the Town as an additional insured****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

b. 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. Spaulding spoke of the many services that the organization provides. She requested authority from the Board to hold a coin drop fundraiser once again, this time on 9/14/2024, with a rain date of 9/15/2024, on VT Route 11 near Hells Peak Road, and acknowledged that State authorization is also required, and she 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.

Melissa Brown ***moved to approve the request from Ruck Up, Inc. to hold a coin drop fundraiser on VT Route 11 in the vicinity of Hell's Peak Road on September 14, 2024, with a rain date of September 15, 2024, 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 Jim Fleming. The* ***motion passed*** *unanimously.*

c. Consider One Londonderry Parkrun proposal

Robbie Collins presented the plans for an inaugural parkrun event, which is a weekly community 5K run/walk, with a planned route involving Billy Peele's land off of Brooks Lane and then down Edge Hill Road to the West River Farmers Market. Parking would be at the Plaza, the event would begin at the Peele property at 8:30 AM, is free of charge and is based on a model used internationally. The route includes crossing Brooks Lane, and that location will be monitored for safety.

Collins said the event would take place on Saturdays from Memorial Day to Columbus Day/Indigenous Peoples Day. Martha Dale spoke about the effort to have Londonderry's event accepted as part of the official parkrun organization, but that this may not happen before the first planned event. So it will be considered a One Londonderry Ways and Trails event until the community's application is accepted. She added that a letter of support from the Selectboard was needed for this effort.

There was general enthusiastic support from the Board members.

Martha Dale ***moved to support the One Londonderry Parkrun 5K event this summer in Londonderry, and authorize the use of Town highways and properties for the event without cost,*** *seconded by Melissa Brown. The* **motion passed** *unanimously.*

Bruce Frauman spoke about the "Walk with Ease" program sponsored by Neighborhood Connections, which has small community walking program on Monday and Friday mornings.

d. Consider amendment to Town Office cleaning services contract

Labeau spoke to the cleaning contract which expired a year or so ago, and paid the vendor $120 per visit. The proposal now is to increase the fee to $140/week. And with the upcoming closure of the Town Hall during renovations, O'Keefe wanted to build in flexibility to halt or amend the services, to include cleaning at the Town Hall if used for office space during construction.

Jim Fleming ***moved to amend the Town's contract with Renata Sawyer for Town Office Cleaning Services to 1) increase the weekly fee to $140, 2) extend the contract term to 6/30/2025, 3) make reasonable provision for alternate services at the Town Hall during the upcoming Town Office renovation process, and further to authorize the Town Administrator to draft and execute the amended contract on behalf of the Town,*** *seconded by Taylor Prouty. The* **motion passed** *unanimously.*

e. 1st Class Liquor License – Manzana, Inc. (SoLo Farm & Table)

Martha Dale ***moved to approve a 1st Class Liquor License 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.*

f. 1st Class Liquor License & Outside Consumption Permit – Smith Foodservice Hospitality & Entertainment, LLC (Revival Kitchen)

Jim Fleming ***moved to approve 1st Class Liquor License and Outside Consumption Permit for Smith Foodservice Hospitality & Entertainment, LLC., also known as Revival Kitchen, related to property located at 3928 VT Route 11,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

g. 1st Class Liquor License & Outside Consumption Permit – Upper Tamarack, Inc. (The Upper Pass Lodge)

Taylor Prouty ***moved to approve 1st Class Liquor License and Outside Consumption Permit for Upper Tamarack, Inc., also known as The Upper Pass Lodge, related to property located at 420 Magic Mountain Access Road,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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

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

i. Consider subrecipient grant agreement with the State of Vermont Department of Public Safety related to FEMA Public Assistance Program.

O'Keefe explained that the Town was required to execute a subrecipient agreement with the Vermont Department of Public Safety to enable the Town to get reimbursed from FEMA for July 2023 storm recovery efforts. He noted that the work will be eligible for reimbursement anywhere from 75% to 100% of cost depending on timing and the type of project,

Taylor Prouty ***moved to accept the subrecipient grant agreement with the State of Vermont Department of Public Safety related to the FEMA Public Assistance Program and its provisions for reimbursement of Town funds expended on flood recovery efforts stemming from the July 2023 flooding events, and authorize the Town Administrator to execute this and all related documents necessary to secure Public Assistance and other FEMA and/or State of Vermont funding,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

j. Itinerant Vendor permit Application – Mountain Fresh Bowl

Cavanagh spoke of this proposal for a food truck on Saturdays at the location of Green Mountain Therapeutics at 2022 North Main Street.

Tom Cavanagh ***moved to approve Itinerant Vendor Permit #2024-02 for Mountain Fresh Bowls,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

k. 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 appointment, employment or evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3) and invite Town Administrator Shane O'Keefe to attend the executive session,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 8:17 PM and came out at 8:19 PM.

a. 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 appointment, employment or evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3) and invite Town Administrator Shane O'Keefe to attend the executive session,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 8:20 PM and came out at 8:23 PM.

b. 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 appointment, employment or evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3) and invite Town Administrator Shane O'Keefe to attend the executive session,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 8:20 PM, and O'Keefe left the Executive Session at 8:28 PM. The came out of Executive Session at 8:55 PM.

Melissa Brown ***moved to grant a $50.00 per month stipend for cell phone usage to the Mountain Towns Recreation Director Liam Elio effective with the current pay period,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Martha Dale ***moved to extend the probationary period for part-time Minutes Taker Debbie Carleton by 3 months, and authorize the Selectboard Chair to sign an agreement to this effect with the employee,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

Jim Fleming ***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 Melissa Brown. 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 8:56 PM. The next regular meeting of the Selectboard is scheduled for 5/20/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved May 20, 2024.

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, May 13, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Absent Board Members: None.

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Road Foreman Josh Dryden, and Planning Commissioner Dick Dale.

Others in Attendance: Champion #5 Fire Chief Jeff Duda and Assistant Fire Chief Troy Maynard; Donald Derby, Paul Hendler, Trevor Dryden, Levi Dryden, Kevin Beattie, Steve Twitchell, Nevin Fitzgerald, Raymond Kurjiaka, Tony Kurjiaka, Chad Stoddard, Hunter Kaltsas, Maggie Brown; 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)]

Taylor Prouty ***moved to delete consideration of Selectboard pay orders from the agenda,*** *seconded by Jim Fleming. 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 Brown ***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 Donny Derby, Tina Labeau and Josh Dryden to attend the executive session,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

The Selectboard and invited guests entered Executive Session at 8:17 PM. Derby left the Executive Session at 6:19 PM, and the Board came out of Executive Session at 6:25 PM

Taylor Prouty ***moved to hire Donald Derby, pending his acceptance of the Town's offer, for $31.00 per hour as part-time Road Crew member starting June 1st,*** *seconded by Melissa Brown. The* ***motion passed*** *unanimously.*

Derby verbally stated that he accepts the Town's offer of employment.

4. Visitors and Concerns

Bruce Frauman reiterated what he stated at the previous meeting, that the Vermont Film and Folklore Festival is scheduled for May 23-26 in Manchester, VT, and features 4 venues and 42 films.

5. Town Officials Business

a. Planning Commission – Set date for public hearing on Zoning Bylaw amendment

Tom Cavanagh stated that he has reviewed the proposed new Zoning Bylaw and believes there is additional work still needed, and that it's premature to hold a public hearing. Brown suggested that the public hearing is the proper forum to discuss any potential changes, and Dale noted that there have been a number of Planning Commission public meetings on the proposed Bylaw.

Board members discussed the best process for moving forward and there were comments from residents and business owners in the audience about the public comment and Bylaw adoption process would proceed. O'Keefe provided the Board with a copy of the relevant adoption statute (24 V.S.A. 4442).

There was significant back and forth discussion between Board members, and several attendees on the process to date and issues with the proposed Bylaw.

Planning Commissioner Dick Dale spoke at length on the drafting and approval process, and mentioned that the Commission held two formal hearings and seven informational meetings to get public response to drafts of the proposed Bylaw, and had gone back and try to address concerns that were raised. He stated that the Commission made its best effort to create the best possible document, which is a complete rewrite of the Bylaws, and that there is a possible need for changes in the near future to address mistakes or unintended consequences.

Cavanagh noted that one of the provisions of the Bylaw places onerous limits on firewood processing, in that that use is permitted only as a conditional use and only in one zoning district, with specific restrictions on site dimensions and hours/days of operation. Dick Dale noted that the Commission was responding to Act 250 and State animal corridor protection rules as well as a wish to limit noise disruption to residents.

Those who spoke included: Trevor Dryden, Steve Twitchell, Chad Stoddard,

Cavanagh asked to have the Commission attend the next meeting of the Board to provide answers to his concerns, or in the alternative meet with the Commission Chair, Heather Stephenson, one-on-one.

O'Keefe read aloud the statute on Selectboard amendments to a Bylaw (24 V.S.A. 4444(b)):

> *Amendment of proposal. The legislative body may make minor changes to the proposed bylaw, amendment, or repeal, but shall not do so less than 14 days prior to the final public hearing. If the legislative body at any time makes substantial changes in the concept, meaning, or extent of the proposed bylaw, amendment, or repeal, it shall warn a new public hearing or hearings under subsection (a) of this section. If any part of the proposal is changed, the legislative body at least 10 days prior to the hearing shall file a copy of the changed proposal with the clerk of the municipality and with the planning commission. The planning commission shall amend the report prepared pursuant to subsection 4441(c) of this title to reflect the changes made by the legislative body and shall submit that amended report to the legislative body at or prior to the public hearing.*

Cavanagh suggested that the Planning Commission should be given the opportunity to make changes to the Bylaw once it hears his concerns.

There were concerns expressed about providing notice to the public.

6. Old Business

a. Town Office Renovation Project – Consider award of construction contracts

The Board reviewed an updated analysis of the two bids received in response to the Town's invitation to bid for Town Office renovations, which was prepared by architect Jon Saccoccio. Bid figures were as follows:

	All Seasons Construction Corp. Springfield, VT	**GPI Construction, Inc. Brattleboro, VT**
Base Bid	1,661,200	1,599,000
Alternates	137,340	130,514
Total bid	**1,798,540**	**1,729,514**
Project Duration	240 days	220 days

There was discussion about available funds for the project. There was also discussion about the importance of as short a timeframe for construction as possible. It was agreed that the alternates were all important and would never be less expensive to accomplish, and it was noted that alternates left out of the project were reroofing, adding photovoltaic panels, and rerouting of underground generator cables.

There was discussion about the start of construction and preparations at the Town Office for the project, such as removal of the safes in the basement and securing a temporary office trailer.

Taylor Prouty ***moved to accept the bid and award the contract for the Town Hall Renovation Project to GPI Construction, Inc. in the amount of $1,729,514.00, and authorize the Town Administrator to execute all necessary documents to employ this contractor, including a service contract after review by the Town Attorney****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to furthermore authorize the Town Administrator to approve any project construction change order with a value of up to $5,000.00, and shall report any such order to the Selectboard. Any change order in excess of this amount must be authorized by the Selectboard prior to approval by the Town Administrator****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

7. New Business

a. Discuss Champion #5 Fire Department mitigation

Cavanagh spoke of a recent meeting on regional flood resilience at which it was mentioned that the Weston firehouse needs to moved due to flood damage, and he had noted that south Londonderry may need to do the same due to its location in the West River floodway.

Champion #5 Assistant Fire Chief Troy Maynard mentioned that he had been informed that there might be FEMA mitigation funds for these projects, but there are lots of limitations. He inquired about the possibility of moving the firehouse to the Town-owned Prouty property. Fire Chief Jeff Duda acknowledged the need to think long-term and to prioritize moving the south Londonderry firehouse from its present location, and he spoke of various funding sources to help explore this. Noting the ongoing wastewater project involving the Prouty property, he suggested reserving some acreage there for the fire department. He went on to ask whether there is something we can do with the process, and noted ideas floated already included combining the two Londonderry fire departments or establishing a regional fire department for a number of towns. He wants to begin the conversation on these needs and that there should be some brainstorming going forward.

Duda briefly spoke about the deteriorating state of the existing building as well as its lack of adequate vehicle clearance and turning space, and lack of water for department use. He also noted that the July 2023 flooding was much more problematic from an emergency response standpoint than Tropical Storm Irene.

Cavanagh suggested participating in the ongoing South Londonderry master planning process to help plan for funding.

8. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting adjourned at 7:55 PM. The next regular meeting of the Selectboard is scheduled for 5/20/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved June 3, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, May 20, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Martha Dale, and Jim Fleming.

Absent Board Members: Taylor Prouty.

Town Officials: Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Zoning Administrator Will Goodwin, and Town Moderator Doug Friant.

Others in Attendance: Dufresne Group Engineer Chrissy Haskins; and dozens of attendees interested in the proposed Zoning Bylaw, including the following: Julie Charlton, Dominque Boutin, Joe Gouiva, Maya Drummond, Anna Stoddard, Maud Maciak, Brandon Saunders, George Adzima, Jim Wilbur, Mike Arace, Tony Boston, Cindy Dryden, Bonnie Cobb, Dave Brown, Alicia Rose, Rebecca Skandera, Terry Merrow, Frank Johnson, Chad Stoddard, Sandra Clark, Amy Corwin, Emily Underwood, Kristen Bryant, Mike Doane, Trevor Powers, Natalie Boston, Jim Ameden, Hunter Kaltsas, Steve Twitchell, Melvin Twitchell, Brooke Cote, Nick Doane, Ben Sargent, Joel Jordan, Marcia Camp Kim Ray and Gary Longley, and members of the Press Howard Weiss-Tisman, Shawn Cunningham, and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM. Given the number of attendees, he spoke to the Board's rules of procedure for the meeting, the need to address all matters to the Chair, and the need to remain civil. Comments would be limited to three minutes per individual he noted.

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

Martha Dale ***moved to add to the Road and Bridges part of the Agenda an Access permit for Hunter Kaltsas, formerly 2687 Under the Mountain Road to modify an old access, and an Access permit for Wylie Construction, 252 Glebe View Lane, extending an existing access permit that was temporary, to delete from the Town Officials Business part of the agenda the Mountain Towns Recreation Director Advisory Committee policies, and to adjust the agenda to move the two Village Wastewater Project matters to the beginning of the Old Business part of the agenda,*** *seconded by Jim Fleming. The* **motion passed** *unanimously.*

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 public officer, pursuant to Title 1 V.S.A. Section 313(a)(3),*** *seconded by Jim Fleming. The* **motion passed** *unanimously.*

The Selectboard entered Executive Session at 6:03 PM and came out at 6:17 PM.

4. Discuss Selectboard member resignation and process to fill vacancy

Cavanagh read aloud a letter of resignation from the Selectboard submitted by Melissa Brown, dated 5/15/2024.

*Martha Dale **moved to regretfully accept the resignation of Melissa Brown from the Selectboard**, seconded by Jim Fleming. The **motion passed** unanimously.*

Cavanagh thanked Brown for all her hard work for the Board. On how to proceed, he explained that the Board could appoint someone to fill the position, or hold a special Town Meeting election, and he prefers the latter. Kelly Pajala explained the special election process. Board members discussed the alternatives

*Jim Fleming **moved, pursuant to Title 24 V.S.A. Section 961(a), to post notice of the vacancy on the Selectboard caused by the resignation of one of its members, and to hold a special election to replace said member**, seconded by Martha Dale.*

Pajala noted that the Board could approve the special Town meeting warning at its next Board meeting. It was generally agreed that the special Town Meeting should be held at the Town Hall on Saturday, 7/13/2024.

*The **motion passed** unanimously.*

5. Minutes Approval – Meeting(s) of 5/6/2024

*Martha Dale **moved to approve the minutes of the Selectboard meeting of May 6, 2024,** seconded by Jim Fleming. The **motion passed** unanimously.*

6. Selectboard Pay Orders

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

7. Announcements/Correspondence

There were no announcements.

Correspondence included in the Board's meeting packet was as follows:

- Notice of a flood recovery and resilience symposium on 6/4/2024 at the Stratton Mountain Resort sponsored by the State of Vermont and FEMA
- A 5/7/2024 letter from the Vermont Department of Environmental Conservation's Water Division accepting the Preliminary Engineering Reports for the Village Wastewater Projects.
- A report from the Vermont Department of Taxes of local option taxes received by the Town through 5/1/2024.

8. Visitors and Concerns

Resident Tony Boston read aloud a statement in opposition to the proposed Zoning Bylaw amendment.

9. Town Officials Business

a. Town Clerk - Approval of Special Town Meeting Minutes of March 5, 2024

Pajala explained that these minutes relate to the bond vote.

Martha Dale ***moved to approve the minutes of the Special Town Meeting of March 5, 2024****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Town Treasurer – Consider new financial software

Tina Labeau provided information about a new software package from gWorks that she would like to acquire for financial matters, but that it has expansion possibilities, including a website module that looks promising.

The one-time setup cost is $2,000 and the annual expense going forward is $3,695, she explained, and that the budget would allow for this and the website module.

Martha Dale ***moved that the Town engage gWorks for new financial software for a $2,000 one-time fee for implementation****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

10. Transfer Station/Solid Waste Management

a. Updates

Cavanagh reminded everyone of the next hazardous waste collection will be on 6/1/2024 from 9:00 AM to 1:00 PM.

11. Roads and Bridges

a. Updates

None.

b. Access Permit - Hunter Kaltsas for property formerly 2687 Under the Mountain Road – modifying old access

Jim Fleming ***moved to issue an access permit to Hunter Kaltsas for property formerly known as 2687 Under the Mountain Road, modifying an old access****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

c. Access Permit - Wylie Construction – 252 Glebe View Lane, extending an existing access permit that was temporary,

Jim Fleming ***moved to issue an access permit to Wylie Construction for property at 252 Glebe View Lane, extending an access permit that was temporary****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

12. Old Business

a. Village Wastewater Project – Consider Engineering Services Agreement(s)

Chrissy Haskins, P.E. spoke about the two contracts for final design and permitting before the Board for consideration; one for each village, noting that they are a standard format required by the State of Vermont and have already been approved by the State. She explained that the State will pay 100% of the cost for the engineering services, with no Town match.

She confirmed that the projects were on track and that some timeframes had been extended by the State.

Jim Fleming ***moved to 1) accept the proposal from the Dufresne Group to provide engineering services related to the Village Wastewater projects, estimated to cost $174,000 for the North Village area and $235,000 for the South Village area, 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 the approval of the Vermont Department of Environmental Conservation, and 3) authorize expenditure of up to $410,000 for this effort to be 100% reimbursed through the State of Vermont,*** *seconded by Martha Dale. The* **motion passed** *unanimously.*

b. Village Wastewater Project – Consider Project Coordination Services Agreement(s)

Haskins and Cavanagh noted that this was the agreement between the Town and the Windham Regional Commission for project coordination services.

Martha Dale ***moved to 1) accept the proposal from the Windham Regional Commission to provide project coordination services related to the design phase of the Village Wastewater projects, estimated to cost $21,362, 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 the approval of the Vermont Department of Environmental Conservation, and 3) authorize expenditure of up to $25,000 for this effort to be 100% reimbursed through the State of Vermont,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Discuss proposed Zoning Bylaw amendment

Cavanagh read aloud a statement outlining the Zoning Bylaw adoption process as set forth under 24 VSA Section 4442, noting that the Board is obligated to hold at least one public hearing, but that he envisions at least two given his feeling that there will be changes made by the Board.

Dale spoke about the process of rewriting the Zoning Bylaw and the Planning Commission's aim to reflect the adopted Town Plan, to have a Bylaw that conforms with State statutes and regulations, and to allow for proper administration and enforcement. She spoke of the Commission's process between 2018 and 2024.

Cavanagh stated that the proposed Bylaw is complicated, restrictive and don't represent the people of Londonderry, is so complicated that the average citizen couldn't make sense of them, and that even the Zoning Administrator has stated that there are provisions that are unenforceable. He stated that he has a number of issues throughout the document.

Cavanagh made clear that now that the Board has received the proposed Bylaw from the Planning Commission it must hold a hearing. It can then vote not to adopt the Bylaw, or start to make changes.

The meeting was opened up to the attendees.

There was question about how best to convey comments to the Board, and it was mentioned that speaking at public hearings and writing to the Board would be best.

Various comments and questions were voiced as follows:

- The Town is moving too quickly.
- Provision of affordable housing was being hindered by the Bylaw.
- "Grandfathering" of existing legal uses was explained. There was a request that the Zoning Bylaw clearly state that existing legal uses are "grandfathered".
- Lack of adequate communication with property owners during the Bylaw process.
- The proposed Bylaw is too lengthy a document.
- The proposed Bylaw goes too far, and we should keep the town the way it is.
- The project consultant created a cookie-cutter Bylaw that it's not necessarily related to Londonderry's needs. Where the proposed bylaw provisions came from were questioned.
- The enforcement process, particularly having to do with Short-term Rentals, was discussed.
- Change is inevitable, and some change can be a step forward.
- Concern about inability to ask questions at a Planning Commission public hearing, and that there were only comments permitted. Doug Friant clarified that the chair of a board or committee sets the rules of a public meeting or hearing, but must allow for people to speak. Cavanagh stated that he will not tell people that can not ask a question during the Selectboard hearing process.
- Adoption of bylaws can lead to the degradation of a community.
- As people are reasonable about complying with zoning by getting permits, they should have a right to question the fairness of rules.
- The qualifications and responsibilities of the Zoning Administrator position were raised.
- The need to adhere to public order in the meeting was emphasized. Individuals should not be attached at meetings.
- The proposed Zoning Bylaw amendment should be dealt with and adopted in manageable pieces, not as a whole.
- Many people will be hurt by the provisions of the proposed Zoning Bylaw.
- The provisions dealing with wood processing are over-restrictive and anti-business.
- The Zoning Bylaw amendment process and timeframes was explained.
- The petition process to have a special Town meeting vote on the Selectboard's decision on the Zoning Bylaw was briefly noted. A petition requires 5% of the Voters to sign on.
- The need to listen to the people voicing concern is very important.
- The need to get the word out more effectively to the community was stressed.
- The validity of the Planning Commission process was questioned.

Cavanagh thanked everyone for attending and expressing their opinions. Most of the attendees exited the meeting.

There was discussion about the requirements for and how to warn the public hearing. There was also discussion about the Board approving the warning for the special Town Meeting and providing notice thereof.

Martha Dale ***moved, with regard to the proposed Zoning Bylaw amendment establishing Unified Development Regulations, filed by the Planning Commission along with the associated report in keeping with Title 24 V.S.A. Section 4441(g), to hold a public hearing,***

as required under Title 24 V.S.A. Section 4442(a), on June 17, 2024 at 5:00 PM, and direct the Town Administrator to ensure proper public notice of the hearing*, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Doug Friant suggested establishing specific rules of procedure for the public hearing, and discussed with the Board some suggestions.

Goodwin stated that he would produce a draft of the Zoning Bylaw with notes in the margin to assist the Board, and suggested that the Bylaw would not likely be passed after just two hearings.

Pajala distributed advice from the Town Attorney on the hearing and adoption process. There was discussion about how best the hearing process should proceed; address the entire Bylaw? Or only by section? Pajala explained that changes can be made at the first hearing, but a second hearing would then be required. Changes can also take place at a Selectboard meeting, she noted, which would also require a subsequent public hearing.

The difficulties of the Zoning Administrator having to use both the existing and proposed Zoning Bylaws for any application, as required by 24 V.S.A. 4449(d), for a prolonged period was discussed as was the need to minimize this timeframe if possible.

There was discussion about the option of the Selectboard rejecting the proposed Zoning Bylaw and sending it back to the Planning Commission to consider any changes suggested by the Board. Pajala mentioned that once the Selectboard either approves or denies the proposed Zoning Bylaw, the Voters can then petition to reconsider the Board's vote at a special Town meeting.

d. Update on regional flood remediation efforts

Cavanagh noted that two weeks ago he met with a Weston Selectboard member and representatives of the Windham Regional Commission (Alyssa Sabetto) and the State of Vermont Department of Environmental Conservation (Marie Caduto) to discuss regional flooding issues, and in particular the "Flood Elevation and Restoration" program. A representative from the Town of Jamaica was not present. This program allows for expansion of floodwater storage areas, and there was discussion about various properties where this could be effective, and possible properties where this could be implemented were discussed, including the Transfer Station property, lands near the Londonderry Volunteer Rescue Squad and the Prouty land. The program also considers State purchases of flooding easements over private properties, he mentioned.

He clarified that the regional project to address regional flooding issues by conducting a hydrology study has devolved to possible replacement of a number of culverts in the region. He mentioned that the meeting was productive and there will be future meetings on this.

Dale spoke about a meeting with a north village business owner and the interest of others in flood remediation.

Cavvagh explained that flood remediation will be a long-term effort, and noted that s flood recovery workshop is scheduled for 6/4/2024 at Stratton Mountain Resort and several Town representatives will be attending.

e. Ratify 5/6/2024 decision to accept a subrecipient grant agreement with the State of Vermont Department of Public Safety related to FEMA Public Assistance Program

Because the Board voted on 5/6/2024 to accept a subrecipient agreement with the State of Vermont 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 5/6/2024 decision to accept the subrecipient grant agreement with the State of Vermont Department of Public Safety related to the FEMA Public Assistance Program and its provisions for reimbursement of Town funds expended on flood recovery efforts stemming from the July 2023 flooding events, and authorize the Town Administrator to execute this and all related documents necessary to secure Public Assistance and other FEMA and/or State of Vermont funding****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

Lambeau mentioned that the Town had received its first reimbursement for flood recovery expenses.

f. Ratify 5/6/2024 decision to approve Itinerant Vendor permit for Mountain Fresh Bowls

Because the Board voted on 5/6/2024 to approve an itinerant vendor 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.

Martha Dale ***moved to ratify the Board's 5/6/2024 decision to approve Itinerant Vendor Permit #2024-02 for Mountain Fresh Bowls****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

13. New Business

a. Consider amendment to the Ordinance to Regulate the Operation of Short-Term Rentals

Cavanagh mentioned that the amendment was to clarify a few section references in the ordinance.

Jim Fleming ***moved to adopt the amendment to the Short-Term Rental Ordinance that provides for: 1) under Article 4.G, replace the reference to subsection D with a reference to subsection F; 2) under Article 4.H, replace the references to subsections D and E with references to subsections F and G, respectively; such amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b)****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

b. Discuss One Londonderry Parkrun proposal

Dale asked that Cavanagh be able to sign a revised letter to the parkrun administration that includes dates beyond the original proposed dates, a period between Memorial Day Weekend to Columbus Day/Indigenous Peoples Day weekend, that were authorized at the 5/6/2024 meeting. She asked that the letter allow for greater flexibility on both sides of the approved timeframe to accommodate good weather conditions.

Martha Dale ***moved to change the date on the document and resign a new one that indicates the dates are approximately Memorial Day to Columbus Day****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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

Jim Fleming ***moved to approve 1st and 3rd Class Liquor Licenses and an Outside Consumption Permit for Ski Magic LLC., also known as The Magic Mountain Ski Area, related to property located at 495 Magic Mountain Access Road****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

d. Discuss schedule for annual employee performance reviews

It was noted that there were requests not to hold evaluations on regular Selectboard meeting nights. There was discussion about setting dates at another time, and Labeau said she'd reach out to departments, as would Cavanagh.

14. Adjourn

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

The meeting was adjourned at 8:30 PM. The next regular meeting of the Selectboard is scheduled for 6/3/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved June 3, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, June 3, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Absent Board Members: None.

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Zoning Administrator Will Goodwin, Road Foreman Josh Dryden, Recreation Director Liam Elio, Housing Commission Chair Patty Eisenhaur, Recycling Coordinator & Development Review Board Chair Esther Fishman, and Town Moderator Doug Friant.

Others in Attendance: Wendy Levy, James Ameden, Jr., Marty Trambetta, Pamela Spaulding, Philip Cloutman, Travis Bolton, Cindy Dryden, Paul Hendler, Anna Stoddard, Jason Klezos, Zane Klezos, George Klezos, Mimi Wright, Alex Cote, Brooke Cote, 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 New Business section of the agenda the consideration of a 2nd class liquor license for Derry Downtown, Limited,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 5/13/ 2024 & 5/20/2024

Jim Fleming ***moved to approve the minutes of the Selectboard meeting of May 13, 2024 and 5/20/2024,*** *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 Taylor. The* ***motion passed*** *unanimously.*

5. Announcements/Correspondence

Shane O'Keefe noted the following:

- The Town finally received NEPA clearance for the Spring Hill Road culvert project, so preliminary design and engineering can now get underway. Installation is scheduled during the 2025 construction season.
- The consultant service contracts with the Dufresne Group and the Windham Regional Commission for the Village Wastewater projects, which were approved at the last meeting, have been fully executed.

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

- The Lister's 5/23/2024 Notice to Taxpayers of grievance proceedings, beginning on 6/7/2024.
- A 5/22/2024 letter from the Windham County Sheriff, giving notice of a 6/21/2024 meeting in Brattleboro to discuss regional policing. It requests that the Town provide a representative. O'Keefe stated that he'd attend unless someone else would prefer to do this.
- A notice from the VT Department of Taxes to local business owners on the Town's newly-adopted local meals and alcohol tax, which will be in effect on July 1st.
- Notice of the Town's award of $17,750 from the State of Vermont Grants-in-Aid program for FY2025.

Tina Labeau noted that the finance software approved at the previous meeting came in at a higher cost than advertised so she will not be purchasing the software from that vendor and continue her search for alternatives.

6. Visitors and Concerns

None.

7. Town Officials Business

a. Mountain Towns Recreation Director Advisory Committee – Consider Sportsmanship Policy; Consider change to Recreation Director job description; Consider fuel reimbursement for the Recreation Director; Discuss MTR Social Media; Consider well services from Frost Pumps & Wells; Discuss proposal for Park signage; and Consider establishing a PayPal Account

Liam Elio spoke to a proposed sportsmanship policy for all sports covered by the Mountain Towns Recreation program he and the Advisory Committee are working on, which includes provisions from a number of other good policies from other entities. He noted that the Town Attorney is reviewing it at this time, and it would eventually be coming to the Board for approval.

He mentioned that the job description for his position includes maintenance work but that there is interest in broadening the description in this regard. It includes reference to mileage reimbursement, which will be separately addressed in a policy.

There was discussion on a proposed Mountain Towns Recreation Director Milage Reimbursement Policy, and Elio mentioned that for half of May his reimbursement was $273.40 based on the federal reimbursement rate $0.67/mile. During the winter the reimbursement figure would be much less, he mentioned. Pajala noted that the policy mentioned when mileage reimbursement would be applicable.

O'Keefe noted that another model would be a monthly mileage stipend at a fixed amount, but this would be considered income as it would not be based on actual miles driven.

Elio discussed the need for a social media policy that he his working that on that can become a Town-wide policy. He added that the Town Attorney is reviewing this. Cavanagh mentioned previous advice from the Town Attorney that there be no comments allowed from the public, and Pajala added that there would be no direct messaging through social media platforms and that there would be links to the Town website whenever possible.

Regarding signage, the Parks Board is looking into signs at and within the parks, and it's likely that the cost would require Selectboard notification. There were no objections to continuing the process to seek bids.

Elios explained that one of the two pumps at Memorial Park is inoperable and in need of repair, and he asked whether Frost Wells & Pumps can be considered a sole source provider or whether he needs to seek bids for the service. Pajala mentioned that the estimated cost would not necessitate the bid process but is likely to require Selectboard notification under the Purchasing Policy. It was noted that a new well does need to be drilled but that the well casing needs to be increased in height and possibly the pump as well based on new State regulations. There was no objection to working directly with Frost Wells & Pumps on a source basis.

Elio suggested that the Town create a PayPal account to enable greater flexibility with taking in funds for parks and recreation functions, and also for other Town functions as appropriate. Labeau brought up the need to ensure that the users pay any applicable fees and not the Town. Elio stated that he'd investigate this and other pay platforms. Labeau mentioned that it is not difficult to accommodate this.

Jim Fleming ***moved to contract with Frost Wells & Pumps for well service at Memorial Park, and make them a sole source vendor,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

Martha Dale ***moved to accept the submitted fuel reimbursement policy for the Recreation Director as was included in the meeting packet, and with the word "monthly" added,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Martha Dale ***moved to accept the modifications to the Recreation Director job description as submitted in the meeting packet,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Town Hall Renovation Committee – Consider proposals for basement dehumidification and project consultant services

O'Keefe described the proposal from Matt Clark's Northern Basement Systems to install an industrial-grade dehumidifier in the basement of the Town Hall to address the humidity there that has been causing mold issues. He also mentioned a proposal for the crawl space under the main room that can be considered at a later date. Josh Dryden mentioned he'd hired the company for his own basement and the project went well.

Noting that the Board has previously prioritized the humidity issue and ADA-compliance for the Town Hall basement, this proposal is a follow-through on that.

Cavanagh noted that there was basement water infiltration with the recent rain and the source is now obvious, and he has contacted a contractor to look at sealing the interior wall. O'Keefe suggested contacting All Seasons Construction to look at the building exterior based on the company's previous experience with the building.

Jim Fleming ***moved to 1) accept the proposal from Matt Clark's Northern Basement Systems for the installation of dehumidification equipment, to cost approximately $2,205,***

such funds to come from the Town Buildings Reserve Fund, 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman mentioned that at the hazardous waste collection event this past weekend there were 104 cars that came through and she believes this represents more than that number of households. She noted that there was an issue with a delay on the due to the contractor's vehicle breaking down, they didn't arrive until 10:00 AM.

She mentioned that the contract with Casella for waste hauling ends on 8/13/2024 and she has issued a Request for Proposals to three companies which is due on 6/30/2024.

Regarding waste requirements for short-term rentals, she stated that the STR owner should be responsible for informing guests about the State of Vermont waste separation laws and supply necessary bins and signage for this. She said she's not sure how best to deal with this as there's nothing in the STR Ordinance on this State requirement. O'Keefe stated that the Ordinance includes a requirement to post notice of State requirements, but suggested that the Town should not be enforcing State laws through its ordinances. Fishman stated she's working with STR Administrator Andy Dahlstrom on providing a flyer on this to STR owners as necessary.

There was discussion about making recycling and/or food bins available to STR owners for their guests.

9. Roads and Bridges

a. Updates

Josh Dryden mentioned that part-time Road Crew member Don Derby started work that day and is being trained up.

Regarding annual performance evaluations, he noted that the middle of June does not work due to planned absences, but the week of 6/24 looks good. It was agreed that the Board would schedule a special meeting for this.

Regarding the culvert on Rest Haven Road, Dryden mentioned that he had been given a verbal approval from Vermont Department of Environmental Conservation representative Scott Jensen two 3-foot culvert side-by-side. He has had engineer Everett Hammond make some suggestions on dewatering and he proposes to contract directly with Wes Ameden on this, and that the Town Road Crew would assist and pride the culvert pipes to keep the cost down. Labeau confirmed that there are contracted services funds available in the highway budget for this work. Dryden mentioned that notice to residents and businesses about temporary road closure was important.

Dryden mentioned that Hunter Excavating and David Chaves Excavation were working on other contracted services projects for the Town.

b. Brophy Lane signage

The Board considered correspondence from Jennifer and Jason Riemer of Brophy Lane seeking the removal of the “Bridge Out” sign erected by the Town a few years back at the end of the road where it meets Flood Brook. It was recalled that the sign was erected after the Town removed an illegally placed footbridge at the request of the U.S. Forest Service. Dryden mentioned that the sign package and barricade was recommended by the Vermont Agency of Transportation, and he recommends that the “No Outlet” sign should remain.

The was no recollection of a bridge ever being placed at the location and Dryden and Prouty agreed to confer with VTrans staff on whether a “Bridge Out” sign is necessary at that location.

O’Keefe reported that Google Maps shows the Brophy and Rowley Lanes being a through road, and stated he’d submit a status update request. Goodwin will connect with the State E911 office to update the road status as well.

c. Consider Highway Department heavy equipment purchases and use of reserve fund

Josh Dryden spoke to department needs and the need for a backhoe for various project work and to back up the excavator and loader, and for the sake of comparison requested quotes on both a backhoe and a loader. Quotes were received as follows:

Make/Model	**Dealer**	**Warranty**	**Price**
2024 Caterpillar 920 Wheel Loader	Milton Cat, Richmond, VT	3.5k Hrs/7-Yr	$190,500
2024 John Deere 544G Wheel Loader	United Construction & Forestry, Springfield, VT	3k Hrs/5-Yr	$198,000
2024 Caterpillar 420XE Backhoe Loader	Milton Cat, Richmond, VT	3.5k Hrs/7-Yr	$175,900
2024 John Deere 320 Backhoe Loader	United Construction & Forestry, Springfield, VT	3k Hrs/5-Yr	$166,000

Dryden mentioned after recent repair work on the existing loader he was informed that the Town could expect an additional 10 years of use out of it.

There was discussion about the need for an equipment capital plan, but that the reserve fund makes necessary purchases easier.

The Caterpillar loader is available immediately, Dryden noted, while the John Deere would be 3-months out on order. The Cat has a better warranty as well as added features. Attachments for the backhoe would include a street sweeper and a lift fork. There was general agreement that the Caterpillar 420XE backhoe was the preferred equipment on balance despite the higher initial cost.

Labeau suggested an outright purchase with existing reserve funds instead of financing, as the new truck is going to be financed. She noted that an outright purchase would save $20,000 in interest.

Cavanagh suggested changing the purchasing policy for heavy equipment due to the dearth of dealers in the region to allow for simple quote requests instead of a full Request for proposals process.

Taylor Prouty ***moved to accept the bid from Milton Cat for a new Cat 420XE Backhoe with specified equipment in the amount of $175,900.00, and to authorize the Town Administrator to execute all necessary documents to secure the vehicle and equipment, with such funds to come from the Highway Equipment Reserve Fund****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

d. Discuss bids for paving and sand

Dryden suggested putting out to bid the same road segments as last year that had to be withdrawn given the July 2023 flooding. He added that O'Brien Paving was bought out by Hunter Excavating and to include them in the Invitation to Bid mailing.

He mentioned that the Town used 4,000 yards of sand last year and he suggests 3,000 yards this year to get the Town to the right level of supply. Labeau noted that the Town was below budget for salt and sand last year.

O'Keefe will issue Invitations to Bid in the next week.

e. Ratify 5/20/2024 decision to issue Access Permit to Hunter Kaltsas for property formerly 2687 Under the Mountain Road

Because the Board voted on 5/20/2024 to issue access permit #2024-04 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 5/20/2024 decision to issue Access Permit #2024-04 to Hunter Kaltsas for property formerly at 2687 Under the Mountain Road****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

f. Ratify 5/20/2024 decision to issue Access Permit to Wylie Construction for 252 Glebe View Lane

Because the Board voted on 5/20/2024 to issue access permit #2024-05 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 5/6/2024 decision to issue Access Permit #2024-05 to Wylie Construction for property owned by Jamie & David Deming at 252 Glebe View Road****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

10. Old Business

a. Discuss zoning bylaw amendment and hearing process

Cavanagh noted that he had invited the Planning Commission, Development Review Board and Conservation Commission to the meeting in case there were questions. On the public hearing process, he suggested following the rules used for Town Meeting, and Doug Friant spoke to those provisions. There was discussion about how much time individuals would have to speak, and when a second opportunity to speak would arise.

Friant added that as a Selectboard meeting it's up to the Selectboard Chair to determine how the meeting is structured, and mentioned that the rules should be outlined upfront and that they be fair. Whether to allow people to read from prepared texts was discussed, and Friant urged that people should not be permitted to give political speeches and that all discussion must be germane.

It was generally agreed by the Board that people should be given 5 minutes to talk, including two follow-up questions, and then after everyone interested in speaking has done so, allow an additional three minutes per person. It was also agreed that property owners, Voters and interested persons should be allowed to participate, and that experts should be able to answer questions as appropriate. It was agreed that everyone would need to identify themselves.

There was discussion on how the Town would address written comments and questions submitted in advance, and it was agreed that reading them aloud upfront was appropriate. Dale recommended referring the public to the general upfront terms of the proposed Zoning Bylaw such the “grandfather” provision that permits continuation of existing legal uses.

There was discussion about the need for participants to refer to specific Zoning Bylaw provisions instead of broad matters of concern. And it was agreed that Will Goodwin would be the person to address specific Bylaw concerns and questions for the Board.

The need for a decision flow chart or decision table for the Board was mentioned and O’Keefe agreed to draft this.

Cavanagh recommended that a postcard notice should be sent out to the public that provides a link to the hearing rules of procedure. Labeau stated that she’d handle this effort.

Fleming suggested that the Town provide a dedicated phone line for people to call in and get announcements and answers to questions. The effort to keep this updated with existing staff was discussed. Discussion on this proposal will continue at a later date, it was generally agreed.

On what steps the Board would take after the hearing, there was extended discussion on the options that the Board has, including making changes to the proposed Bylaw, or either approving or rejecting it. Cavanagh noted that the longer the Board takes to decide one way or another the longer Goodwin has to use both Bylaws when reviewing applications. There was discussion about when Goodwin would present recommended changes or comments to the Board on the Bylaw, and it was generally agreed to wait until after the public hearing so that other comments can be considered as well.

Dale suggested a scenario whereby the Bord moves forward with approving the bylaw with the knowledge that there are changes such as with unintended consequences that would need to be amended soon thereafter, which would help minimize Goodwin’s process of using two Bylaws in the interim period. Cavanagh stated that the Board should not approve a Bylaw in need of subsequent amendments.

Cindy Dryden suggested that the Board should not push the Bylaws through. Brook Cote expressed concerns that a Board member was suggesting that the Bylaw be approved expeditiously.

Patty Eisenhaur noted that the existing Bylaw is antiquated and contains restrictions to promoting ways to address the existing housing crisis.

Fishman stated that the Development Review Board has noticed a number of provisions of the existing Zoning Bylaw that need to be changed. O’Keefe stated that there are some very good provisions of the proposed Bylaw.

Prouty mentioned that it would be very important to note changes that are required by State law or otherwise make a statement why provisions and changes are necessary.

b. Discuss and approve special Town Meeting Warning [17 VSA 2641-2644, 24 VSA 962]

The Board reviewed the proposed warning for the special Town Meeting to elect a Selectboard member to fill the vacancy created by the 5/15/2024 resignation of Melissa Brown.

Prouty asked if there would be a candidates night, and it was mentioned that the history of this is that few candidates are there. Fleming suggested that the Town should do this. Frauman stated that GNAT could live-stream this for the public, and added that the videos remain available on Facebook and YouTube.

Friant mentioned that at the special Town Meeting candidates can introduce themselves but cannot politic or campaign inside the meeting.

Jim Fleming ***moved to approve and sign the Warning for the Special Town Meeting to elect a Selectboard member to fill a vacancy, scheduled for July 13, 2024****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Pajala stated that she would mail the warning out to all Voters as well as print it in the newspaper and post it as normal.

11. New Business

a. Consider amendment to the Ordinance to Regulate the Operation of Short-Term Rentals

Cavanagh mentioned that while this was approved already at the 5/20/2024 meeting, notice of the adoption was not published in the newspaper within 14 days as required, so had to be readopted and public notice given accordingly.

Taylor Prouty ***moved to adopt the amendment to the Short-Term Rental Ordinance that provides for: 1) under Article 4.G, replace the reference to subsection D with a reference to subsection F; 2) under Article 4.H, replace the references to subsections D and E with references to subsections F and G, respectively; such amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b)****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

The ordinance amendment as adopted is included as an addendum to these minutes.

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

O'Keefe noted that the proposal from Waite-Heindel Environmental Management for this year is only $100 more than the prior year, and recommends accepting the proposal.

Jim Fleming ***moved to 1) accept the estimate of cost for 2024 groundwater monitoring estimate of PFAS at the former septage fields from Waite-Heindel Environmental Management, to cost approximately $7,760, 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

c. 3rd Class Liquor License – Manzana, Inc. (SoLo Farm & Table)

Martha Dale ***moved to approve a 3rd Class Liquor License 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.*

d. 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 Taylor Prouty. The* ***motion passed*** *unanimously.*

Pamela Spaulding inquired about the difference between various liquor license classes, and it was recommended that she contact the Town Clerk on this.

e. 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 appointment, employment or evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O'Keefe and Wendy Levy to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 8:06 PM, and Levy left the executive session at 8:20 PM. The Board came out of executive session at 8:26 PM.

Martha Dale ***moved to hire Wendy Levy to the part-time Minute Taker position at a rate of pay of $25.00 per hour effective two weeks from today, subject to completion of a probationary period of 6 months****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

Levy thanked the Board for meeting with her, and O'Keefe informed her that he would be forwarding documents necessary for the hiring process.

Residents Steve Twitchell and James Ameden, Jr. entered the meeting, and each announced to the Board that they have been approached to run for the Selectboard vacancy and would consider accepting nominations for election at the upcoming Town Meeting. They then left the meeting.

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

Taylor Prouty ***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 Town Administrator Shane O'Keefe to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 8:29 PM and came out at 8:48 PM.

Martha Dale ***moved to approach the owners of parcel #103006.005 about Town acquisition for flood resilience purposes with State of Vermont assistance****, 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 was adjourned at 8:49 PM. The next regular meeting of the Selectboard is scheduled for 6/17/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved June 20, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

ADDENDUM

ORDINANCE TO REGULATE THE OPERATION OF SHORT-TERM RENTALS
Town of Londonderry, Vermont

Pursuant to 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 Ordinance to Regulate the Operation of Short-Term Rentals (also referred to as the "Short-Term Rental Ordinance") adopted on December 19, 2023, and amended on March 25, 2024, is hereby amended for the Town of Londonderry, Vermont.

NOTE:	Language to be added is underlined. Language to be deleted is in ~~strikethrough~~. All other ordinance language shall remain unchanged.

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.

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~~F 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, showing satisfactory inspection results for the most recent inspection, 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~~F above (for dwelling units with an occupancy of 8 or less) or has complied with subsection ~~E~~G 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.

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Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, June 10, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Absent Board Members: None.

Town Officials: Town Administrator Shane O'Keefe, Zoning Administrator Will Goodwin, Highway Department Nick Doane, and Town Moderator Doug Friant.

Others in Attendance: Wendy Levy, James Ameden, Jr., Marty Trombetta, Marcia Camp, Paul Hendler, Anna Stoddard, Andy Kibling, Ashley Kibling, and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:0o 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 agenda, and adjust the agenda to address the executive session as the next order of business,*** *seconded by Jim Fleming. The* **motion passed** *unanimously.*

3. Executive Session – 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 employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Nick Doane and Shane O'Keefe to attend the executive session****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

The Selectboard entered Executive Session at 6:01 PM, and Doane left the executive session at 6:13 PM. The Board came out of executive session at 8:36 PM.

4. Old Business

a. Discuss zoning bylaw amendment hearing process

Town Moderator Doug referred to proposed rules and procedures for the upcoming public hearing that he had provided to the Selectboard for consideration. He remarked that he has reconsidered his recommendation that the hearing not allow for participants to read from paper except for the Bylaws when speaking, mentioning that he did not want people to feel that their opinions are not heard. Others mentioned that some people need to refer to written material in order to better communicate their thoughts and not go off track.

Friant mentioned that, different than Town Meeting, the Selectboard has the final say on ruling something or someone out of order.

It was agreed that the rules of procedure would be as follows:

1) **Those who allowed to speak:**
    a. **Voters, Property Owners and Interested Parties.**
2) **Speaking Time:**
    a. **Each person will have 5 minutes to speak and can only speak once until everyone has a chance to speak. Two follow-up questions can be asked. (Time for answers from the select board or experts do not count toward a person's speaking time.)**
    b. **Once everyone has had a chance to speak once, people can speak one more time for 3 minutes each.**
3) **All questions are to be directed to the moderator.**
4) **Before you speak, please state your name.**
5) **All comments must be germane to the by-laws.**
    a. **Comments directed at individuals will not be permitted.**

How to address written questions and comments received prior to the public hearings was discussed at length, and Goodwin will compile responses which will be read aloud at the hearing.

There was discussion about how to minimize the amount of time that the Zoning Administrator needs to review permits under the existing and proposed Zoning Bylaws, as required by 24 VSA 4449(d), and still continue the amendment review process.

The Board reviewed the various options it has once the hearing takes place, including the following:

- ADOPT the proposed Zoning Bylaw
- WARN A TOWN MEETING VOTE on the adoption of the proposed Zoning Bylaw
- REJECT the proposed Zoning Bylaw
- TAKE NO ACTION
- MAKE MINOR CHANGES to the proposed Zoning Bylaw
- MAKE SUBSTANTIAL CHANGES to the proposed Zoning Bylaw

There was discussion about how to minimize the amount of time that the Zoning Administrator needs to review permits under the existing and proposed Zoning Bylaws, as required by 24 VSA 4449(d), and still continue the amendment review process.

O'Keefe suggested that at a few Selectboard meetings after the hearing the Board discuss changes suggested by the public, by Goodwin and by Board members themselves, and then draft changes acceptable to the Board, after which another public hearing on the changed Zoning Bylaw would be held and considered for adoption. The changed Zoning Bylaw would need to be filed with the Town Clerk and Planning Commission, and the Commission would need to update its report on the Zoning Bylaw.

Prouty mentioned that, except for making changes to the proposed Zoning Bylaw, the Board could take any of the other listed actions immediately after the hearing. And the main purpose of the hearing process is to get all the community concerns understood.

Dale mentioned Goodwin should be the Board's guide for the process and spoke of four criteria that he was charged with determining for the proposed Zoning Bylaw and any changes:

- Whether it is legal

- Whether it fits with the Town Plan
- Whether it accords with the people's will
- Whether it is enforceable

Cavanagh stated that, based on input from the community, there are significant changes to the Zoning Bylaw needed, which was echoed by Goodwin. Dale suggested that the hearing and consideration of public input process should play itself out. She stated that rather than the Board rejecting the proposed Zoning Bylaw after the hearing that it be reviewed for changes that allow it to comply with State law and the Town Plan.

O'Keefe stated that based on previous comments he had asked whether a representative of the Windham Regional Commission and/or the Town Attorney could be available in an advisory capacity for the public hearing, and while the Town Attorney is available, WRC staff is not due to conflicts. Dale recommended that the Town Attorney should be invited to attend to provide the most accurate and clear legal advice. The Board discussed this recommendation at length.

Dale read a letter to the editor penned by former Selectboard member Melissa Brown regarding changes in the community.

5. New Business

a. Consider contract with the Windham County Sheriff's Office for FY2025 policing services

O'Keefe noted that the proposed hourly rate for the Sheriff Department's contract is $54.00, up from $52.00 in the current year, and that the budget for policing services increases from $55,000 to $57,000 in FY2025. This is will be the first year that policing services is a budgeted item as opposed to a specific warning article expense.

Jim Fleming ***moved to accept and approve the police services contract with the Windham County Sheriff's Office for FY2025, and authorize the Town Administrator to execute the document on behalf of the Board****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

b. Discuss summer meeting schedule

With the Labor Day holiday affecting the regular meeting schedule, the need for special meetings in June for performance evaluations, and with July and September each having five Mondays, the Board discussed and considered alternate meeting schedules as prepared by O'Keefe.

Martha Dale ***moved to adjust the schedule of regular Board meetings this summer by dropping the meetings scheduled for 9/2/2024 and 9/16/2024, and adding meetings on 6/20/2024, 6/27/2024, 9/9/2024 & 9/23/2024****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

6. Adjourn

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

The meeting was adjourned at 7:30 PM. The next regular meeting of the Selectboard is scheduled for 6/17/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved June 20, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, June 17, 2024
Town Hall, 139 Middletown Road, South Londonderry, VT 05155

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

Board Members Absent: None.

Town Officials: Town Administrator Shane O'Keefe, Zoning Administrator Will Goodwin, and Town Moderator Doug Friant.

Members of the Press: Shawn Cunningham of *The Chester Telegraph, GNAT-TV* videographer Ari Santos.

Others in Attendance: Approximately 130 members of the public attended, with the following actively participating that identified themselves: Paul Abraham, Tony Boston, Natalie Boston, Bonnie Cobb, Pete Cobb, Abe Crossman, Maya Drummond, Jeremy Dworkin, Terry Merrow, Megan Mosher Checkalski, Pamela J. Spaulding, Randy Stowell, Robert Wells, Steve Twitchell, Hillary Batchelor, Caroline Cating, Dominique Boutin, Marcia Camp, Susan Stoddard, and Jim Wilbur.

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 V.S.A. § 312(d)(3)(A)]**

There were none.

3. <u>PUBLIC HEARING</u> - Proposed Zoning Bylaw amendment establishing Unified Development Regulations **[24 V.S.A. § 4442(a) & 4444]**

James Fleming moved to open the public hearing on the proposed comprehensive revision of Londonderry's Zoning Bylaw to establish Unified Development Regulations, as received from the Planning Commission on May 1, 2024. Taylor Prouty seconded. Motion carried unanimously.

Town Moderator Doug Friant explained the purpose and procedures for a public hearing. Highlights included:

- This is for the Selectboard to collect public comment on the proposed zoning bylaws.
- Please be specific about your questions and comments, rather than using generalities.
- The Town must have zoning bylaws.
- The Selectboard and Planning Commission will use your questions and comments to make changes to the proposed bylaws to make them the best they can be.
- The Selectboard is the final voice here on the hearing process, not Town Meeting.
- The Selectboard wants to hear from all interested parties: voters, property owners, and business owners.

- Everyone gets to speak for five minutes maximum.
- After everyone has had a chance to speak, those who have already spoken may speak again, but this time for three minutes maximum.
- Please direct all comments and questions to the Moderator only; not toward anyone else. This will remove the possibility of making it personal.
- Please state your first and last name for the record.
- All comments must pertain to the proposed bylaws.
- At the end of the meeting, the Selectboard's options are as follows:
  - Adopt the bylaws as presented.
  - Warn a Town Meeting so the town can vote on the bylaws.
  - Reject the bylaws.
  - Take no action.
  - Make minor changes.
  - Make substantial changes.

Zoning Administrator Will Goodwin spoke briefly about the proposed zoning bylaws.

Mr. Friant opened the hearing to public comments. He read some comments and questions into the record that were submitted prior to the public hearing by the public and the Development Review Board. Members of the public presented their comments and questions. Mr. Goodwin responded to most of them by making suggestions that he will submit to the Selectboard and Planning Commission. Questions, comments, and answers shared during this portion of the hearing included:

- Firewood delivery and processing.
- The lack of ability to build a new fire station or emergency medical services building.
- Helicopter landing pads.
- Retaining walls and do-it-yourself versus professional projects.
- Multi-unit dwellings and mobile home parks.
- Short-term rentals.
- Camping, campers, campgrounds, tents, and other camping units.
- Maximum building height and allowances in village and rural areas, and how buildings' heights are measured.
- Holiday and outdoor lights.
- Clarifying that many of these restrictions are for commercial buildings, not homes.
- Seasonal and workforce lodging.
- Clarification on the regulations on tiny houses.
- Food trucks.
- Signs and flags.
- Equipment and vehicle repair outside of garages.
- Restrictions on using campers as dwellings.
- Swimming pool size.
- The number of vehicles (registered and unregistered) allowed on a property.
- Professional landscape design.
- Garage sales.
- The number of parking spaces on different types of properties.

- State regulations on abutting lots owned by the same person, and buildable lots.
- Driveway standards.
- Materials storage.
- Portable structures for permanent uses.
- How many employees are allowed at home occupations and home businesses.
- Quarries and stone manufacturing and trucking.
- Contractors' yards and storage.
- Changes to dimensional requirements for lots, lot sizes, setbacks, height of buildings, apartments, and building square footage are all changing.
- Provision that car wash doors must not face the road.
- Animal service / kennels, dog grooming regulations.
- Noise, pollution, and smoke regulations.
- Aquifers / districts / septic systems.
- Resorts are in the proposed bylaws.
- Noise ordinances.
- A suggestion to add more procedural language to the bylaws.
- Whatever seems unenforceable can be appealed to the Development Review Board.
- What "grandfathering" is, and how it is applied to bylaws.
- What happens when someone uses insurance to replace a fire-damaged home, and how does "grandfathering" affect the rebuilt home's size?
- New state regulations necessitate a need to change the bylaws. The Planning Commission has to make these changes to conform with the current Town Plan, and so they can draft the next Town Plan.
- The Selectboard will hold more public hearings to collect public comments. Either the Selectboard or the Planning Commission will approve a new draft, and that entity will hold another hearing after their approval.
- It is too early for the Selectboard to vote on these bylaws at this public hearing.
- These bylaws seem to be generic and made for another town. Reviewing them creates a lot of extraneous work.
- The Selectboard should listen to the will of the public.
- The need for the majority of these proposed bylaws, and why they are being revised now.
- Procedural questions and details.
- A reminder to participate in Town governance, and to join the Development Review Board and the Planning Commission.
- How the public can find out which boards have vacancies.

Town Administrator Shane O'Keefe explained that the Town Plan was implemented a number of years ago. Part of that Town Plan implementation process is to adopt new zoning regulations, as appropriate, to match the new Town Plan. Town officials have been working on this since 2018, with some COVID-related interruptions.

Mr. Fleming moved to close the public hearing. Mr. Prouty seconded. Motion carried unanimously.

The public hearing was closed at 6:38 PM.

4. Discuss next steps with proposed Zoning Bylaw amendment process

Mr. Fleming said he thought it was a productive meeting, that the Selectboard is making progress, and that Mr. Goodwin has a lot to take into consideration. He noted these things take time to do right.

Mr. Cavanagh reviewed the procedures: Once the Selectboard warns the public hearing, they have 150 days to adopt the proposed bylaws in some form; otherwise, the existing bylaws go back into effect. The Selectboard can have up to five public hearings within that timeframe, but that many is unlikely due to the immense amount of work that has to happen in-between. What is more likely is for there to be three public hearings. He said there will probably be a special meeting every week until October 25th.

Martha Dale said she appreciates the public comments. She thinks the Selectboard has a good start on a revised set of bylaws. She recommended the Selectboard work to get them ready by the October 25th deadline.

Mr. Prouty said it is imperative for the Selectboard to represent the will of the people, so the bylaws will not be something the Selectboard is inflicting upon the public.

Mr. Cavanagh said the Selectboard can pass a motion to reject the proposed bylaws and send them back to the Planning Commission. Then, they would receive the information from the public questions and comments. He noted he has nine additional pages of comments that he was not able to address at this hearing.

Mr. Cavanagh recommended the Selectboard reject these proposed bylaws and send them back to the Planning Commission. Unlike the Selectboard, the Planning Commission has no timeframe with which they must approve them, and they would have to hold only one public hearing before sending the proposed bylaws back to the Selectboard. Then, the Selectboard would hold a public hearing, too. It is possible to have multiple public hearings. The goal is to try to make many people happy, but not everyone will be happy.

Mr. Cavanagh noted that, during the entire time the Selectboard is going through this process, Mr. Goodwin has to use both sets of bylaws (the existing and the proposed). If something comes up and there is a conflict between the two sets, the project must be put on hold. One project may already be affected by this, and this affects contractors' ability to do their work in Londonderry. The only way to revert back to only using the existing set of bylaws is for the Selectboard to reject the proposed bylaws and send them back to the Planning Commission.

Bonnie Cobb recommended that when the Selectboard sends the bylaws back to the Planning Commission, they not hire the same consultant who drafted the current, proposed bylaws. Mr. Cavanagh asked Mr. Goodwin if he can draft new, proposed bylaws himself, without the use of a consultant. Mr. Goodwin responded: Yes.

Ms. Dale asked Mr. O'Keefe how long it will take should the Selectboard send the bylaws back to the Planning Commission. Mr. O'Keefe responded: This is unknown, and there are many factors that go into this work.

Mr. Cavanagh noted this process is not designed for the Selectboard to make a major overhaul of the bylaws; it is designed for making minor changes.

Bonnie Cobb asked if the Planning Commission can refuse to take back the bylaws for further work. Mr. Cavanagh responded: If they did, that would be a dereliction of duty. Mr. Prouty added: The Planning Commission acknowledges the proposed bylaws need work.

5. Consider taking action on proposed Zoning Bylaw amendment

Ms. Dale advocated for taking no action, pausing and collecting more information, and allowing Mr. Goodwin to make changes based on public comments.

Mr. Cavanagh advocated for rejecting the proposed bylaws.

Mr. Cavanagh moved to reject the proposed amendments to the Londonderry Zoning Bylaws as submitted by the Planning Commission, and send it back to the Planning Commission. Mr. Fleming seconded. Motion carried 3-1, with Cavanagh, Prouty and Fleming voting yea, and Dale voting nay.

6. Adjourn

Mr. Fleming moved to adjourn the meeting. Mr. Prouty seconded. The motion passed unanimously.

The meeting was adjourned at 7:07 PM. The next special meeting of the Selectboard is scheduled for 6/20/2024. The next regular meeting of the Selectboard is scheduled for 7/01/2024.

Respectfully Submitted,

Approved July 1, 2024

Wendy M. Levy
Minutes Taker

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Thursday, June 20, 2024
100 Old School Street, South Londonderry, VT 05155

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

Board Members Absent: Martha Dale.

Town Officials: Town Administrator Shane O'Keefe, Recycling Coordinator Esther Fishman, Transfer Station Supervisor Keith Barton, Transfer Station Staff member Steve Twitchell, Transfer Station Staff member Dana Griswold, Short-Term Rental Administrator Andy Dahlstrom, and Planning Commissioner Mimi Lines.

Members of the Press: Shawn Cunningham of *The Chester Telegraph,* and *GNAT-TV* videographer Bruce Frauman.

Others in Attendance: Anthony Boston, Judith Platt, Thomas Platt, Scott Ross, Pamela J. Spaulding, Anna Stoddard, Chad L. Stoddard, and Marty Trombetta.

Documents Presented at This Meeting:
- A letter of resignation from Dick Dale, dated 6/20/24, from his position on the Planning Commission.
- A notice of current Board, Committee, and Commission vacancies.
- A copy of the letter to property owners of parcel 103006.005 seeking to discuss conveyance of the property to the Town for flood control purposes, which was approved at the 6/3/2024 meeting.
- A letter of resignation, dated 6/4/2024, from Sarah Kiefer from her position as at-large member of the Mountain Towns Recreation Director Advisory Committee.
- A letter of thanks from the Health Care & Rehabilitation Services of Southeastern Vermont (HCRS) for the Town's annual contribution as approved at Town Meeting.
- An Act 250 Jurisdictional Opinion, dated 6/14/2024, indicating that short-term rentals on Under the Mountain and Cross Roads are subject to Act 250, and the letter requesting the Jurisdictional Opinion, dated 4/4/2024 and written on behalf of a neighbor, is also attached.
- A 6/12/2024 stipulation and settlement agreement between the Town and Vermont Woodchips on a notice of zoning violation issued several years back, where the appellant will pay the Town $14,000 in fines before the end of the fiscal year.
- A notice from the Vermont League of Cities and Towns (VLTC) on Act 133 regarding changes to the Vermont Open Meeting law.
- The monthly report from the Windham County Sheriff's Office for May 2024.
- A letter about the possible amendment to the consultant contract for the South Londonderry Master Plan Task Force.
- An excerpt from the consultant contract for the South Londonderry Master Plan Task Force

1. Call meeting to order

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

2. Additions or deletions to the agenda **[1 V.S.A. § 312(d)(3)(A)]**

Motion by Taylor Prouty to add to the agenda, as the last item under New Business, consideration of an additional request to use Town Hall. James Fleming seconded. Motion carried unanimously.

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

3a. ***Motion by Mr. Prouty to enter executive session to consider the evaluation or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Keith Barton, Dana Griswold, and Shane O'Keefe to attend the executive session. Motion carried unanimously.***

The Board entered into Executive Session at 6:02PM.
Dana Griswold left Executive Session at 6:07PM.
Keith Barton left Executive Session at 6:10PM.

The Board came out of Executive Session at 6:11PM.

3b. ***Motion by Mr. Prouty to enter executive session to consider the evaluation or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Keith Barton, Steve Twitchell, and Shane O'Keefe to attend the executive session. Motion carried unanimously.***

The Board entered into Executive Session at 6:12PM.
Steve Twitchell left Executive Session at 6:27PM.
The Board rose from Executive Session at 6:32PM.

4. Minutes Approval - Meetings of 6/3/2024 & 6/10/2024

Motion by Mr. Fleming to approve the minutes of the Selectboard meetings of June 3, 2024 and June 10, 2024. Mr. Prouty seconded. Motion carried unanimously.

5. Selectboard Pay Orders

Mr. Prouty moved to approve the pay orders for payroll and accounts payable. Mr. Fleming seconded. Motion carried unanimously.

6. Announcements / Correspondence

Town Administrator Shane O'Keefe shared and reviewed announcements and correspondence. They were as follows:

- Planning Commissioner Dick Dale resigned today.
- Elsie Smith resigned in January from the Planning Commission, effective June 1.
- There are many vacancies in Town Boards, Committees, and Commissions. The list is posted on the Town's website. Vacancies include:

  - Selectboard
  - Planning Commission
  - representative to the Windham Regional Commission
  - Town Hall Renovation Committee
  - Village Wastewater Committee
  - Housing Commission
  - Mountain Towns Regional Recreation Director Advisory Committee
  - Deerfield Valley Communications Union District Governing Board
  - Southern Vermont Communications Union District Governing Board
  - Deputy Health Officer
  - Esther Fishman also announced the Development Review Board needs an alternate member.
- A notice to property owners of parcel 103006.005 seeking to discuss conveyance of the property to the Town for flood control purposes, which was approved at the 6/3/2024 Selectboard meeting.
- A letter of resignation, dated 6/4/2024, from Sarah Kiefer from her position as at-large member of the Mountain Towns Recreation Director Advisory Committee.
- A letter of thanks from the Health Care & Rehabilitation Services of Southeastern Vermont (HCRS) for the Town's annual contribution as approved at Town Meeting.
- An Act 250 Jurisdictional Opinion, dated 6/14/2024, indicating that short-term rentals on Under the Mountain and Cross Roads are subject to Act 250, and the letter requesting the Jurisdictional Opinion, dated 4/4/2024 and written on behalf of a neighbor, is also attached. Mr. O'Keefe noted the Selectboard may soon see a related Act 250 application come in.
- A 6/12/2024 stipulation and settlement agreement between the Town and Vermont Woodchips on a notice of zoning violation issued several years back, where the appellant will pay the Town $14,000 in fines before the end of the fiscal year.
- A notice from the Vermont League of Cities and Towns (VLTC) on Act 133 regarding changes to the Vermont Open Meeting law. These changes are substantial, and further guidance will come out soon.
- The monthly report from the Windham County Sheriff's Office for May 2024.

7. Visitors and Concerned Citizens

There were none.

8. Town Officials' Business:

a) Short-Term Rental Administrator - Update on progress and discussion on procedures

Short-Term Rental Administrator Andy Dahlstrom gave his update. Highlights included:
- Only between 4.5-7% of the town's short-term rentals have been registered:
  - Six are complete.
  - Four inspections will be complete before Monday, June 24, 2024.
  - 11 applications will be finished by Monday, June 24, 2024.

- The Town has collected close to $4,000 so far in inspection fees.
- If everyone who hosted short-term rentals registered and paid the associated fees, it would bring the Town approximately $35,000 in revenue per year.
- If everyone who registered an unhosted short-term rental paid the associated $500 fee, it would bring the Town close to $100,000 in revenue per year.
- Right now, the ratio between hosted and unhosted short-term rentals is 4/1.
- Applications are due on July 1, which is when the registration requirements of the ordinance go into effect.
- The inspections required by the Fire Marshal began on March 1. This has had a significant effect on short-term rental owners. It has also brought necessary, and oftentimes expensive, repairs to the owners' attention.

Mr. Prouty asked Mr. Dahlstrom if there are a number of short-term rental units in a building that automatically triggers an inspection by the Fire Marshal. Mr. Dahlstrom responded: Yes. Originally, though, there was no number; all units were to be inspected according to the ordinance. But, that changed to 9-or-more with the most recent amendment to the ordinance, and this is consistent with the Division of Fire Safety's protocol.

Mr. Dahlstrom's update continued:

- He raised the question: How will the Town determine what constitutes a bedroom? Work continues on this issue.
- Inspections are going well. There has been no resistance from property owners. The only debate is regarding the bedroom-count.
- Something for the Selectboard to be aware of: the Town of Plymouth's short-term rentals ordinance is about to hit its three-year mark. They are filing their first batch of fines for non-compliance. This raises items for further discussion:
    - Should the Town offer grace periods or leniency?
    - More outreach is needed now that the ordinance has passed and will soon go into effect.
    - Mr. Dahlstrom spoke with Treasurer Tina Labeau about including a notice announcing the ordinance in the next tax bill mailing.

Mr. O'Keefe suggested the Town work with the Vermont Short-Term Rental Alliance to help with outreach to local members. Mr. Dahlstrom expressed reservations with doing this, because the VTSTRA is a business, and its model is to register every short-term rental in Vermont by charging the applicant a substantial fee to receive the VTSTRA's "approval." A discussion ensued.

Mr. Fleming asked how the Town can enforce the collection of fines. Mr. Dahlstrom responded: The Town will send them, as per the ordinance, a notice of violation for non-compliance. The fines increase the longer they are not paid. Mr. Cavanagh added: The property owners could lose their ability to have a short-term rental for a year if they are not in compliance.

A discussion ensued on what to do next after the ordinance goes into effect on July 1. Should the Town offer leniency or a grace period? The ordinance took longer to approve than anticipated. At their regular July 15 meeting, the Selectboard will take action on determining a grace period and leniency.

b) Recycling Coordinator - Consider amendment to the Ordinance to Regulate the Operation of Short-Term Rentals

Recycle/Transfer Station Coordinator Esther Fishman presented a suggestion to change the Short-Term Rentals ordinance, as well as signage related to it, to remind owners and guests about the town's trash and recycling requirements.

A discussion ensued.

Mr. Cavanagh opposed this suggestion because the ordinance is new and it could be confusing. Instead, he recommended providing information only for the first year, and then next year possibly changing the ordinance.

Ms. Fishman disagreed on the basis that making trash and recycling part of the ordinance now, from the beginning, is a better idea.

Mr. Cavanagh pointed out that changing an ordinance now would still take 60 days for adoption.

A discussion ensued on whether to change the ordinance, or to wait for state legislation to address the issue. The consensus among Board members was to keep the ordinance as-is for now, and provide short-term rental owners trash and recycling information. It was generally agreed to consider ordinance amendments next winter.

A discussion ensued on fire and safety concerns with short-term rentals, especially regarding ash cans.

c) South Londonderry Master Plan Task Force - Amend consultant contract

Mr. O'Keefe said the current contract indicates the work be completed by the end of June. The request is to amend the contract and change the end-date to November 30. This is so the Task Force does not have to meet in the summer, which presents challenges because of vacations.

Mr. O'Keefe referred to documents he provided the Selectboard on this subject. They are as follows:

- A letter on page 25 of the meeting packet.
- An excerpt from the consultant contract on page 26 of the meeting packet.

Planning Commissioner Mimi Lines pointed out the weather-related delays to completing the project. She said the Task Force wants to be thoughtful on the process and responsible to the public.

Motion by Mr. Prouty to accept the recommendation of the South Derry Master Planning Task Force to extend the completion date of the South Londonderry Master Plan through November 2024, and authorize the Town Administrator to amend the consultant contract accordingly. Mr. Fleming seconded. Motion carried unanimously.

9. Transfer Station / Solid Waste Management

a) Updates

Ms. Fishman asked if there was any response to the Request for Proposals that is due at the end of the month. Mr. O'Keefe responded: Not yet.

Recycle/Transfer Station Staff Steve Twitchell reported on the recent rat-eradication program: it is going very well. He said likewise for the compost program. Ms. Fishman cautioned about jumping worms.

10. Roads and Bridges

a) Updates

Mr. Prouty gave his report as follows:

- Mowing the roads is going well.
- A few culverts on Barker Road have been replaced.
- Other ongoing projects include additional culvert-replacements, which will be finished soon.

11. Old Business

a) Discuss participation in FEMA Hazard Mitigation Grant program (Building Elevation – 2486 & 2508 VT Route 11)

Steve Ross, property owner, spoke about his experience with the flooding of his properties at 2486 and 2508 VT Route 11, and trying to access government assistance with the damage. Highlights included:

- The FEMA Buyout program and whether he wants to participate in it.
- The disaster was a long ordeal which has greatly and negatively affected him.
- The buyout timeline does not work for him. He took out Small Business Administration loans related to the flood, and he must soon begin to pay them back.
- The FEMA Hazard Mitigation program allows for the Town to add to its tax base. Mr. Ross has a rental unit on the property that he wants to keep, and keep safe for his tenants.
- Mr. Ross only learned his properties were in the flood zone after he purchased them.
- Mitigation will raise the height of his cottage above the flood hazard zone. The other home, a modular home, should be removed because it is a hazard and it has been sitting there since last year's flood.
- The barn on his property is structurally good, but the foundation needs repair.
- Mitigation benefits both parties: him, and the Town.

Mr. Cavanagh noted the dam is a contributing factor, and a discussion for another day. He is not convinced that the elevation mitigation will happen faster than the FEMA buyout process. He wanted Mr. Ross to be forewarned about this.

A discussion ensued on the options for Mr. Ross's hazard mitigation projects, and others in town, and whether, and how much, the Town should be involved due to significant liability concerns due to the mitigation program process. Mr. O'Keefe noted the FEMA and state program could provide the Town project-management funds, plus a 5% administrative allocation.

A discussion ensued on the previous denials of FEMA and state hazard-mitigation funds in Londonderry, and why that may have happened.

Motion by Mr. Fleming to authorize the Town Administrator to submit a written expression of interest and application with Vermont Emergency Management's Hazard Mitigation Grant Program for the elevation of property located at 2486 & 2508 VT Route 11 owned by Scott Ross. This application would be in place of and replace the buyout application authorized by the Selectboard on March, 25, 2024. Mr. Prouty seconded.

A discussion ensued. Mr. Ross asked about the process for removing the other home on his property. Mr. Cavanagh responded: He did not know.

Vote on Mr. Fleming's motion: Motion carried unanimously.

b) Discuss participation in FEMA Hazard Mitigation Grant program (Building floodproofing – 2116 & 2136 North Main Street)

Mr. O'Keefe said he was contacted by the Windham Regional Commission (WRC) and the Brattleboro Development Credit Corporation (BDCC) about Judith and Thomas Platt's interest in flood-proofing their two buildings. The mitigation program grant funding was previously for 75% of the project, but now it covers 100% of project costs. Mr. O'Keefe said he gave the Selectboard information on the two hazard mitigation programs: for buyouts and for flood-proofing. This proposal is for flood-proofing. The initial cost for this project in 2013 was $350,000, and now it is likely quite a bit more. This project will help preserve these buildings from flooding.

Thomas Platt explained the process he and Judith Platt have gone through on this issue, including his attempts at working with local contractors, and the information they gave him on what would be needed to flood-proof their two buildings. He said the BDCC information was helpful. He noted he and Ms. Platt are providing rental housing to local workers and young adults.

Mr. Cavanagh recommended the Platts perform a benefit-cost analysis.

A discussion ensued on how the Selectboard and Town officials can support the Platts and other affected townspeople. Mr. O'Keefe pointed out that if anything goes wrong, the Town is liable due to the structure of the mitigation program. He also noted the Town must project-manage this, which includes issuing Requests for Proposals and other tasks.

Motion by Mr. Fleming to authorize the Town Administrator to submit a written expression of interest and application with Vermont Emergency Management's Hazard Mitigation Grant Program for the floodproofing of property located at 2116 & 2136 North Main Street owned by Thomas and Judith Platt. Mr. Prouty seconded. Motion carried unanimously.

c) Ratify 6/3/2024 decision to issue a 2nd Class Liquor License – Derry Downtown, Limited (The Garden Market & Restaurant)

Motion by Mr. Fleming to ratify the Board's 6/3/2024 decision to approve a 2nd Class liquor license for the Garden Market & Restaurant, related to property located at 2116 North Main Street. Mr. Prouty seconded. Motion carried unanimously.

12. New Business

a) Consider request to use Town Hall

Mr. O'Keefe explained the reason for request. This is a one-day event, hosted by the BDCC, to try to convince newcomers to move to Vermont by introducing them to people who already live here.

A discussion ensued on a potential conflict with the Playhouse's use of Town Hall. There is none; the Playhouse people will be gone by then.

Motion by Mr. Prouty to authorize use of the Town Hall for a day-long meeting by the Brattleboro Development Credit Corporation on Thursday, August 8, 2024, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town. Mr. Fleming seconded. Motion carried unanimously.

b) Consider request for use of Pingree Park and use of alcoholic beverages in a public place – Community lunch/event by James Ameden, Jr. & Anthony Boston

Mr. Boston presented his request. Highlights included:

- The purpose of this event is for the community to have a nice party.
- Mr. Boston's efforts to organize it.
- Other community parties Londonderry has had.
- Party details, such as food and beverages, the hours of the party (and the permit), insurance coverage, activities at the party, community collaborations, and possible fundraising.

Motion by Mr. Fleming to authorize the use of Pingree Park by, and grant a permit allowing the use and consumption of alcoholic beverages to, James A. Ameden, Jr. and Anthony Boston for a Londonderry Community Lunch on Sunday, June 30, 2024 from 12PM to 8PM, 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. Mr. Prouty seconded. Motion carried unanimously.

c) Consider request to use Town Hall

Mr. O'Keefe explained the Weston Theater Company's request. Highlights included:

- This group has used the building before, and they treated it well.
- The Selectboard had previously approved their usage for last month, with the stipulation that if it all went well, the Town would allow them to use it again.
- Everything went well.
- They are aware that on July 13, the Town has to set up for Town Meeting.

Mr. Cavanagh noted the Weston Theater Company had offered to pay for the day's electric bill, and they had alerted the Town to a leak in the building and they cleaned up the leak.

Motion by Mr. Fleming to authorize use of the Town Hall for a meeting of the Weston Theater Company on Saturday, June 22, 2024 from 9:00AM to 1:00PM, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town. Mr. Prouty seconded. Motion carried unanimously.

GNAT-TV videographer Bruce Frauman asked if the Town was planning to host a Candidates' Night. A discussion ensued, with Mr. Twitchell participating, on options, and who should host and organize it.

13. Adjourn

Mr. Fleming moved to adjourn the meeting. Mr. Prouty seconded. The motion passed unanimously.

The meeting was adjourned at 8:18PM. The next special meeting of the Selectboard is scheduled for 6/20/2024. The next regular meeting of the Selectboard is scheduled for 7/01/2024.

Respectfully Submitted,

Approved July 1, 2024

Wendy M. Levy
Minutes Taker

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

*** * ***

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, June 24, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty, and Jim Fleming.

Absent Board Members: Martha Dale.

Town Officials: Town Administrator Shane O'Keefe, and Road Foreman Josh Dryden.

Others in Attendance: Pamela Spaulding, James Ameden, Jr., Anna Stoddard, Chad Stoddard, and Joshua Vincent.

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)]

Jim Fleming ***moved to delete consideration of Selectboard Pay Orders****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

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 employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Joshua Vincent, Josh Dryden and Shane O'Keefe to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 5:02 PM, and Vincent left the executive session at 5:30 PM. The Board came out of executive session at 5:44 PM.

Taylor Prouty ***moved to hire Joshua Vincent to a full-time Road Crew position at a rate of pay of $26.50 per hour, plus benefits, plus a $50.00 per month cell phone stipend, subject to his acceptance of the Town's offer and completion of a probationary period of 6 months****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

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 Troy Maynard, Josh Dryden and Shane O'Keefe to attend the executive session****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

The Selectboard entered Executive Session at 5:46 PM, and Maynard left the executive session at 6:03 PM. The Board came out of executive session at 6:40 PM.

4. Town Officials Business

None.

5. Transfer Station/Solid Waste Management

a. Updates

None.

6. Roads and Bridges

a. Updates

Dryden mentioned he'd met with a representative of the Windham Regional Commission to go over Grans-in-Aid projects for FY 2023 and FY2024, the former including work on Rest Haven Road and Brophy Lane, and the latter involving Cody Road. All work must be done prior to 9/30/2024 and it was generally agreed that the work should be put out to bid to ensure timely completion. There was discussion on the technical aspects of the projects and the existing culvert inventory.

There was a discussion about the need to issue Invitations to Bid for road salt and for the grant-funded roadway edge lining. On the edge line painting, it was generally agreed that the priority roads were Thompsonburg Road/Main Street and Middletown Road, with Landgrove Road less critical due to planned paving operations the following year.

b. Review bids and award contract for FY2025 road paving

The Board reviewed the recent Invitation to Bid for paving services that included the following work:

Primary Bid:

Town Highway	Length (feet)	Width (feet)	Required Work
Melendy Hill RD (TH#27)	1,900	22	A, B
Windy Rise West (TH#49)	820	22	A
Scott Pet RD (TH#23)	428	20	A
Derry Woods RD (TH #16)	760	22	A

Bid Alternative 1:

Town Highway	Length (feet)	Width (feet)	Required Work
Melendy Hill RD (TH#27)	49	60	C
Brophy LN (TH#26)	23	30	C
Sherwood Forest (TH#66)	26	32	C
Reilly RD (TH#8)	28	39	c
Under the Mountain RD (TH#36)	60	50	C

REQUIRED WORK DESCRIPTION
A = 1.5" Shim + 1" overlay with Type IV asphalt
B = Two (2) manhole covers to be raised
C = 1.5" cover with Type IV asphalt at intersection with State highway

The Board reviewed and considered the following bids received:

		A	B	C	NOTES
	BID TABULATION	Primary	Alternative	Combined	
		Melendy Hill, Windy Rise West, Scott Pet, Derry Woods RDs	Melendy Hill, Brophy LN, Sherwood Forest, Reilly and UTM		
	Bidder				
1	Bazin Brothers Trucking, Inc.	$ 167,140	$ 25,650	$ 192,790	
	Westminster, VT	$122/ton	$285/ton		
2	Fuller Sand & Gravel, Inc.	$ 181,746	$ 14,350	$ 196,096	**1**
	Danby, VT	$138/ton	$175/ton		
3	Hunter Excavating, Inc.	$ 189,970	**<u>$ 11,466</u>**	$ 201,436	**2**
	South Londonderry, VT	$133.50/ton	**<u>$136.50/ton</u>**		
4	Springfield Paving	**<u>$ 148,734</u>**	$ 20,250	**<u>$ 168,984</u>**	**3**
	Claremont, NH	**<u>$103.82/ton</u>**	$225/ton		
5	Wilk Paving, Inc.	$ 171,600	$ 23,240	$ 194,840	
	Westminster, VT	$130/ton	$280/ton		
	NOTES		Low bids are **<u>bold underlined</u>**		
	1. Plus $45/ton for shouldering.				
	2. Intent is to use drop-in riser rings to raise manhole covers.				
	3. To be billed on actual tonnage used.				

Jim Fleming ***moved to accept the bid from Springfield Paving for FY2025 paving for all work specified, and to authorize the Town Administrator to execute all necessary documents to employ the contractor, including a service contract****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. Review bids and award contract for FY2025 winter sand

The Board reviewed the recent Invitation to Bid for winter sand of 3,000 cubic yards (CY), which is a reduction from 4,000 CY in FY2024, and the Board considered the following bids:

	SAND ONLY		**SAND DELIVERED**	
Bidder	$/CY	Total Cost	$/CY	Total Cost
Hunter Excavating, Inc.	$25.50	$76,500	$25.50	$76,500
Supply Location: So. Londonderry, VT				
Bazin Brothers Trucking, Inc.	$17.95	$53,850	$26.70	$80,100
Supply Location: Walpole, NH				

It was noted that a late bid was received but not reviewed.

Taylor Prouty ***moved to accept the bid from Hunter Excavating, Inc. for FY2025 supply of winter sand, and to authorize the Town Administrator to execute all necessary documents to employ the contractor, including a service contract****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

7. Adjourn

Jim Fleming ***moved to adjourn the meeting****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

The meeting was adjourned at 6:58 PM. The next regular meeting of the Selectboard is scheduled for 7/1/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved July 1, 2024.

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, July 1, 2024 - 6 PM
100 Old School Street, South Londonderry, VT 05155

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

Board Members Absent: none

Town Officials: Town Administrator Shane O'Keefe, Treasurer Tina Labeau, Housing Commissioner Patty Eisenhaur, Town Clerk Kelly Pajala, Zoning Administrator Will Goodwin, Housing Commissioners Patty Eisenhaur and Bill Sinsigalli, and Mountain Towns Recreation Director Liam Elio.

Members of the Press: *GNAT-TV* videographers Bruce Frauman and Andrew McKeever.

Others in Attendance: James Ameden, Jr., Anthony Boston, Regina Downer (Weston), Paul Hendler, Pamela J. Spaulding, Anna Stoddard, Chad L. Stoddard, and Marty Trombetta.

Documents Presented at This Meeting:
- North Star Health Community Health Worker for Londonderry job listing.
- An invitation from the Office of U.S. Representative Becca Balint to a July 2 event in Londonderry.
- Planning Commission application for appointment: Maya Drummond
- Planning Commission application for appointment: Brent C. Bammarito
- Planning Commission application for appointment: Anthony Boston
- Planning Commission application for appointment: Justin Gibbs
- Planning Commission application for appointment: Pamela J. Spaulding
- Planning Commission application for appointment: Chad L. Stoddard
- Planning Commission application for appointment: Trevor Powers

Tasks for Selectboard Members Before the Next Meeting:
- Martha Dale will bring a card to the next Selectboard meeting, thanking Planning Commissioners who recently resigned.
- Mr. Cavanagh will contact the backhoe dealer.

1. Call meeting to order

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

2. Additions or deletions to the agenda [1 V.S.A. § 312(d)(3)(A)]

Motion by James Fleming to add to the agenda, as the last item under Old Business, a discussion of the Williams Dam Advisory Committee charge. Taylor Prouty seconded. The motion passed unanimously.

3. Minutes Approval - Meetings of 6/17/2024, 6/20/2024, and 6/24/2024

Motion by Mr. Prouty to approve the minutes of the Selectboard meetings of June 17, 2024, June 20, 2024 & June 24, 2024. Martha Dale seconded. The motion passed unanimously.

4. Selectboard Pay Orders

Motion by Ms. Dale to approve the pay orders for payroll and accounts payable. Mr. Fleming seconded. The motion passed unanimously.

5. Announcements / Correspondence

- Early and Absentee Voting

Town Clerk Kelly Pajala announced early and absentee voting for the August primary elections is now available. Interested parties may contact her office by phone or email, or they can use the My Voter webpage. She noted that ballots have already been sent to people who previously requested them, so anyone who made a request but has no ballot should contact her office.

- From the Town Administrator

Town Administrator Shane O'Keefe made the following announcements:

- To date, Londonderry has received $487,087 in FEMA (Federal Emergency Management Agency) reimbursements, which is well ahead of most other communities. Mr. O'Keefe thanked Bill Kearns, Treasurer Tina Labeau, and everyone else involved in securing those funds.

- There are many vacancies for Town boards, committees, and commissions. Mr. O'Keefe will post a new vacancy notice at the Post Office and on the Town website.

- The Town received an invitation from the Office of U.S. Representative Becca Balint, dated 6/27/2024, giving notice of a gathering on July 2 at the New American Grill at 11:00 AM where she and Senator Welch will discuss flood recovery and some of the challenges and successes the Town has experienced. This will be followed at 11:15 AM with a discussion with members of the community.

- From the Parks Board

Ms. Pajala made an announcement about French Music Mondays, to be held at Pingree Park, starting on Monday, July 8.

- From the Selectboard Chair

Mr. Cavanagh announced Spray Guard is coming to Town Hall to fix the foundation leak in the bathroom. The man from Spray Guard said that if the bathroom leaks again, he will fix it for free.

- From Liam Elio

Mr. Elio announced adult sports events:
- Kickball on Friday nights.
- Softball on Sundays.
He said social media would have more details.

6. Visitors and Concerned Citizens

Regina Downer from Weston was at the meeting to represent the My Community Nurse Project. She announced a new position at North Star, the supervising company for Springfield Hospital, for a Community Health Worker. This is a non-credentialed position, she stated. Ms. Downer distributed a document with the job description to Selectboard members, and reviewed its details. She noted this service is billable to Medicaid and Medicare, and the Project does not bill clients. The Project accepts donations from the community. She reviewed the My Community Nurse Project mission statement.

Ms. Dale encouraged Ms. Downer to work collaboratively with the person filling this new position.

7. Town Officials' Business:

a) Discuss Planning Commission resignations

Mr. Cavanagh said the Town received a number of resignation letters, and they are included in the meeting packet, which is available online.

Ms. Dale said she would like the Selectboard to process these resignations and focus on communications between the Selectboard and the Planning Commission. She noted the Planning Commissioners indicated they felt that communication issues got in the way of their work. The Selectboard should think about why there was a mass resignation from the Planning Commission, and discuss points raised in the letters. Mr. Cavanagh agreed.

A discussion ensued. Highlights included:

- Planning Commissioners felt unsupported by the Selectboard during the five-year Bylaw revision process.
- How can the Selectboard be more supportive of the Planning Commission's work?
- A reminder that the Planning Commissioners are volunteers.
- Is the Town adequately training new Planning Commissioners?
- There are currently seven Planning Commission vacancies.
- Is the Selectboard's process for advertising, collecting applications, and appointing new members clear and open enough, especially to welcome new faces who do not normally serve on Town boards?
- More resignations arrived in the few days before this Selectboard meeting.
- The Selectboard should discuss what they learned from the resignations and applications.
- Whose job is it to initiate communications? The Selectboard members', or the Planning

Commissioners'?
- A discussion ensued on whether the Selectboard will have a representative on the Planning Commission.
- State Statute has a provision for the Planning Commission to have a Selectboard member serve as a non-voting member on the Commission.
- Some Planning Commission members served for a long time, and they may have resigned for different reasons.
- The Selectboard should recognize the Planning Commission's hard work, especially long-time members. How should the Selectboard do this? Ms. Dale agreed to bring a card to the next Selectboard meeting.
- Can there be a liaison between the Planning Commission and the Selectboard?
- Options for outreach and recruiting a diverse array of applicants.

There was discussion about how to provide appropriate recognition for the Planning Commissioners that resigned, and Ms. Dale will bring a card to the next meeting for the Board to sign.

b) Planning Commission – Consider appointments to fill vacancies

Mr. O'Keefe announced there are eight applications, and he may receive more.

Chad Stoddard asked who can apply for these positions. He asked what kind of expertise is needed, and what kind of expertise previous Planning Commissioners had. Mr. Cavanagh and Ms. Dale said they cannot answer that.

Ms. Pajala said the Vermont League of Cities and Towns (VLCT) can perhaps come to Londonderry to give a training session for Planning Commissioners.

c) Mountain Towns Recreation Director Advisory Committee – Consider appointment to fill vacancy

Mr. Elio thanked Sarah Kiefer for her service as a previous Mountain Towns Rec. Director Advisory Committee member. The Board reviewed and discussed the application for appointment from Rick Porcello, a former major league baseball player very interested in promoting youth sports.

Motion by Mr. Fleming to appoint Rick Porcello as the Town's Community Member At-Large to the Mountain Towns Regional Recreation Director Advisory Committee. Ms. Dale seconded. The motion passed unanimously.

d) Londonderry Housing Commission – Consider annual appointments

Bill Sinsigalli said he was seeking reappointment.

Patty Eisenhaur, the Chair of the Housing Commission, recommended the Selectboard reappoint Mr. Sinsigalli. She said he was a great member of the Commission.

Motion by Mr. Prouty to reappoint Bill Sinsigalli to the Londonderry Housing Commission for a 3-year term extending to 6/30/2027. Mr. Fleming seconded. The motion passed unanimously.

Mr. Cavanagh announced there is an open seat for a Selectboard member on the Housing Commission. Ms. Dale expressed interest in serving.

Motion by Mr. Fleming to appoint Martha Dale as the Selectboard representative to the Londonderry Housing Commission for a one-year term, extending to June 30, 2025. Mr. Prouty seconded. The motion passed unanimously.

A discussion ensued on having a Planning Commissioner on the Housing Commission.

A discussion ensued on how the Planning Commission resignations affect Housing Commission membership.

8. Transfer Station / Solid Waste Management

a) **Updates**

Ms. Labeau announced the Transfer Station would be closed on July 4 and July 5.

9. Roads and Bridges

a) Updates

Mr. Prouty gave his updates as follows:
- The Rest Haven Road culverts were completed.
- There is a rumor that more FEMA money is coming for the Rinehart Road box culvert. Mr. O'Keefe noted FEMA is working to fund it through the Public Assistance Program, rather than making Londonderry go through the complex mitigation program. He said he hopes FEMA will do this.
- Mr. O'Keefe said the Barker Road project is a separate mitigation project, and the Selectboard must talk about this, and other mitigation projects, soon, perhaps at the next Selectboard meeting. Applications for these projects are due in mid-August.

A discussion ensued on specifications and the possible cost of the Rinehart Road box culvert. Mr. Cavanagh and Mr. Prouty thanked Bill Kearns for his work securing the FEMA funding.

Mr. Prouty continued his report, as follows:
- Other upcoming items include backhoe and truck maintenance, access permits, and paving. Mr. O’Keefe is in the process of drafting the contract with the paving company. Regarding the new backhoe still on order, Mr. Cavanagh will call the dealer.

Paul Hendler asked about the "never-ending bottomless pit" on Rt. 100. A discussion ensued. Mr. Cavanagh said there have been plans for years to install a box culvert, but the Vermont Agency of Transportation is awaiting funding for this complicated project.

b) Access Permit 2024-06, 252 Glebe View Road, Parcel 045001.000

Mr. Prouty indicated this item merits discussion because it relates to other, similar projects. He said this is not for a driveway-cut. It is related to a conduit for underground electric service. The Town has no specific protocols for underground road access.

Mr. O'Keefe explained that, as per statute—possibly 19 V.S.A. § 1111—the Selectboard has authority over any use of a Town highway. He said the Town should update its forms to include underground access on Town roads.

A discussion ensued on Green Mountain Power's standards for conduit casing, whether to require metal or concrete conduit casing, the conduit's measurements, and how the conduits relate to the ditch and to the road.

Motion by Mr. Prouty to approve access permit application No. 2024-06, submitted by Josh Wylie of Wylie Construction on behalf of Jamie and David Deming, and related to Glebe View Lane (Town Highway #45) in the vicinity of 252 Glebe View Lane, to 1) install new utility conduit and/or cable below and crossing the travelled portion of Glebe View Lane by way of trenching in 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) the Green Mountain Power Corporation signing as a 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 grade of the ditch 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 48 inches below the finished grade and encased in either metal conduit or 4 inches of concrete in keeping with Green Mountain Power's standard design 2125 for typical trench cross section; 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.
Ms. Dale seconded Mr. Prouty's motion. The motion passed unanimously.

c) **Access Permit 2024-08, Under the Mountain Road, Parcel**

Mr. Cavanagh pointed out there is no parcel number for this application.

Mr. Prouty responded: The applicant is Green Mountain Power. For a variety of reasons, the utility has to replace the service across the road from the residence based on a long-standing agreement. Green Mountain Power is the applicant, not the owner, because they own the primary service from the pole, then under the road, to where the resident's secondary service begins. Mr. Prouty noted that, again, the Town does not have a clear application process for this type of project.

Mr. O'Keefe recommended that because the utility is replacing the pole, the Selectboard require they remove the old pole within six months from the beginning of service. A discussion ensued.

Motion by Mr. Prouty to approve access permit application No. 2024-08, submitted by the Green Mountain Power Corporation on behalf of Catherine Sullivan, and related to Under the Mountain Road (Town Highway #36) in the vicinity of 994 Under the Mountain Road to 1) install new utility

conduit and/or cable below and crossing the travelled portion of Under the Mountain Road by way of trenching 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) all conduit located parallel to the Town Highway being buried a minimum of 24 inches below the ditch level grade and no closer than 24 inches from the travelled portion of the road; 2) all conduit crossing the Town Highway be buried a minimum of 48 inches below the finished grade of the roadway and encased in metal conduit or 4 inches of concrete in keeping with Green Mountain Power's standard number 2125 describing the typical trench cross section; 3) any poles to be replaced must be removed within 6 months of installation and use of the new pole; 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. Ms. Dale seconded. The motion passed unanimously.

10. Old Business

a) Ratify 6/20/2024 to authorize use of Town Hall for Weston Theater Company

Mr. Fleming asked Town staff to confirm there are no conflicts. Confirmation was provided.

Motion by Mr. Fleming to ratify the Board's June 20, 2024 decision to authorize use of the Town Hall for a meeting of the Weston Theater Company on Saturday, June 22, 2024 from 9:00AM to 1:00PM. Ms. Dale seconded. The motion passed unanimously.

b) Williams Dam Advisory Committee – Discuss Committee charge

A discussion ensued on the Committee's deadline for providing a recommended course of action for dam alternatives. Mr. O'Keefe recommended the Selectboard give them two weeks.

Motion by Mr. Fleming to amend the charge given to the Williams Dam Advisory Committee, originally approved by the Selectboard on April 3, 2023, and last amended on February 19, 2024, to allow for the deadline for providing a recommended course of action with regard to alternatives for the dam to be extended from July 1, 2024 to July 14, 2024. Ms. Dale seconded. The motion passed unanimously.

Mr. O'Keefe noted this Committee is meeting next on July 2.

11. New Business

a) Review FY2023 Town Audit

Upon Ms. Dale's request, Ms. Labeau reviewed the auditor's findings of deficiencies, recommendations, and responses. They were as follows:
- New software.
- A transportation inventory, with oversight.
- Policy for the general journal, with oversight.

Ms. Dale requested the auditing company send a representative to the Selectboard once or twice per year to review the audit, and for the Selectboard to get their feedback. This can happen remotely.
Ms. Labeau noted the auditors will be at the Town Offices on August 15 and 16.
Mr. O'Keefe confirmed Ms. Dale's request is not uncommon.

Motion by Ms. Dale to accept the FY2023 Town Audit as presented. Mr. Fleming seconded. The motion passed unanimously.

b) Approve auditor engagement letter – Sullivan, Powers & Co., Inc.

Ms. Dale asked how often the Town seeks other auditing firms. She said it is good practice for the due-diligence of putting the work out to bid every five years or so, even if the Town ends up contracting with the same firm.

Mr. O'Keefe responded: The Town can do this next March.

Motion by Ms. Dale to approve the engagement letter with Sullivan, Powers & Co., Inc. to conduct a partial audit for Fiscal Year 2024, and authorize the Selectboard Chair to sign the document on behalf of the Board. Mr. Fleming seconded Ms. Dale's motion. The motion passed unanimously.

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

Motion by Mr. Prouty to enter executive session to consider the evaluation or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Shane O'Keefe and Tina Labeau to attend the executive session. Mr. Fleming seconded. The motion passed unanimously.

The Board entered Executive Session at 7:22 PM.
Ms. Labeau and Mr. O'Keefe exited Executive Session at 8:06 PM.
Mr. O'Keefe joined Executive Session at 8:36 PM.
The Board came out of Executive Session at 8:53 PM.

d) Consider employee compensation matters

Motion by Mr. Prouty, regarding rates of employee pay, to increase Road Crew member Troy Maynard to $25.75/hour, and add a $50.00/month stipend for cell phone. Secondly, to increase Josh Dryden to $30.25/hour, and, thirdly, to increase the annual salary for Shane O'Keefe to $73,500.00, effective with the present pay period. Mr. Fleming seconded. The motion passed unanimously.

12. Adjourn

Motion by Ms. Dale to adjourn the meeting. Mr. Fleming seconded. The motion passed unanimously.

The meeting was adjourned at 8:55 PM. The next regular meeting of the Selectboard is scheduled for July 15.

Respectfully Submitted,

Wendy M. Levy
Minutes Taker

Approved July 15, 2024

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, July 15, 2024
100 Old School Street, South Londonderry, VT 05155

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

Board Members Absent: none

Town Officials: Town Administrator Shane O'Keefe, Lister Sandra Clark, Zoning Administrator Will Goodwin, Assessor Jeremiah Sund, Housing Commissioner Patty Eisenhaur, Treasurer Tina Labeau, Town Clerk Kelly Pajala, Recycling Coordinator Esther Fishman, Road Foreman Josh Dryden, Conservation Commission Chair Irwin Kuperberg, Mountain Towns Recreation Director Liam Elio, Short-Term Rental Administrator Andy Dahlstrom, Williams Dam Advisory Committee members Rachel Febbie and Paul Hendler.

Members of the Press: *GNAT-TV* videographer Bruce Frauman

Others in Attendance: James Ameden, Sr., Marcia Camp, Maya Drummond, Emily Shore, Pamela J. Spaulding, Chad L. Stoddard, and Anna Stoddard.

Documents Presented at This Meeting:
- Email dated July 1, 2024, from Jeremiah Sund, Londonderry Assessors Office
- Vermont League of Cities & Towns Municipal Assistance Center Information Sheet: Abatement of Homestead Declaration Penalties
- Town of Londonderry Williams Dam Advisory Committee DRAFT meeting minutes July 2, 2024
- Vermont Statute: Title 24: Municipal and County Government; Chapter 117: Municipal and Regional Planning and Development
- Listing on Front Porch Forum, Londonderry Peru Winhall Forum, Issue No. 1418, Jul 3, 2024: Notice from Shane O'Keefe announcing vacancies on the Londonderry Planning Commission
- Application for the Planning Commission from Maya Drummond
- Application for the Planning Commission from Brent C. Bammarito
- Application for the Planning Commission from Anthony Boston
- Application for the Planning Commission from Justin Gibbs (x2)
- Application for the Planning Commission from Pamela J. Spaulding
- Application for the Planning Commission from Chad L. Stoddard
- Application for the Planning Commission from Trevor Powers
- Application for the Planning Commission from William Sinsigalli
- Application for the Planning Commission from Thomas Kauffmann
- Application for the Planning Commission from Andrew Phinney
- Vermont Statute: Title 32: Taxation and Finance, Chapter 003: Fiscal Officers and Commissions, Subchapter 003: Auditor Of Accounts
- Vermont Statute: Title 24: Municipal and County Government, Chapter 051: Finances; Accounts and Audits
Subchapter 002: Town Treasurer; Accounts; City Accounts

- Vermont Statute: Title 24: Municipal and County Government, Chapter 033: Municipal Officers Generally Subchapter 003: Organization of Selectboard; Appointments; Powers - 2023 Financial Management Questionnaire - Towns and Cities
- Letter from Casella Waste Management to Esther Fishman, dated June 27, 2024, RE: Request for Proposal (RFP) for Hauling and Disposal Service of Municipal Solid Waste, Construction and Demolition Debris and Recycling Hauling.
- Map from Vermont Agency of Natural Resources, re: Access Permits #2024-01 & #2024-02
- Email from Will Goodwin to Marisa Stephens, dated July 10, 2024, re: Rest Haven Rd (08-July-2024)
- Two Town Highway Access Permit Application Forms, received 3/7/2024, from Christopher and Marisa Stephens, re: Parcel ID No. 110028.001 and Parcel ID No. 110028.004
- Site Plan for 370 Rest Haven Road.
- Invitation to Bid, RFP No. 2024-05, dated July 8, 2024, Project: FY2025 Road Salt
- Bid Proposal Form, dated July 9, 2024, for Road Salt Supply and Delivery, from Apalachee, LLC
- Bid Proposal Form, dated July 10, 2024, for Road Salt Supply and Delivery, from American Rock Salt Co., LLC
- Email, dated July 7, 2024, from Mark Frayne to Shane O'Keefe, subject: Deputy Health Officer
- Vermont Department of Health Deputy Town Health Officer Recommendation Form
- Vermont Department of Health: Town Health Officer Appointments guide, dated February, 2024
- Act 154 Good Standing Certification, signed by Town Administrator Shane O'Keefe, dated 7/9/2024
- Section 13 of Act 154 of 2016 – Certification for Grants
- 2024 Open Meeting Law Changes Act 133 FAQs
- Windham County Sheriff's Report for June, 2024
- Williams Dam Advisory Committee Recommendation Letter, from Rachel Febbie, July 15, 2024
- Internal Financial Controls Checklist for Municipalities - Cities and Towns
- Short-Term Rental Notice to send with the tax bills
- A chart with all approved Town Meeting articles that require funding, the tax needed to pay for them, the effect on the tax rate, and how much each article will collect in taxes from properties of four different assessed values; dated July 15, 2024
- A chart with the salaries of various employees, and what their salaries would be with the budgeted 3.2% cost-of-living raise and a 5% raise

1. Call meeting to order

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

2. Additions or deletions to the agenda **[1 V.S.A. § 312(d)(3)(A)]**

Motion by Taylor Prouty to delete from the agenda the New Business matters with the Mountain Towns Recreation Director. James Fleming seconded. Motion passed unanimously.

Motion by Mr. Prouty to add to the agenda, as the last matter under Old Business,

consideration of a date to commence enforcement of Short-Term Rental fines for late registration. James Ameden, Jr., seconded. Motion passed unanimously.

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

a. ***Motion by Martha Dale to enter executive session to consider the evaluation or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Jeremiah Sund and Sandra Clark to attend the executive session. Mr. Prouty seconded. Motion passed unanimously.***

The Board entered into Executive Session at 5:02PM.
Mr. Sund and Ms. Clark left Executive Session at 5:10PM.
The Board exited Executive Session at 5:15PM.

b. ***Motion by Mr. Prouty to enter executive session to consider the evaluation or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Will Goodwin and Esther Fishman to attend the executive session. Mr. Fleming seconded. Motion passed unanimously.***

The Board entered into Executive Session at 5:17PM.
Mr. Goodwin and Ms. Fishman left Executive Session at 5:32PM.
The Board exited Executive Session at 5:34PM.

c. ***Motion by Mr. Prouty to enter executive session to consider the evaluation or employment of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Kelly Pajala and Tina Labeau to attend the executive session. Mr. Fleming seconded. Motion passed unanimously.***

The Board entered into Executive Session at 5:37PM.
The Board exited Executive Session at 6:08PM.

Motion by Ms. Dale to acknowledge the appointment of Allison Marino as Assistant Town Clerk, and set a starting hourly rate of pay of $20.00, effective July 2, 2024. Mr. Fleming seconded. Motion passed unanimously.

4. Minutes Approval – Meeting(s) of 7/1/2024

Motion by Mr. Fleming to approve the minutes of the Selectboard meeting of July 1, 2024. Mr. Ameden seconded. Motion passed unanimously.

5. Selectboard Pay Orders

Motion by Ms. Dale to approve the pay orders for payroll and accounts payable. Mr. Ameden seconded. Motion passed unanimously.

6. Announcements/Correspondence

Mr. Cavanagh welcomed James Ameden, Jr., as the new Selectboard member.

Town Administrator Shane O'Keefe announced he would be on vacation next week and the week after. He pointed out some items in the Selectboard meeting packet:

- The Act 154 Good Standing Certification, which Mr. O'Keefe signed on the Town's behalf. This document's subject is pesticides.
- Information on Act 133, which made changes to Open Meeting Law. This should go on the agenda for a future Selectboard meeting.
- The June, 2024 Windham County Sheriff's report

Town Clerk Kelly Pajala announced absentee ballots for the August primary are now available, and voters can call, email, or visit her office to get one.

7. Visitors and Concerned Citizens

There were none.

8. Town Officials' Business:

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

Assessor Jeremiah Sund and Lister Sandra Clark spoke about the process for filing a Homestead Declaration, and the process for issuing penalties.

A discussion ensued on options for, and types of, penalties. There is no guiding policy in place now. The Assessor and Listers recommend a policy for next year because the tax bills are about to go out, and Treasurer Tina Labeau works hard on the tax bills and their mailing.

Motion by Mr. Ameden to waive the homestead penalty as provided for under 32 V.S.A. 5410(g) & 5410(j). Ms. Dale seconded. Motion passed unanimously.

b) Williams Dam Advisory Committee – Recommendation on the future of the Williams Dam

Committee members Paul Hendler and Rachel Febbie spoke about the history of the committee, options for what to do about the Williams Dam, and the cost and feasibility of these options. The Williams Dam Advisory Committee, after much debate at their meetings, voted 3-2 to recommend repairing the dam. Fire safety was an over-riding factor in their decision.

Ms. Febbie read from a prepared statement, which she submitted to the Selectboard. She said she has further information for the Selectboard, if they would like it, to support the Committee's decision.

Emily Shore, who lives downstream from the dam, would like the Town to repair the dam. She expressed concerns about its removal and how that could affect her home, its insurance, infrastructure, and property value. She wanted to know if the Town would be responsible for damage and the possible increase in her insurance costs.
A discussion ensued on the possible ramifications of removing the dam. Mr. O'Keefe recommended getting more information from experts on the possible ramifications of the different options.

Mr. Cavanagh said it is not on the agenda for the Selectboard to make decisions at this meeting about the dam.

Ms. Pajala said there is an upcoming meeting with the RIVERS Project, and they may be able to help with flood mitigation. Mr. Cavanagh noted a river corridor study is coming out soon.

A discussion ensued on the Mill Pond's use for fire safety. Jim Ameden, Sr., Londonderry Fire Chief, spoke about the importance of the Mill Pond for fire safety.

Irwin Kuperberg spoke about his concerns with the committee's process, and how the Selectboard chose the committee members. Mr. Kuperberg said that the Board's selection of at least two, and possibly three, out of five members with a very clearly established public position against dam removal was an inappropriate way to obtain impartial advisement, especially when there was at least another candidate who offered to serve on the committee. And that this bias was reflected in the Advisory Committee's published minutes.

c) Planning Commission – Consider appointments to fill vacancies

Mr. Cavanagh announced the Selectboard had received three more applications for the Planning Commission today.

Ms. Dale said she did not think sending cards to the former Planning Commissioners was the best way to acknowledge them. She thought reading a statement into the official record would keep it in perpetuity.

Ms. Dale read a statement that she requested go into the minutes, as follows:
"We want to recognize and thank the members of the Londonderry Planning Commission for their years of service to our Town: Sharon Crossman, Larry Gubb, Mimi Lines, Elsie Smith, Maryann Morris, Richard Dale, and Heather Stephenson."

Ms. Dale spoke about her ideas for ideal skills and abilities of Planning Commissioners:

- Urban design / town planning
- Property development
- Service on non-profit boards
- Math skills
- Understands Open Meeting Law
- Experience writing grants

- Visioning and a forward-looking mentality
- Experience with community outreach
- Has in mind economic viability values
- Can suspend their own beliefs and believe experts
- Collaborative
- Capacity to learn
- Can mentor others

Mr. Cavanagh added: the applicants should love Londonderry.

Mr. Cavanagh said that because applications are still coming in, the Selectboard should take time to review and interview applicants, and make a decision on appointments at a later date.

Anna Stoddard said she thinks it is ridiculous that the Selectboard is delaying a decision. She disagreed with Ms. Dale's wish to use criteria when choosing new Planning Commissioners. She reminded the Selectboard that these people are volunteers; they are not applying for a job.

A discussion ensued on whether or not the applicants should fit the criteria, the selection process, and the deadline for applying.

Mr. Cavanagh said the Selectboard will set a Special Meeting for applicant interviews at their August 5th meeting.

Motion by Ms. Dale that the Selectboard has an application deadline for new potential Planning Commission applicants to be August 2nd. Mr. Prouty seconded. Motion passed unanimously.

d) Town Treasurer – Receive & review Treasurer's internal financial control document [24 V.S.A. 872(c)]

Mr. O'Keefe said these documents are required to be submitted every year.

Ms. Labeau invited all Selectboard members to attend financial trainings with her.

Ms. Labeau announced Fairpoint Communications, for no reason, recently raised the phone rates, which affects the Transfer Station, too. She will explore other, more cost-effective options, including phone service that could bring internet to the Transfer Station. A discussion ensued on these options.

Motion by Ms. Dale 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). Mr. Ameden seconded. Motion passed unanimously.

9. Transfer Station / Solid Waste Management

a) Updates

Esther Fishman spoke about the new dual-stream recycling system, in which cardboard and mixed paper are supposed to be separated to avoid contamination and allow the Town to earn revenue on the mixed paper. When cardboard is included, the Town loses money because the mixed paper is considered contaminated. She spoke with Casella Waste Management about options, including getting a new compactor. It would require a concrete pad and electricity for it, but it would save the Town more than $23,000 per year.
A discussion ensued on whether the compactor would require three-phase or two-phase electricity.
A used compactor is available, which only needs two-phase power, and it would cost $40,000, which will pay for itself in about two years. The other option, which is not feasible, is to keep Transfer Station users from putting cardboard in the mixed-paper bin.

Ms. Fishman said Casella will make changes to their bid.

b) Review bid and award contract for solid waste management services

Ms. Fishman said the current solid waste contract ends on August 13. A discussion ensued on how to proceed with a new solid waste contract. It must be decided at the next Selectboard meeting. The Selectboard must also decide whether to purchase or rent a compactor. Ms. Fishman will provide details to the Board at the next meeting.

10. Roads and Bridges

a) Updates

Josh Dryden gave his report on updates to work done on roads and bridges as follows:

- The Highway Department has repaired a few culverts.
- They have removed trees.
- The new truck is in Maine being built, and he has no further information at this time.
- The backhoe is ready to be delivered, but the bucket is back-ordered and should be ready on July 22nd.
- A used compact tractor is available for parks and recreation usage, and the asking price is $19,500.

A discussion ensued on the possible uses for the compact tractor, funding sources for its purchase, and the possibility of saving money by using it on jobs the Town currently has outside contractors doing. Mountain Towns Recreation Director Liam Elio shared many ideas for how Parks & Recreation can use the tractor, and Parks & Recreation can bring their own recommendations to the Selectboard. The Selectboard may discuss this at their next meeting.

b) **Access Permit 2024-01 & 2024-02, Rest Haven Road, Parcels 110028.001 & 110028.004**

Mr. O'Keefe gave some background on this item. This is an issue that has been going on for a long time. The land is an old subdivision, and the owners are trying to realign where the accesses would be. The applications were revised in a way that one part of the access is on a Class 3 part of the road and another access is on a Class 4 part of the road. The Town's concern is with trying to maintain a Class 4 road. A maintenance agreement with the owners should be established that protects the Town, and which assigns the owners the responsibility of maintaining the road in a way that does not damage the roadway or prevent others from using the road.

A discussion ensued on other examples of this type of situation. A discussion ensued on various alternatives, including reclassifying the Class 3 part of the road to a Class 4 road, or approving their request with conditions. Mr. O'Keefe will contact the applicants this week to arrange a meeting, and the Selectboard can discuss it at a Special Meeting.

c) **Review bids and award contract for winter road salt**

Mr. Cavanagh asked for Mr. Dryden's opinion on the bids, and Mr. Dryden gave his opinion regarding the quality of the salt.

A discussion ensued on the bids and the Town's needs for winter salt.

Motion by Mr. Prouty to accept the bid from Apalachee, LLC for FY2025 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. Mr. Ameden seconded. Motion passed unanimously.

11. Old Business

a) Consider Town projects for mitigation funding applications

Mr. O'Keefe spoke about an upcoming meeting with the RIVER Project. He spoke about funding these projects through the State's hazard-mitigation program, and through other sources, all of which come from the same State-level funding source. Mr. O'Keefe said he spoke with Alyssa Sabetto at the Windham Regional Commission (WRC), and WRC has 11 projects identified for Londonderry, but she did not say what they were. But, the Town has its own list of priorities.

A discussion ensued on the projects, their order by priority, details on these projects, and possible funding sources for some of them.

Motion by Mr. Prouty to set the Town's priorities for State of Vermont Hazard Mitigation funding Grant program as follows:

1. Rinehart Road culvert replacement (subject to FEMA decision on Public Assistance

funding)
2. Barker Road culvert replacement
3. Derry Woods Road alternate access to Cobble Ridge Road
4. Windy Rise West culvert replacement
5. Floodplain elevation along the West River + mitigation of confluence with Utley Brook
6. Rowes Road elevation
7. Spring Hill Road culvert replacement
8. Cobble Hill Road bridge replacement

Mr. Ameden seconded. Motion passed unanimously.

b) Ratify 7/1/2024 decision to amend the charge of the Williams Dam Advisory Committee

Motion by Ms. Dale to ratify the Board's 7/1/2024 decision to amend the charge given to the Williams Dam Advisory Committee, originally approved by the Selectboard on April 3, 2023, and last amended on February 19, 2024, to allow for the deadline for providing a recommended course of action with regard to alternatives for the dam to be extended from July 1, 2024 to July 14, 2024. Mr. Ameden seconded. Motion passed unanimously.

c) Consideration date to commence enforcement of Short-Term Rental fines for late registration.

Short-Term Rental Administrator Andy Dahlstrom distributed the notice about short-term rental fines that he proposes will go with the tax bill. He recommended the Town begin issuing fines no sooner than October 1, 2024, to allow property owners time to get their properties inspected, including by the State Fire Marshal.

Ms. Dale and Mr. Prouty recommended public outreach strategies such as electronic signs around town, and signs at the Transfer Station.

Motion by Ms. Dale to direct the Short-Term Rental Administrator to not issue fines for lack of registration of Short-term Rentals until October 1, 2024, and approve the mailing of a reminder with the tax bills. Seconded by Mr. Fleming. Motion passed unanimously.

12. New Business

a) Set FY2025 tax rate

Ms. Labeau distributed the FY2025 tax rate sheets to the Selectboard. She explained how she calculates the tax rate: expenses minus anticipated revenues, then what is left is divided by the Grand List, and this number is the tax rate.

Ms. Labeau announced the following figures:

- The municipal tax rate is $0.5910.
- The Homestead rate went up 23-cents.
- The Non-Homestead rate went up 42-cents.

She said some of this rate is set by the State and it is out of the Town's control.

Motion by Ms. Dale to set the Town tax rate for FY2025 at $0.5910 per $100 of assessed value, and to acknowledge the Homestead and Non-Homestead education tax rates of 1.7295 and 1.8349, respectively. Mr. Fleming seconded. Motion passed unanimously.

b) Convene meeting of the Board of Health to consider recommendation of a Deputy Health Officer, Inc.

Mr. O'Keefe will contact the applicant for an interview at a future Selectboard meeting.

c) Consider employee compensation matters

Ms. Labeau distributed and the Board reviewed a spreadsheet of employees and their salaries, showing salary adjustments at both 3.2% and 5% for the sale of comparison.

Motion by Mr. Prouty to increase the hourly pay rates for the following Town employees, effective July 1, 2024: to Steve Twitchell an increase to $21.75, to Candy Bliss an increase to $18.50, to Dana Griswold an increase to $21.00, to Keith Barton an increase to $23.25, to Esther Fishman an increase to $31.00, to Jeremiah Sund an increase to $55.50, and to Will Goodwin an increase to $28.00. Mr. Fleming seconded. Motion passed unanimously.

13. Adjourn

Motion by Mr. Ameden to adjourn the meeting. Ms. Dale seconded. Motion passed unanimously.

The meeting was adjourned at 8:50 PM. The next regular meeting of the Selectboard is scheduled for Monday, August 5, 2024.

Respectfully Submitted,

Wendy M. Levy

Wendy M. Levy
Minutes Taker

Approved August 5, 2024

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Wednesday, July 31, 2024
100 Old School Street, South Londonderry, VT 05155

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

Board Members Absent: none

Town Officials: Treasurer Tina Labeau, Assistant Town Clerk Allison Marino, Road Crew member Troy Maynard, and Road Foreman Josh Dryden.

Members of the Press: *GNAT-TV* videographer Ari Santos.

Others in Attendance: George J. Legace, Pamela J. Spaulding, and Martha Trombetta.

Documents Presented at This Meeting:
- Resignation letter from Town Clerk Kelly Pajala, dated 7/23/24
- Vermont Statutes Annotated: 24 VSA § 961. Vacancy or suspension of officer's duties; 24 VSA § 962. Special meeting; 24 VSA § 963. Duties of selectboard; special meeting
- *Handbook for Vermont Municipal Clerks*, 2nd Edition, "Duties and Responsibilities," published by the Vermont League of Cities and Towns, 2000. Section, "I. Vacancy in Office."
- Notice of Vacancy (Draft 2), dated July 31, 2024, from Selectboard Chair Thomas Cavanagh, announcing the Town Clerk vacancy

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 V.S.A. § 312(d)(3)(A)]**

There were none.

3. Selectboard Pay Orders

Motion by Martha Dale to approve the pay orders for payroll and accounts payable. Taylor Prouty seconded. Motion passed unanimously.

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

Motion by Mr. Prouty to enter executive session to consider the evaluation or employment of a Town employee, pursuant to Title 1 V.S.A. § 313(a)(3), and invite Troy Maynard, Josh Dryden, and Tina Labeau to attend the executive session. James Fleming seconded. Motion passed unanimously.
The Board entered into Executive Session at 5:35 PM. Dryden and Maynard left the executive session at approximately 6:30 PM and were invited back soon thereafter.

The Board exited Executive Session at 6:42 PM.

5. New Business

a. Consider employee compensation matters

Motion by Mr. Prouty to adjust the hourly rate of pay for Troy Maynard to $30.00/hour, and Josh Dryden at $31.25/hour, effective July 29, 2024. Ms. Dale seconded. Motion passed unanimously.

Motion by Mr. Prouty for the Town to cover 100-percent of the insurance costs for new and existing employees through an amendment to our personnel policy. Mr. Fleming seconded. Motion passed unanimously.

Motion by Mr. Prouty to add a three-hour call-out pay at overtime rates for the Road Crew, year-round. Mr. Fleming seconded. Motion passed unanimously.

b. Discuss Town Clerk resignation and process to fill vacancy

Mr. Cavanagh said Town Clerk Kelly Pajala announced her resignation on her own Facebook page and on the Town Forum. He said she has been offered a job with the Federal Emergency Management Agency (FEMA) as the Southern Vermont Community Coordinator, working on flood-related matters. Mr. Cavanagh noted Ms. Pajala will still work with Londonderry, as well as surrounding towns.

Mr. Cavanagh said the process for filling a Town Clerk vacancy is the same as filling a Selectboard vacancy, as follows:

- The Selectboard can immediately appoint someone as Interim Town Clerk.
- Then, within 10 days, the Town must advertise the position and solicit applications.
- The Selectboard can then review the applications and appoint someone, or they can hold a Special Election where voters can decide on the Interim Town Clerk.
- That person's term will last until March, when they can seek election as Town Clerk at Town Meeting if they so choose. This election would be to fill out the one-year remainder of a three-year term.

A discussion ensued on whether the Selectboard should appoint an Interim Town Clerk or hold a special election. Highlights included:

- Mr. Prouty noted he will feel more comfortable appointing someone if there is a good candidate who applies for the position.
- Mr. Cavanagh announced Ms. Labeau has volunteered to be the Interim Town Clerk until such time as the Selectboard can review applications or hold a Special Election.
- Mr. Prouty expressed his confidence in Ms. Labeau's qualifications as Interim Town Clerk.
- Ms. Dale asked to whom interested parties can give their application. Mr. Cavanagh responded: the Town Administrator will receive those.

A discussion ensued on how the Town will announce the vacancy. The methods are to post this announcement in newspapers, at the Post Office, and on the Town website.

A discussion ensued on the Selectboard's timeline for appointing an Interim Town Clerk. The consensus was to consider applicants at the August 19 regular meeting, but not necessarily appoint someone at that meeting.

Motion by Mr. Fleming, pursuant to Title 24 V.S.A. § 961(a), to post notice of the vacancy in the position of Town Clerk caused by the resignation of former Town Clerk Kelly Pajala, whose tenure ended today. Ms. Dale seconded. Motion passed unanimously.

c. Appoint interim Town Clerk

Motion by Mr. Prouty to appoint Tina Labeau as Interim Town Clerk until such time as a new Town Clerk is appointed pursuant to 24 VSA § 963(a). Mr. Ameden seconded. Motion passed unanimously.

6. Adjourn

Motion by Mr. Ameden to adjourn the meeting. Mr. Fleming seconded. Motion passed unanimously.

The meeting was adjourned at 6:50 PM. The next regular meeting of the Selectboard is scheduled for Monday, August 5, 2024.

Respectfully Submitted,

Wendy M. Levy

Approved August 5, 2024

Wendy M. Levy
Minutes Taker

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, August 5, 2024
100 Old School Street, South Londonderry, VT 05155

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

Board Members Absent: James Fleming

Town Officials: Town Administrator Shane O'Keefe, Mountain Towns Recreation Director Liam Elio, Recycle / Transfer Station Coordinator Esther Fishman, Paul Handler

Members of the Press: *GNAT-TV* videographer Bruce Frauman

Others in Attendance: Meghan Arpino (Stone Environmental), Travis Bolton, Marcia D. Camp, Garrett Dryden, Levi Dryden, Alyssa Sabetto (Windham Regional Commission), Pamela J. Spaulding, Anna Stoddard, Chad Stoddard

Documents Presented at This Meeting:
- Draft minutes: July 31, 2024 Special Selectboard meeting
- Email, dated August 5, 2024, from Meghan Arpino of Stone Environmental, regarding the Resilience Initiative for Vermont Empowerment and Recovery (RIVER) project, with supporting documents
- Draft minutes: July 13, 2024 Special Selectboard meeting
- Non-Profit Request to Waive Transfer Station Fees form, from Maureen Brandt, dated July 26, 2024, for the Weston Women's Club's tag sale

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 V.S.A. § 312(d)(3)(A)]

Motion by Ms. Dale to delete from the agenda the consideration of a proposal to relocate North Village businesses to higher ground outside the flood hazard area. Mr. Ameden seconded. Motion passed unanimously.

3. Minutes Approval - Meetings of 7/15/2024 and 7/31/2024

Motion by Mr. Prouty to approve the minutes of the Selectboard meetings of July 15, 2024 and July 31, 2024. Mr. Ameden seconded. Motion passed unanimously.

4. Selectboard Pay Orders

Motion by Ms. Dale to approve the pay orders for payroll and accounts payable. Mr. Ameden seconded. Motion passed unanimously.

5. Announcements / Correspondence

Town Administrator Shane O'Keefe read his announcements, as follows:

- Road Crew candidate Josh Vincent was offered the job on June 4. He decided not to accept the terms offered.

- The Brattleboro Development Credit Corporation (BDCC) had planned to rent Town Hall on August 8, but they changed their mind.

- The Town received notice that the deadline for the Hazard Mitigation program pre-application changed from August 16 to August 30. There is one more application to be filed, which is for the Platt project. At the next meeting there will be a discussion on another potential project.

- The Town Office renovation project will begin soon. The asbestos-removal is scheduled to begin on August 19. The foundation work will begin the week of September 3. Between now and Labor Day, Town staff will have to get ready by packing boxes and finding places to put things. It is likely the Town will get a Dumpster. Town Clerk staff will move their offices to a temporary office trailer on site and they must still have access to the Town vault, and Mr. O'Keefe and Treasurer Tina Labeau will work out the details. Starting in September, the Selectboard meetings will take place in Town Hall. A discussion ensued on work that will be done as part of this project, how to prepare for it, and how to provide amenities to staff during renovations.

- Mr. O'Keefe received the following letters:

    - From Larry Gubb about community-wide communication and matters regarding the Planning Commission.

    - From Chad Stoddard about the Planning Commission appointment process.

    - From Betty Sheldon about excess lighting at the Heritage Credit Union that Zoning Administrator Will Goodwin will address.

6. Visitors and Concerned Citizens

a. Windham Regional Commission - Initial conceptual project selection for Hazard Mitigation Grant Program applications through the RIVER project

Alyssa Sabetto from the Windham Regional Commission, and Meghan Arpino, an engineer from Stone Environmental, have been working with the Town on the Resilience Initiative for Vermont Empowerment and Recovery (RIVER) project. They spoke with the Selectboard on their work and what comes next. Highlights included:

- They are helping the Town with the Hazard Mitigation grant program, and providing engineering and planning support.

- There was a public meeting on July 18.

- This project covers the towns of Londonderry, Weston, and Jamaica.

- They have a list of projects they are recommending for the Town.

- At this point in the RIVER project, they are working on conceptual and design support.

- They are working with others, such as Stevens & Associates, on this project.

- They explained how the team created and prioritized the list of projects.

- The goal is to select a few projects, and create a conceptual design for them.

- Those projects may change as more information and data come in.

- Each of the towns will have between one and three projects; the number depends on the capacity for support of the projects.

- Ms. Sabetto and Ms. Arpino will bring more information later in the process; from this, the Selectboard will make their final choice on which projects to pursue.

- Survey and field work will continue during this conceptual phase.

Mr. Prouty asked if the Selectboard will learn what the other towns have chosen for their conceptual selections. Ms. Sabetto said, "Yes." She explained the process.

Ms. Dale asked if this scope is big enough.

Mr. Cavanagh said some components of flood mitigation could take 10-20 years.

Mr. O'Keefe asked about the August 30 deadline. Ms. Arpino said the Town should still plan on that deadline for buyouts and other hazard mitigation projects.

Ms. Dale said the Town spent approximately $23,000 a few years ago on a "Blue Sky Plan" for the north village with Stevens & Associates, and this plan is not being used at all. She asked if this plan will be used in this project. Ms. Arpino responded: The RIVERS project requirements determine which projects we include. The goal is to find cost-effective ways to affect flood mitigation. They have used the Town's Master Plan in this process.

A discussion ensued on the size of the project, the costs of individual projects, competition for project funds, different projects around town and their details and funding options, and projects that are so expensive they are not likely to get funded or completed.

Chad Stoddard said the North Village Master Plan has never been accepted by the Selectboard. Mr. Cavanagh said the Planning Commission never brought the Master Plan to the Selectboard for adoption. Mr. Stoddard said the Master Plan has been removed from the Town website and should not be used as a reference point because it has never been adopted. This Plan includes the Stevens & Associates report, which includes information on parcels recommended for buy-out, and recommends using eminent domain to force owners to sell who are resistant to accepting a buy-out. Mr. Cavanagh noted he has been a vocal critic of that plan, and much of it is not feasible. Mr. Stoddard said the Selectboard should agree not to use it. Mr. Cavanagh agreed.

Ms. Dale said the Master Plan has studies in it, and there is no reason to disregard the entire document. A discussion ensued on the Master Plan's components, its uses (of which "none" was one), and whether it should be on the Town website.

A discussion ensued on the list of projects brought by Windham Regional Commission and Stone Environmental, and which of those the Selectboard will choose to purse. The discussion also included next steps, and whether different culvert projects can be combined into one project for the purposes of applying for grants.

7. Town Officials Business

a. Mountain Towns Recreation Director – Permission to subscribe to Squarespace for new Mountain Town Recreation website

Mountain Towns Recreation (MTR) Director Liam Elio explained that the current MTR website is inadequate for outreach. He would like to switch to using Squarespace, because he can edit the site into something suitable.

Motion by Ms. Dale to authorize the Mountain Towns Recreation Director to subscribe to Squarespace for a new Mountain Towns Recreation website. Mr. Ameden seconded. Motion passed unanimously.

b. Mountain Towns Recreation Director – Consider purchase of used subcompact tractor for parks and recreation use

Mr. Elio reminded Selectboard members that this subject was discussed at the most recent regular Selectboard meeting. He said that because the Parks Department will be using it, the money to purchase it should come from the Parks budget. The tractor will not be part of the Road Department's equipment. Mr. Elio noted the Parks Board met last week and unanimously voted to purchase the tractor using money from the Riverside Park Fund.

Mr. Cavanagh noted that the Town employee who works on similar vehicles said this is a good deal for this tractor.

A discussion ensued on where the tractor will be stored.

Mr. Elio said the cost of the tractor is $19,500, it has had one owner, and the price includes attachments and extra replacement parts. A new tractor would cost $26,000, and it would come with no attachments.

Motion by Mr. Prouty to acquire the used compact tractor and associated equipment for $19,500.00 for Londonderry parks and recreational purposes, to be paid for from the Riverside Park Fund. Mr. Ameden seconded. Motion passed unanimously.

c. Town Clerk - Approval of Special Town Meeting Minutes of July 13, 2024

Motion by Ms. Dale to approve the minutes of the Special Town Meeting of July 13, 2024. Mr. Ameden seconded. Motion passed unanimously.

d. Village Wastewater Committee – Authorization to conduct soil borings within Town rights-of-way

Mr. O'Keefe provided some background on this item. He said that because the Selectboard has authority over use of all Town roads, this item has appeared on the agenda. He noted this project is being funded by ARPA money.

Motion by Ms. Dale to authorize the Village Wastewater Committee, through its project engineer and boring contractor, to conduct soil borings within the right-of-way for the following Town highways: Edgehill Road, Brooks Lane, Main Street, Hells Peak Road, Old School Street, Middletown Road, and Crescent Street. The specific locations for these borings are to be coordinated with the Road Commissioner and/or Road Foreman, and are subject to Dig Safe review. Mr. Prouty seconded. Motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Recycling / Transfer Station Coordinator Esther Fishman said she sent the Selectboard a new agreement from Casella Waste Management, Inc.on the compactor. She reminded them the current agreement expires on August 13. If the Town wants a new compactor, it will be necessary to continue using the current compactor for a little while longer while the site is prepared for the new compactor.

Mr. Cavanagh said he has been unsuccessful in reaching the concrete contractor to get a quote on the concrete pad to go under the new compactor. Mr. Prouty said he will send Mr. Cavanagh a list of other contractors who may be able to pour the concrete pad.

Ms. Fishman said Casella can amend the contract. She said the State said this is acceptable, and to submit the new Solid Waste Plan when it is ready. Ms. Fishman noted she has it in writing from the State said there is no need to involve the Agency of Natural Resources regarding the concrete pad in the former landfill.

Ms. Fishman said the new compactor would cost $29,600. She said Casella has offered to buy a new compactor and rent it to the Town, under a 5-year contract at $10,040 per year, which equals $53,700 total for the five-year rental. At the end of the contract, Casella will own the compactor. They will be responsible for all maintenance during the life of the contract. Ms. Fishman noted the current compactor has not required much maintenance. If the Town buys the compactor, it would have to rent a container for $220 per month. Buying a container is not a good idea because Casella takes away the container to remove its contents, and they do not guarantee which container they bring to replace it. Buying this container will save the Town $23,000 per year in hauling fees. It would require the recycling program to become single-stream, which people seem to like. That said, it is best to keep cardboard from that stream and to bundle it separately.

b. Request for Transfer Station fee waiver – Weston Women’s Club, Weston

Motion by Mr. Ameden to approve the request to waive transfer station fees for the Weston Women’s Club, which shall be limited to a one-time disposal of leftover items from a fundraising tag sale. Ms. Dale seconded. Motion passed unanimously.

Ms. Fishman said she will notify the Weston Women's Club of the decision, and copy Mr. O'Keefe on the email.

9. Roads and Bridges

a. Updates

Mr. Prouty gave his report. Highlights included:

- The new backhoe has arrived, but it did not arrive with paperwork. Thus, it cannot be registered, insured, or used.
- He recommended the Town solicit Requests for Proposals (RFPs) for culvert projects funded through the Grants-in-Aid program because the deadlines are at the end of September. Mr. O'Keefe will follow up with an Invitation to Bid with bids to be considered at the next meeting.
- There is a dead tree on the Town-owned Prouty property, which is under the purview of the Highway Department, not the Parks Department. This raises the issue of replacing trees and working with the Village Wastewater project plans at the property. Mr. O'Keefe said the Village Wastewater Project designer is working on it. Mr. Prouty noted there is a fund for replacing trees. A discussion ensued on a Tree Inventory for the Town.

b. Consider US Army Corps. of Engineers request to repair portion of Cohen Road (TH#52)

Mr. Prouty provided some background on this request.

Motion by Mr. Ameden to authorize the U.S. Army Corps. of Engineers to repair a storm- and erosion-damaged portion of Cohen Road (TH #52), subject to review and approval of the Town Road Commissioner and/or Road Foreman of any proposed work plans. Ms. Dale seconded. Motion passed unanimously.

c. Access Permit 2024-01 & 2024-02, Rest Haven Road, Parcels 110028.001 & 110028.004

Mr. Prouty provided some background on this request. He noted the Selectboard has discussed this at length at previous meetings. This motion would allow the applicants to begin bringing in equipment. He noted the Town Attorney advised this solution as the way for the applicant to move forward with this. Mr. O'Keefe said he will work with the Town Attorney to reclassify the road from class 3 to class 4 in the vicinity of the Rest haven Cemetery.
A discussion ensued on the process for reclassifying a road.

Mr. O'Keefe pointed out that the Board should be considering the original driveway plan which shows both driveways being on the class 4 portion of the road, and not the revised plan which showed one of the driveways being on the class 3 portion of the road.

Mr. Prouty revised his original motion to include, "and related to the revision of the Class 4 portion of Rest Haven Road (Town Highway #33)," as his original motion did not mention the revision.

Motion by Mr. Prouty to approve access permit applications No. 2024-01 and 2024-02, submitted by CML Stephens LLC on behalf of Christopher and Marisa Stephens, and related to the revision of the Class 4 portion of Rest Haven Road (Town Highway #33), and authorize the Chair to sign the permits on behalf of the Board, subject to all written requirements of the Road Foreman as specified in the access permits, and with the condition that the permittees shall not maintain either the class 3 or class 4 portions of the Town Highway unless a maintenance agreement approved by the Selectboard is in place. Mr. Ameden seconded. Motion passed unanimously.

d. Discuss purchase/rental of mobile communication radios

Mr. Cavanagh explained the reason for getting new radios is because the current ones are line-of-sight only, which means that if a sending truck is not visible from a receiving truck, the radio communication does not connect.
Mr. Prouty noted the Road Crew is using their cellphones as a back-up, but this is inadequate because there are places where no cellphone signal is available.
Mr. Cavanagh said the proposed radio system is digital and it works well.
Mr. Prouty noted the new equipment arriving soon has no communication radios, so the upgrade will include radios for the new trucks, too.

A discussion ensued on which radios to purchase to meet the Road Crew's needs. The Selectboard will work with all affected parties to determine which radios to purchase.

10. Old Business

a. Consider date for interviews of Planning Commissioners

Mr. Cavanagh noted that, prior to 2017, the Planning Commission had five members. He sees no disadvantage to returning to that number, as seven is too many. He noted statute requires at least three members and no more than nine, and they should choose an odd number of members.

Ms. Dale recommended the Selectboard appoint five members, and then if the Planning Commissioners decide they need more members to provide additional expertise, they can expand. Mr. Prouty agreed, but recommended starting with the minimum number of members.

Ms. Dale recommended the Selectboard consider screening for two alternate Planning Commissioners because people move. A discussion ensued.

A discussion ensued on choosing a meeting date for the special Selectboard meeting, how long the meeting should last, and how many questions to ask each applicant. This meeting will be held in public because it is to vet elected officials, similar to a "Meet-the-Candidates Night" event.

The Selectboard will host a special meeting on August 14, 2024; time to be determined. Mr. O'Keefe will email applicants to ask what time works for them.

b. Ratify 7/15/2024 decision on commencement of enforcement of Short-Term Rental fines

Motion by Ms. Dale to ratify the Board's 7/15/2024 decision to direct the Short-Term Rental Administrator to not issue fines for lack of registration of Short-term Rentals until October 1, 2024, and to approve the mailing of a reminder with the tax bills. Mr. Ameden seconded. Motion passed unanimously.

12. Adjourn

Motion by Mr. Ameden to adjourn the meeting. Mr. Prouty seconded. Motion passed unanimously.

The meeting was adjourned at 8:08 PM. The next regular meeting of the Selectboard is scheduled for Monday, August 19, 2024.

Respectfully Submitted,

Wendy M. Levy

Wendy M. Levy
Minutes Taker

Approved August 19, 2024

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Wednesday, August 14, 2024
100 Old School Street, South Londonderry, VT 05155

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

Board Members Absent: None.

Town Officials: Town Administrator Shane O'Keefe, Mountain Towns Recreation Director Liam Elio, and Recycle / Transfer Station Coordinator Esther Fishman.

Members of the Press: *GNAT-TV* videographer Bruce Frauman.

Others in Attendance: Brent Bammarito, Maya Drummond, Justin Gibbs, Jennifer Greenfield, Andrew Phinney, Trevor Powers, Pamela J. Spaulding, Anna Stoddard, Stephen L. Twitchell, and Paul Hendler.

Documents Presented at This Meeting:
- State Statute: Title 24: Municipal and County Government, Chapter 117: Municipal and Regional Planning and Development
- Application for Appointment to the Planning Commission from Trevor Powers, dated 6/26/24
- Application for Appointment to the Planning Commission from Brent Bammarito, dated 6/26/24
- Application for Appointment to the Planning Commission from Maya Drummond, dated 6/27/24
- Application for Appointment to the Planning Commission from Pamela J. Spaulding, dated 6/29/24
- Application for Appointment to the Planning Commission from Justin Gibbs, dated 6/30/24
- Application for Appointment to the Planning Commission, plus letter, from Stephen L. Twitchell, dated 7/15/24
- Application for Appointment to the Planning Commission from Andrew Phinney, dated 7/15/24
- Application for Appointment to the Planning Commission from Jennifer Greenfield, dated 7/19/24

1. Call meeting to order

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

2. Additions or deletions to the agenda **[1 V.S.A. § 312(d)(3)(A)]**

There were none.

3. Selectboard Pay Orders

Motion by Mr. Prouty to approve the pay orders for payroll and accounts payable. Mr. Ameden seconded. Motion passed unanimously.

4. Old Business

a. Interview candidates for appointment to the Planning Commission

The Selectboard interviewed the following candidates for appointment to the Planning Commission:
- Trevor Powers
- Brent Bammarito
- Jennifer Greenfield
- Justin Gibbs
- Andrew Phinney
- Maya Drummond
- Pamela Spaulding
- Steve Twitchell

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

Motion by Mr. Ameden to enter executive session to consider the evaluation a public officer, pursuant to Title 1 V.S.A. § 313(a)(3), and invite Town Administrator Shane O'Keefe to attend the executive session. Mr. Fleming seconded. Motion passed unanimously.

The Board entered Executive Session at 6:06 PM.
The Board exited Executive Session at 6:44 PM.

c. Consider changing the number of Planning Commission members

Motion by Mr. Prouty to change the number of Planning Commission members from 7 to 5, as authorized under Title 24 V.S.A. § 4322(c)(1), effective today, August 14, 2024. Mr. Fleming seconded. Motion passed unanimously.

d. Appoint Planning Commission members to fill vacancies

Motion by Mr. Ameden to appoint the following individuals to the Planning Commission to fill existing vacancies, with transitional staggered terms as follows:
Pamela Spaulding to March 31, 2025, Trevor Powers and Brent Bammarito to March 31, 2026, and Jennifer Greenfield and Stephen Twitchell to March 31, 2027. Ms. Dale seconded. Motion passed unanimously.

Mr. Prouty encouraged interested parties who were not appointed to the Planning Commission to stay in contact with the Commission. If the Planning Commission decides it needs more expertise, it could revert to a seven-member Commission.

Mr. Cavanagh and Mr. O'Keefe said there are other vacancies on Town Boards, Committees, and Commissions. Mr. O'Keefe said he will update the Town website to indicate these vacancies. He noted the Windham Regional Commission will soon come to lead a training for the new Planning Commissioners.

5. Adjourn

Motion by Mr. Ameden to adjourn the meeting. Ms. Dale seconded. Motion passed unanimously.

The meeting was adjourned at 6:50 PM. The next regular meeting of the Selectboard is scheduled for Monday, August 19, 2024.

Respectfully Submitted,

Wendy M. Levy

Wendy M. Levy
Minutes Taker

Approved August 19, 2024

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 19, 2024
100 Old School Street, South Londonderry, VT 05155

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

Board Members Absent: None.

Town Officials: Town Administrator Shane O'Keefe, Assessor Jeremiah Sund, Recycle / Transfer Station Coordinator Esther Fishman, Planning Commissioner Pamela J. Spaulding, Road Foreman Josh Dryden

Members of the Press: *GNAT-TV* videographer Bruce Frauman

Others in Attendance: Myra Adams, Andy Chambers, Donna Chambers, Robert Forbes, Bobby Gray, Ben Green (Vermont Dam Safety Engineer), Paul Hendler, Beverly Jelley, Center Merrill, Adam Rawson, Ron Rhodes (Connecticut River Conservancy), Anna Stoddard, Chad Stoddard

Documents Presented at This Meeting:
- Vermont Department of Taxes Form PVR-4261-E - Errors and Omissions Certificate (2024 Grand List)
- Application for Local Cannabis Control License, from Myra Adams dba. Hidden Leaf Homestead, LLC
- Windham County Sheriff's July report
- Transfer Station reports
- Information on options for office trailers

***

1. Call Meeting to Order

Selectboard Chair Thomas Cavanagh called the meeting to order at 6 PM.

2. Additions or Deletions to the Agenda **[1 V.S.A. § 312(d)(3)(A)]**

Motion by Ms. Dale to delete from the Town Officials Business section of the agenda the consideration of the adoption of a social media policy as presented by the Mountain Towns Recreation Director. Mr. Ameden seconded. Motion passed unanimously.

Motion by Ms. Dale to add to the New Business section of the agenda, as item 10.f., Improvements to the Town Hall parking lot. Mr. Prouty seconded. Motion passed unanimously.

3. Minutes Approval - Meetings of 8/5/2024 and 8/14/2024

Motion by Mr. Ameden to approve the minutes of the Selectboard meetings of August 5, 2024 & August 14, 2024, with the suggested change to the August 5, 2024 minutes correcting the name to Josh Vincent of the Road Crew applicant. Ms. Dale seconded. Motion passed unanimously.

4. Selectboard Pay Orders

Motion by Mr. Ameden to approve the pay orders for payroll and accounts payable. Mr. Fleming seconded. Motion passed unanimously.

5. Announcements / Correspondence

Mr. O' Keefe reported on the Town Office renovation project. The asbestos remediation in the basement began earlier that day. The area is blocked off with a positive-pressure system.

Mr. O'Keefe emailed the new Planning Commissioners this weekend with Open Meeting Law and general information, and a draft agenda to help them prepare to begin meeting. Mr. Cavanagh noted he is being copied on correspondence between Mr. O'Keefe and the Planning Commissioners.

Mr. O'Keefe reported on information he received from the Vermont Department of Taxes on the first full year of data on the Town's local option sales tax for rooms. The Town's net revenues from the rooms tax were $19,974. With the new short-term rental ordinance, Mr. O'Keefe anticipates more revenue from this source next year.

Mr. O'Keefe provided correspondence reporting an outside consumption permit for an event at Ski Magic over the weekend. Mr. O'Keefe and Mr. Cavanagh explained that, due to the State's revised liquor licensing process, these permits do not require Town approval.

Mr. O'Keefe provided to the Board the July report from the Windham County Sheriff's Department.

6. Visitors and Concerned Citizens

Chad Stoddard spoke about his concerns regarding the Town hiring a second Assistant Town Clerk, the hiring process, and the need for this position. A discussion ensued. Highlights included:

- As per 24 V.S.A. § 1170, which addresses the appointment of an Assistant Town Clerk, the Town Clerk has the authority to hire one or more Assistants, and the Selectboard decides that person's pay. The Selectboard has no input on whom the Town Clerk hires.
- Mr. Cavanagh explained that when Kelly Pajala, who recently resigned as Town Clerk, knew she would be resigning, she ensured the Town would have an adequate succession plan for her coming absence. Succession plans are important for a town to have for its officials.

- When a Town Clerk resigns, the Selectboard can decide to either hold a Special Town Meeting (including elections) where voters can elect the Town Clerk, or they can appoint a Town Clerk until the next Town Meeting. This Selectboard chose the latter, and they also appointed Tina Labeau on an interim basis. The Selectboard did this so they had both coverage in that office, and time to collect applications for appointment of the next Town Clerk.

Motion by Mr. Prouty to amend the agenda by moving Items 11.b and 11.c to follow Item 6. Mr. Fleming seconded. Motion passed unanimously.

11. New Business

b. Discuss Participation in FEMA Hazard Mitigation Grant Program (Building Elevation – 2022 & 2046 North Main St)

Center Merrill spoke about his wish to prevent future flooding on his property.

A discussion ensued on the grant program's August 30 deadline, the types of mitigation available (flood-proofing and elevation), the application process, ways the Town can help, and what aid is available from Vermont Emergency Management.

Mr. Cavanagh referred Mr. Merrill to Vermont Emergency Management, and said he will provide Mr. Merrill with the information for the person he should contact there.

Motion by Ms. Dale to authorize the Town Administrator to submit a written expression of interest and application with Vermont Emergency Management's Hazard Mitigation Grant Program for either the flood-proofing or elevation of the buildings on property located at 2022 and 2046 North Main Street owned by Center Merrill. Mr. Prouty seconded. Motion passed unanimously.

c. Discuss Participation in FEMA Hazard Mitigation Grant Program (Building Elevation – 2102 North Main St)

Beverly Jelley explained her situation and said she is interested in gathering information about flood-mitigation. She will contact Vermont Emergency Management. She said this is a project that has been needed since the 1970s, and she feels more hopeful and encouraged about the possibility of protecting her property now.

Mr. Cavanagh said he initiated the phone call to Vermont Emergency Management on behalf of affected property owners, and connected them to the representative at Vermont Emergency Management.

Motion by Mr. Ameden to authorize the Town Administrator to submit a written expression of interest and application with Vermont Emergency Management's Hazard Mitigation Grant Program for the flood-proofing or elevation of the buildings on property located at 2102 North Main Street owned by Beverly Jelley Life Estate Et al., Lori Bodine Jelley and Lisa Jelley. Mr. Fleming seconded. Motion passed unanimously.

Motion by Mr. Prouty to move Item 11a to Item 6b. Mr. Fleming seconded. Motion passed unanimously.

a. Discuss Participation in FEMA Hazard Mitigation Grant Program (Building Elevation – 74 Main St)

Donna Chambers explained her flooding situation. A discussion ensued between Ms. Chambers, Mr. O'Keefe, and the Selectboard about the issue, whom Ms. Chambers should talk to at Vermont Emergency Management, what her options are, the need for flood insurance, and details on the FEMA application process.

Motion by Mr. Prouty to authorize the Town Administrator to submit a written expression of interest and application with Vermont Emergency Management's Hazard Mitigation Grant Program for the flood-proofing or elevation of the building on property located at 74 Main Street owned by Andrew and Donna Chambers. Mr. Fleming seconded. Motion passed unanimously.

Ms. Jelley asked about the Town's outreach efforts to ensure affected property owners know about the FEMA Hazard Mitigation Program. She noted that not all affected property owners live in Londonderry, including herself.

Ms. Dale noted the deadline for applying is fast approaching, and it is important for the Selectboard to support townspeople who need this program. She noted there is no Selectboard meeting scheduled until after the August 30 deadline has passed. She asked if the Selectboard could find a way to sign off on the applications electronically or some other way.

A discussion ensued on having a Special Selectboard meeting to sign the applications, and for other purposes.

Mr. Cavanagh acknowledged the Selectboard could have done a better job with outreach for this program. He noted the State has been promoting it for quite some time.

Ms. Dale encouraged everyone to spread the word about this program.

Mr. O'Keefe noted the State has available $90 million for this program, which sounds like a lot of money, but there are many necessary projects and some are expensive.

A discussion ensued on the process, the projects, their cost, and available funding.

7. Town Officials Business

a. Town Assessor – Errors and Omissions to Grand List [32 V.S.A. § 4261]

Mr. Sund explained the reason for correcting the Grand List. Highlights included:

- If the Assessor cannot contact a property owner for an inspection, the Assessor gives their best estimate on the property's value.
- Mr. Sund, in this case, assigned a value to an accessory structure on the parcel for the Grand List.
- After the grievance period, the property owner contacted Mr. Sund to ask for an inspection.
- Mr. Sund conducted an interior inspection of the structure, gathered relevant information, and has amended his valuation to more accurately reflect its real-estate value.
- Although there are other ways to amend this valuation, correcting the Grand List in this

way is the cleanest and fastest method.

Motion by Mr. Prouty to correct a grand list error with regard to the assessment of parcel 004037.000, also referred to as SPAN 357-110-10647, changing the value from $273,400 to $247,900. Mr. Ameden seconded. Motion passed unanimously.

b. E911 Coordinator – Approve Name of Existing Private Road (Wolf Pack Drive)

Mr. Prouty explained the reason for this item. It is at the landowner's request. It is consistent with the Town's requirements that when there are three or more dwellings on the same driveway, that the Town requests a road name. It is a private road.

Mr. Cavanagh noted that the Town will purchase the first road sign, and the landowner is responsible for replacing the sign as needed.

Motion by Mr. Ameden to approve the naming of the private drive off of Little Pond Road serving parcels 017002.001, 017002.002 and 017003.001, as Wolf Pack Drive. This name shall come into official use, and the Town shall erect a road name sign, upon the commencement of construction of a third home or other approved primary structure along this private road as determined by the Zoning Administrator. Mr. Prouty seconded. Motion passed unanimously.

c. Local Cannabis Control Commission – Consider VT Cannabis Control Board Permit S-000009041, for an "Outdoor Cultivator Tier 1 Small Cultivator renewal" on Parcel #041010.000

This parcel is on Spring Hill Road.

Motion by Mr. Fleming to grant a local control license renewal 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. Ms. Dale seconded. Motion passed unanimously.

d. Town Clerk - Discuss Process to Appoint New Town Clerk to Fill Vacancy [24 V.S.A. § 963]

Mr. Cavanagh noted that that day was the deadline for applications for this position. The Selectboard received two applications from eligible individuals.

A discussion ensued on holding a Special Selectboard Meeting. The consensus was to have it on Monday, August 26, 2024, at 5 PM.

8. Transfer Station / Solid Waste Management

a. Updates

Ms. Fishman spoke about Adam Rawson at the Londonderry Hardware Store's request to cease selling Transfer Station punch cards by the first of the year. She noted there is no other location, other than the Town Offices, where punch cards may be purchased. It is a difficult situation and she is trying to come up with ideas.

Ms. Fishman said she has learned that guests staying at short-term rentals in town are going to the hardware store for punch cards because the guests are required to remove their own trash. She said this is unusual and less than ideal. She recommended the Town devise a better solution and include it in the Short-term Rental Ordinance.

A discussion ensued on the hardware store's challenges with selling punch cards and what else can be done.

b. Review Bid and Award Contract(s) for Solid Waste Management Services

Ms. Fishman will meet with Keith Barton and a representative from Casella Waste Management next week.

Ms. Fishman said she is satisfied with the bid for now.

Mr. Cavanagh said he has not heard back from any contractor about the concrete pad. He will keep trying.

Motion by Mr. Fleming to accept the bid from Casella Waste Management, Inc. for provision of solid waste disposal services, and to authorize the Town Administrator to execute all necessary documents to employ the contractor, including a service contract after review by the Town Attorney. Mr. Ameden seconded. Motion passed unanimously.

Ms. Jelley spoke about the lack of garbage cans at the Mountain Marketplace Plaza, and noted her gas station is the only location with garbage cans. Thus, she has become solely responsible for the cost of the public's trash-removal at the Plaza, and this is not fair.

A discussion ensued on the history of garbage cans at the Plaza, and the bag-purchase program.

Motion by Ms. Dale to amend the agenda by moving the Williams Dam matter from Item 10a to before Item 9. Mr. Prouty seconded. Motion passed unanimously.

c. Recommendation on the Future of the Williams Dam *[appeared on the original agenda as Item 10a]*

A lengthy discussion ensued, with participants speaking for and against dismantling the dam. Highlights included:

- Ron Rhodes from the Connecticut River Conservancy and Ben Green, Vermont Dam Safety Engineer, participated.
- Mr. Cavanagh said if the dam remains, the Town cannot control flooding. He said his only concern is having the pond there to provide water for fighting fires. He said the Town can install a plaque to commemorate the history of the dam.
- A discussion ensued on installing a cistern for firefighting needs. The Town of Wilmington did this.
- Mr. Rhodes spoke about solutions to water supply issues.
- Todd Dare, an individual who assists communities with firefighting water supply needs will be asked to perform a site visit.
- Mr. Forbes spoke about repairing the dam gate.
- Mr. Green spoke about dam safety rules.
- Mr. Hendler spoke about fire safety, and that historical significance is a much lower priority.

- During low-water periods, the dam leaks faster than the pond is replenished.
- Ms. Stoddard expressed her concern about the unknown: what will conditions be after the dam is removed?

The Selectboard took no action.

9. Roads and Bridges

a. Updates

Mr. Dryden gave his update. Highlights included:

- The Highway Department has used 140 gallons of fuel for the Transfer Station in July.
- The Highway Department has used 730 gallons of fuel for equipment in the month of June.
- The Highway Department has used 380 gallons of fuel for equipment in the month of July.
- The truck is still being built.
- The installation of the new radios will cost $999. There will be a service fee of $29 per radio per month, which includes a replacement if a radio breaks. There are 10 radios total.
- Mr. Dryden requested approval to conduct a two-week radio demonstration trial. The Selectboard agreed, and consented to proceeding with the purchase after the trial if it goes well.

b. Review Bids and Award Contract for Grants-in-Aid Road Improvement Projects

The Board reviewed the single bid received in response to the Town’s invitation to bid for this project, in the amount of $27,100.

Motion by Mr. Fleming to accept the bid from Hunter Excavation, Inc. for Grants-in-Aid road improvements, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary materials and services. Mr. Ameden seconded. Motion passed unanimously.

c. Discuss Reclassification of a Portion of Rest Haven Road (TH #33)

Mr. O'Keefe explained the road reclassification process, which is complicated and must be followed to-the-letter. It includes a public hearing and a site visit as a first step.

A discussion ensued on notifying abutters.

Pursuant to Title 19 V.S.A. § 708 and 709, Mr. Ameden moved to initiate proceedings to reclassify of a portion of Rest Haven Road (Town Highway #33) from Class 3 to Class 4 in the vicinity of Rest Haven Cemetery, and set September 30, 2024 at 4:00 PM as the date and time for examining the premises and hearing interested persons, and direct the Town Administrator to provide the required public notice. Mr. Fleming seconded. Motion passed unanimously.

Mr. Prouty asked for the status on the ditching project at Derry Woods Road. Mr. Dryden responded: it is complete, other than paving.

11. New Business (continued)

d. Consider Purchase of Storage Trailer and Rental of Office Trailer for Town Office Renovation Project

Mr. O'Keefe shared documents about office trailers. He gave his report. Highlights included:

- Mr. O'Keefe visited Brattleboro Portable Storage and found them pleasant to work with.
- He presented his findings on storage containers, which include options, costs, and his recommendations. These containers are brand new and available for purchase.
- Mr. O'Keefe does not recommend renting storage containers.
- Mr. O'Keefe is still collecting information on office trailers. He asked for Selectboard input on whether to get an office trailer, or to move operations to Town Hall and have Town staff available on a limited, by-appointment basis, and to hold meetings at Town Hall.

Motion by Ms. Dale to authorize the Town Administrator to proceed with the purchase of two new 20-foot storage containers at a cost of $3,650 each, including delivery, to accommodate temporary storage needs for the Town Office Renovation Project. It is the intention to reallocate the storage containers to other Town departments when no longer needed for the renovation project. Mr. Fleming seconded. Motion passed unanimously.

e. Amend Regular Meeting Location [1 V.S.A. § 312(c)(1)]

It was noted that due to the upcoming renovations to the Town Office the Board meeting would need to be held at the Town Hall.

Motion by Mr. Ameden to hold regular meetings of the Londonderry Selectboard on the first and third Mondays of the month at 6:00 PM at the Londonderry Town Hall, 139 Middletown Road 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. This motion amends the regular meeting location as determined by the Board on 3/18/2024, and is necessitated by impending renovations to the Town Office building, and it should be noted that the regular meetings this September shall be on the second and fourth Mondays (9/9/2024 & 9/23/2024) in keeping with the Board's decision of 6/10/2024. Mr. Fleming seconded. Motion passed unanimously.

f. Consider Improvements to the Town Hall Parking Lot

Mr. Cavanagh explained the nature of the needed improvements, such as drainage, and access to the stairs.

Mr. Dryden reported on his meeting with Hunter Excavation to discuss the parking lot improvements and the work Hunter plans to do to achieve these goals. It includes improvements to walkways, stairway area, and drainage areas. The parking lot is 6,000 square feet. The price shall not exceed $10,000. The parking lot will not be paved; it will be sure pack stone.

Mr. O'Keefe noted the need for upgrading the electrical service as recommended by the Town’s electrician and the fact that there are lines in conduit under the parking area. A discussion ensued on the conduit and how it relates to the parking lot project. Mr. O'Keefe said he will connect the relevant parties to make sure this is done.

Motion by Mr. Fleming to waive the formal bidding process of the Town's Purchasing Policy and authorize the hiring of Hunter Excavation, Inc. to complete the full restoration of the Town Hall parking lot at cost not to exceed $10,000, such funds to come from the Town Buildings Reserve Fund, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary material and services. Ms. Dale seconded. Motion passed unanimously.

12. Adjourn

Motion by Mr. Fleming to adjourn the meeting. Mr. Ameden seconded. Motion passed unanimously.

The meeting was adjourned at 8:52 PM. The next regular meeting of the Selectboard is scheduled for Monday, September 9, 2024.

Respectfully Submitted,

Wendy M. Levy

Wendy M. Levy
Minutes Taker

Approved September 9, 2024

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, August 26, 2024
100 Old School Street, South Londonderry, VT 05155

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

Board Members Absent: None.

Town Officials: Town Administrator Shane O'Keefe, Treasurer Tina Labeau, Assistant Town Clerk Allison Marino, Planning Commissioner Pamela J. Spaulding,

Members of the Press: *GNAT-TV* videographer Kate LeVine

Others in Attendance: Robert Gray

Documents Presented at This Meeting:
- Certificate of Appointment of Town Clerk for Allison Marino, dated August 26, 2024
- Williams Scotman, Inc. Lease Agreements and Orders, and Spec Sheets, for Mobile Offices of Various Sizes, dated August 26, 2024
- Tyler's Moving, LLC, Invoice, dated August 26, 2024

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1. Call Meeting to Order

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

2. Additions or Deletions to the Agenda **[1 V.S.A. § 312(d)(3)(A)]**

There were none.

3. Selectboard Pay Orders

Motion by Ms. Dale to approve the pay orders for payroll and accounts payable. Mr. Ameden seconded. Motion passed unanimously.

4. Town Officials Business

a. Interview Candidates for the Position of Town Clerk

i. Robert Gray

Mr. Gray introduced himself. The Selectboard asked him questions about his professional qualifications and background.

ii. Allison Marino

Ms. Marino introduced herself. The Selectboard asked her questions about her professional qualifications and background.

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

Motion by Mr. Prouty to enter executive session to consider the employment or evaluation of a public officer, pursuant to Title 1 V.S.A. § 313(a)(3), and invite Shane O'Keefe and Tina Labeau to attend the executive session. Mr. Fleming seconded. Motion passed unanimously.

The Board entered Executive Session at 5:24 PM.
The Board exited Executive Session at 5:37 PM.

c. Appoint new Town Clerk to fill vacancy [24 V.S.A. § 963]

Mr. Cavanagh thanked both applicants for applying.

Motion by Mr. Prouty to appoint Allison Marino as the Londonderry Town Clerk to fill a vacancy in the position, who shall serve effective immediately and until the next Town Meeting, and to file written documentation of this appointment with the office of the Town Clerk, at a rate of pay consistent with the remainder of the budget line for the Town Clerk's salary for FY2025. Mr. Fleming seconded. Motion passed unanimously.

Mr. O'Keefe reminded Selectboard members they must all sign the Certificate of Appointment for Ms. Marino.

5. New Business

a. Town Office Renovations - Consider rental of office trailer for Town Clerk & Treasurer

Mr. O'Keefe noted he distributed to the Selectboard the revised office-trailer quote from Williams Scotsman, Inc. He said he and Ms. Labeau visited one of the company's office trailers, and they are nice. The quote Mr. O'Keefe shared includes prices for renting two different sizes of office trailer for eight months, and both include a restroom. For a 32' x 8' trailer, the cost is $11,137. For a 36' x 10' trailer, the cost is $13,649.

Mr. O'Keefe noted that both trailers will need a septic holding tank added as an after-market item, and because of the tank, the trailer must be elevated. He has contacted septic companies about the tank, and for an estimate.

A discussion ensued on the tank's requirements.

A discussion ensued on the office trailer's dimensions and which will better suit staff needs. The consensus was to rent the larger trailer.

Mr. O'Keefe recommended the Selectboard approve a cost of $15,000 to include both the trailer and the tank.

A discussion ensued on Town funds -- including surplus, and the bond -- that could cover the trailer and tank's costs.

Motion by Ms. Dale to accept the proposal from Williams Scotsman, Inc., for rental of an office trailer measuring 10 feet by 36 feet at a cost of $15,000 to accommodate temporary office needs of the Town Clerk during the Town Office Renovation Project, and authorize the Town Administrator to execute any documents necessary to arrange for this service. Mr. Ameden seconded. Motion passed unanimously.

b. Town Office Renovations - Consider proposal for moving furniture, boxes, etc.

Mr. O'Keefe said he distributed the estimate from Tyler's Moving, a company from Chester. Representatives from Tyler's visited on Friday to give an estimate.

Mr. O'Keefe noted there are outdoor storage containers, and he explained which files would go in them.

Mr. O'Keefe said the estimate from Tyler's is $225/hour, and this includes two people. A third person will cost an additional $50/hour. They will come on Thursday, August 29, and the goal is to finish the move that day. This move will happen before the office trailer arrives the following week.

Mr. O'Keefe noted the Town Offices must be cleared out before Tuesday, September 3. If the office trailer has not arrived, the movers can put desks in Town Hall.

A discussion ensued on moving the offices, and Town Office renovation logistics and requirements.

Motion by Ms. Dale to accept the proposal from Tyler's Moving for office moving services to accommodate the Town Office Renovation Project, and authorize the Town Administrator to execute any documents necessary to arrange for this service. Mr. Ameden seconded. Motion passed unanimously.

c. Town Office Renovations - Consider proposal for Clerk of the Works

Mr. O'Keefe explained some background. Chris Cole submitted a proposal to be the Clerk of the Works for the renovation project, and it was his idea to renovate the Town Offices. Mr. Cole knows the building and property well, he works well with Town staff, he does good work, and it would be money well-spent to ensure the project is properly overseen.

d. Consider proposal for Town Hall mold remediation

Motion by Mr. Fleming to accept the proposal from Chris Cole for owner representative services related to the Town Office Renovation Project, at a monthly cost of $3,950, and

authorize the Town Administrator to execute any documents necessary to arrange for this service. Mr. Ameden seconded. Motion passed unanimously.

Mr. O'Keefe explained the mold in the basement is very bad, even though the previous remediation went very well. It is a damp basement. The new commercial-grade dehumidifier will help ensure mold does not flourish again.

A discussion ensued on mold-prevention options.

Motion by Ms. Dale to accept the proposal from Home Maintenance Associates, Inc. for mold remediation services for the Town Hall basement, at a cost of up to $3,600, and authorize the Town Administrator to execute any documents necessary to arrange for this service. Mr. Ameden seconded. Motion passed unanimously.

6. Adjourn

Motion by Mr. Fleming to adjourn the meeting. Ms. Dale seconded. Motion passed unanimously.

The meeting was adjourned at 5:56 PM. The next regular meeting of the Selectboard is scheduled for Monday, September 9, 2024.

Respectfully Submitted,

Wendy M. Levy

Wendy M. Levy
Minutes Taker

Approved September 9, 2024

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 9, 2024
193 Middletown Road, South Londonderry, VT 05155

Board Members Present: James Ameden, Jr., Martha Dale, James Fleming, Taylor Prouty

Board Members Absent: Thomas Cavanagh

Town Officials: Town Administrator Shane O'Keefe (via telephone), Town Clerk Tina Labeau, Planning Commissioner Pamela J. Spaulding, Short-term Rental Administrator Andrew Dahlstrom, Health Officer and Emergency Management Director Rich Phelan, Housing Committee member Patty Eisenhauer

Members of the Press: *GNAT-TV* videographer Bruce Frauman

Others in Attendance: FEMA representatives Kelly Pajala and Sam Young, Mark Frayne

Documents Presented at This Meeting:
- Kelly Pajala's resignation from the Parks Board.
- An announcement for Town Housing Collaborative meetings on September 24 and 26.
- Notes from a meeting held the previous week about the State's project for the intersection of Middletown Road and Route 11.
- The subscription proposal for Short-term Rental software from Deckard Technologies.
- Draft social media policy.
- Proposal from Everett Hammond, P.E. for engineering services related to the proposed FEMA-funded replacement of the Rinehart Road Culvert.
- The State's response to one of the four FEMA Hazard Mitigation Grant pre-applications.

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1. Call Meeting to Order

Acting Chair Martha Dale called the meeting to order at 6 PM.

2. Additions or Deletions to the Agenda **[1 V.S.A. § 312(d)(3)(A)]**

Motion by Mr. Prouty to add to the Old Business section of the agenda, as item 10.e., the rescheduling of the site visit and public hearing for the proposed reclassification of a portion of Rest Haven Road. Mr. Ameden seconded. Motion passed unanimously.

3. Minutes Approval - Meetings of 8/19/2024 and 8/26/2024

Motion by Mr. Ameden to approve the minutes of the Selectboard meetings of August 19, 2024 & August 26, 2024. Mr. Fleming seconded. Motion passed unanimously.

4. Selectboard Pay Orders

Motion by Mr. Fleming to approve the pay orders for payroll and accounts payable. Mr. Ameden seconded. Motion passed unanimously.

5. Announcements / Correspondence

Mr. O'Keefe directed the Selectboard's attention to some documents and correspondence he shared with them, which were announced as follows:

- Kelly Pajala submitted her resignation from the Parks Board.
- An announcement about meetings of the Town Housing Collaborative for Jamaica, Londonderry, and Winhall on September 24 and 26.
- Notes from a meeting the previous week, which Mr. O'Keefe attended, about the State doing a project to realign or adjust the intersection between Middletown Road and Vermont Route 11. The notes include a schedule of upcoming tasks related to this project on Page 78. Mr. O'Keefe noted there was a Road Safety Audit for the North Village conducted in 2021 that resulted in a recommendation to address this intersection. This is preliminary analysis being conducted, and will lead to a proposal for scoping.

Ms. Labeau announced the Town Clerk's office is closed on Wednesday and Thursday this week so staff can attend a training in Montpelier. Staff will be available for operations in the Town Offices on Monday.

Ms. Spaulding noted that the 9/30/2024 Planning Commission meeting about the intersection improvements noted previously will be only the second meeting held by the recently formed Commission. Ms. Dale asked Mr. O'Keefe if he could help the Commissioners prepare. Mr. O'Keefe said he will do that.

6. Visitors and Concerned Citizens

a. Meet with FEMA Community Assistance Team

Mr. Young and Ms. Pajala from the Federal Emergency Management Agency (FEMA) Community Assistance Interagency Recovery Coordination Group, appeared before the Selectboard to speak about the program and what it can offer the Town. Highlights included:

- This can help the Town with long-term assistance with both flooding-affected properties and other improvements, such as housing, the Town might need to make it more vibrant.
- This Group worked with Wilmington and Waterbury in the same way, post-Tropical Storm Irene.
- The Group does not dictate which projects the Town should or will do. Instead, they help facilitate community discussions so townspeople—including residents, staff, and representatives from the Selectboard, the Planning Commission, and other committees—can identify and prioritize which projects need doing. Then, the Group uses its expertise and connections to other government agencies to help the Town fund these projects.
- The report that will result from this program, should the Town agree to work with FEMA, could result in the Town attaching an addendum to the Town Plan. FEMA has an on-staff

planner to help write this report.
- Having this report will make it easier to secure federal funding.
- Nearly every town in Vermont will need this program at some point.
- This is a long-term process, and the Selectboard does not have to decide at this meeting to participate.
- The Town's requirements for time, labor, infrastructure, and volunteers will depend on how the Town wants to organize the project.
- The Group will provide facilitators and most of the event-organizing.
- Even though Londonderry did not get flooded this summer, other towns in the state did, which resulted in Vermont receiving a Federal Disaster Declaration. This brings multiple rounds of federal funding to the state. Thus, now is a good time for Londonderry to identify its necessary projects, because the Town is eligible for funding.
- FEMA selected Londonderry because it is one of the hardest-hit towns that is also the least able to respond to disaster due to lack of resources. (The other town in southern Vermont that was chosen is Ludlow).
- Other towns that have participated in this program are Wilmington and Waterbury. The lengthy report that Ms. Pajala and Mr. Young shared with Mr. O'Keefe detail the successes those towns have had with this program, and the resulting projects. Mr. O'Keefe will share this report with Selectboard members.
- The community can make changes to the report once it is complete.

A discussion ensued on the need for an administrator from the Town to work on the projects that will result from this process, and where that funding will come from: FEMA or the Town.

Ms. Dale recommended the Selectboard wait until Selectboard Chair Thomas Cavanagh returns, and Mr. O'Keefe returns in-person, to continue the discussion and make a decision whether to accept FEMA's offer. Mr. Prouty requested the item go on the next meeting's agenda.

7. Town Officials Business

a. STR Administrator – Consider Short-Term Rental support software subscription

Mr. Dahlstrom shared a document of the subscription proposal for short-term rental administration software from Deckard Technologies to the Selectboard. He reviewed details of his research. Highlights included:
- Mr. Dahlstrom researched not only Deckard, but competitors. His research included speaking with representatives from other Vermont towns that the competition listed as clients. They reported working with the competing firm was not a positive experience.
- His research, including speaking with his contacts, supported working with Deckard. Their fees are the lowest, and Mr. Dahlstrom has found them to be friendly, helpful, and professional.
- How the software works. Namely, it scrubs the Internet looking for short-term rentals advertised as being in Londonderry and delivers this information to the Town. It finds advertisements on the major short-term rental sites, as well as more obscure or lesser-known sites. Then, Town staff can confirm these rentals are registered with the Town.

The Selectboard, Mr. Dahlstrom, and Mr. O'Keefe discussed the proposal. Highlights included:

- Should the Town begin with a basic service package and build it up later if needed?
- Should the Town have a fully automated / digital system for short-term rental registrations? The consensus was, this may not serve Londonderry, as it removes the opportunity for the interactions between Town staff and property owners that can happen when applications are on paper.
- As the Town continues on with the short-term rental registration process, experience and data will inform what kind of administrative services are needed, and how much revenue is coming in to pay for these services.
- Details on the services Deckard offers to help monitor short-term rental listings to ensure the properties are properly registered. This is where the value of the service is evident, and could pay prove to pay for itself.
- The quoted price does not seem to be a "teaser" price for the first year only. It seems to be consistent.

Motion by Mr. Prouty to accept the proposal from Deckard Technologies for a one-year subscription for its Rentalscape short-term rental inventory, compliance and analytical services software, and authorize the Short-term Rental Administrator to execute any documents necessary to secure this service. Mr. Fleming seconded. Motion passed unanimously.

b. Mountain Towns Recreation Director – Consider adoption of a social media policy

Ms. Dale noted the Selectboard had received this draft policy earlier in the day. She reported Mountain Towns Recreation Director Liam Elio is absent from this meeting due to illness, and that he expressed some urgency for approving a policy.

Mr. O'Keefe said the Town Attorney was involved in early iterations of the policy, but the current draft policy needs to be formatted and viewed again by the Town Attorney to ensure it is consistent with other Town policies.

The consensus was to have the Town Attorney review it, then the Selectboard can review the results with Mr. Elio at a future meeting.

A discussion ensued on the Town's ability to implement a preliminary social media policy and change it later if necessary.

8. Transfer Station / Solid Waste Management

a. Updates

Ms. Labeau announced an upcoming Hazardous Waste Collection event on October 10.

9. Roads and Bridges

a. Updates

Mr. Prouty gave his report. Highlights included:

- The new truck should be arriving mid-month.
- Paving will happen at the end of September / beginning of October. These are smaller

projects around town, such as on Windy Rise and in Derry Woods.
- The Grants-in-Aid projects on Brophy Lane and Cody Road are complete.

Ms. Labeau and Mr. O'Keefe thanked the Road Crew for their excellent work helping to move the items out of the Town Offices.

Mr. O'Keefe reported the Thompsonburg Road and Middletown Road striping bids will go out this week. The Town received grant funding for this project, and it should be done this fall.

10. Old Business

a. Consider proposal for engineering services for the Rinehart Road culvert replacement project

Ms. Dale noted the Selectboard has received this proposal.

Mr. O'Keefe provided some background details on this project. Highlights included:
- The Town worked with FEMA on this, after the culvert washed out twice in the flooding of July, 2023.
- FEMA's Public Assistance program will pay for at least 75% of the costs. The State will pay for 10% of it. The Town will be responsible for the remaining 10% or so. Thus, the Town will get reimbursed for approximately 90% of the project's cost.
- It is an 18-foot box culvert.
- Work will begin soon on this culvert.
- Everett Hammond is a good, experienced, inexpensive engineer.

Motion by Mr. Fleming to accept the proposal from Everett Hammond, P.E. for engineering services related to the proposed FEMA-funded replacement of the Rinehart Road Culvert damaged by the flooding of July 2023, and authorize the Town Administrator to execute any documents necessary to secure these services. Mr. Ameden seconded. Motion passed unanimously.

b. Town Office Renovations - Discuss Project Status

Mr. O'Keefe gave his report. Highlights included:
- The project began in earnest last week.
- The Road Crew was very helpful. They moved nearly everything from the basement, including two safes.
- There are project meetings every Thursday morning, and include the architect, the Clerk of the Works, Mr. Cavanagh, and GPI's Vice President and Project Manager. These are good, well organized meetings.
- The office trailer should arrive on Thursday. There have been some issues with the supplier.

c. FEMA Hazard Mitigation Grant Program – Update on applications

Mr. O'Keefe gave his update. Highlights included:

- The Selectboard meeting packet includes a response from the State on one of the four pre-applications, which were all submitted by the deadline. The response, to the Rosses, who seek to elevate their property, is that they are eligible to apply for funding.
- Mr. O'Keefe hopes for a similar response to the other three pre-applications.
- The State's response indicates there are many next steps, and they all require an engineer.
- Mr. O'Keefe is waiting for a response from a FEMA representative on who handles procurement for engineers to assist with the applications: The Town? The property owners? Do the engineers work for the former or the latter?
- This will require a lot of work from Mr. O'Keefe and the property owners.
- These projects are only funded if they are approved, and they all require an engineer to complete the application. The gap is that if the project does not get funded, FEMA will not reimburse the applicant for the engineering fees.
- The Town can hire an engineer to complete all of the applications, and possibly absorb that cost so property owners do not have to, or require property owners to pay into an escrow account for their share of expenses.

A discussion ensued on what to do about the engineering costs. Split it with the property owners? Establish a Town fund to pay for it? Mr. Prouty noted affected property owners have suffered enough due to damage from flooding; the Town should not cause more suffering among its constituents.

A discussion ensued on submitting applications after the deadline.

d. Ratification of 8/19/2024 decision to hire a contractor for the restoration of the Town Hall parking lot and use of the Town Buildings Reserve Fund.

Motion by Mr. Ameden to ratify the Board's 8/19/2024 decision to hire Hunter Excavation, Inc. to complete the full restoration of the Town Hall parking lot at cost not to exceed $10,000, such funds to come from the Town Buildings Reserve Fund. Mr. Prouty seconded. Motion passed unanimously.

e. Reschedule site visit and public hearing for the proposed reclassification of a portion of Rest Haven Road (TH #33). [ADDED TO AGENDA]

Mr. O'Keefe noted the Town must provide a 30-day notice for the site visit and public hearing, and that he had not been able to advertise in time for the previously approved scheduled date.

Motion by Mr. Prouty with regard to the Selectboard's decision on 8/19/2024 to initiate proceedings to reclassify of a portion of Rest Haven Road (Town Highway #33) from Class 3 to Class 4 in the vicinity of Rest Haven Cemetery, to reschedule the date and time for examining the premises and hearing interested persons from 9/30/2024 at 4:00 PM to a new date of 10/21/2024 at 5 PM, prior to the regular Board meeting. Mr. Ameden seconded. Motion passed unanimously.

11. New Business

a. Convene meeting of the Board of Health to consider recommendation of a Deputy Health Officer

Ms. Dale noted the Board of Health includes the Selectboard and the Health Officer.

Motion by Mr. Ameden to convene a meeting of the Londonderry Board of Health. Mr. Prouty seconded. Motion passed unanimously.

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

Motion by Mr. Ameden to enter executive session to consider the appointment of a public officer, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Rich Phelan, Mark Frayne, and Tina Labeau to attend the executive session. Mr. Prouty seconded. Motion passed unanimously.

The Board entered into Executive Session at 7:18 PM.

The Board exited Executive Session at 7:34 PM.

Motion by Mr. Ameden to recommend to the State of Vermont Department of Health that it appoint Mark Frayne as the Town's Deputy Health Officer for a three-year term, subject to the applicant's acceptance of the position. Mr. Fleming seconded. Motion passed unanimously.

12. Adjourn

Motion by Mr. Ameden to adjourn the meeting. Mr. Prouty seconded. Motion passed unanimously.

The meeting was adjourned at 7:36 PM. The next regular meeting of the Selectboard is scheduled for Monday, September 23, 2024.

Respectfully Submitted,

Wendy M. Levy

Wendy M. Levy
Minutes Taker

Approved September 23, 2024

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, September 23, 2024
139 Middletown Road, South Londonderry, VT 05155

Board members present: Thomas Cavanagh, James Ameden, Jr., Martha Dale, Taylor Prouty

Board members absent: James Fleming

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Planning Commissioner Pamela J. Spaulding, Recycle / Transfer Station Coordinator Esther Fishman, Housing Commissioner Patty Eisenhauer, Mountain Towns Recreation Director Liam Elio, Road Foreman Josh Dryden

Members of the Press: *GNAT-TV* videographer Bruce Frauman

Others in Attendance: Levi Dryden, Garrett Dryden, Matt Bachler (Windham Regional Commission), Paul Hendler, Jan Payne, Joel Jordan

Documents presented at this meeting:
- Documents from Green Mountain Power’s attorney giving notification of schedule delays for the substation improvements on Thompsonburg Road.
- The monthly report from the Windham County Sheriff’s Office for August 2024.
- Vending machine quote from Remarc, dated September 17, 2024.
- Deputy Town Health Officer Recommendation Form for Mark Frayne.

***

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 V.S.A. § 312(d)(3)(A)]**

There were none.

3. Minutes Approval - Meeting of 9/9/24

Motion by Ms. Dale to approve the minutes of the Selectboard meeting of September 9, 2024. Mr. Ameden seconded. Motion passed unanimously.

4. Selectboard Pay Orders

Motion by Mr. Ameden to approve the pay orders for payroll and accounts payable. Ms. Dale seconded. Motion passed unanimously.

5. Announcements / Correspondence

a. Announcements

I. Hazardous Materials Collection
Recycle / Transfer Station Coordinator Esther Fishman announced the upcoming Hazardous Materials Waste Collection Day. It is on October 5 from 9AM to 1PM at the Flood Brook School, and is free to residents in the five towns the Transfer Station serves.

II. Ballots
Town Treasurer Tina Labeau announced that the Town Clerk's office had mailed ballots to all registered voters that day. Anyone who chooses to vote by absentee ballot can either mail their ballot to the Town, or bring it to the Town Offices.

III. Planning Commission Officers
Mr. O'Keefe announced the Planning Commission held its first meeting on 9/16/2024 and elected Jen Greenfield as the Chair, Brent Bammarito as the Vice Chair, and Steve Twitchell as the Clerk. They will hold regular meetings at 6PM on the 2nd and 4th Mondays of the month at the Town Hall while the Town Office is under construction.

IV. MERP [Municipal Energy Resilience Program] Deadline
Mr. O'Keefe announced he has a deadline of this Friday for applications under MERP for work at the Town Office and the Town Hall, with the Town Office as the priority due to its funding concerns. The next priority is the Town Hall. The grants are for up to $500,000 per community, and Londonderry is eligible at a high level. Mr. O'Keefe is working with the Windham Regional Commission on the application.

V. Spring Hill Road Culvert
Mr. O'Keefe announced the Town has received approval to begin the right-of-way process for the Spring Hill Road culvert project. Matt Bachler is the Project Manager. Mr. O'Keefe will notify the two property owners affected by this project.

b. Correspondence included in the Selectboard's meeting packet

I. Green Mountain Power
Documents from Green Mountain Power's attorney giving notification of schedule delays for the substation improvements on Thompsonburg Road.

II. Sheriff
The monthly report from the Windham County Sheriff's Office for August 2024.

6. Visitors and Concerned Citizens

Pamela J. Spaulding expressed her thanks to the Town on behalf of Ruck Up for allowing them to have their event in September.

7. Town Officials Business

a. Village Wastewater Committee – Approve ARPA grant funding amendments

Mr. O'Keefe reviewed the changes to the grant funding, its deadlines, and its reporting. He noted that funding for the North Village system is increasing from $4,009,331 to $4,050,500, and from $4,009,331 to $4,143,300 for the South Village system.

Motion by Ms. Dale to accept the terms of the amended ARPA funding grant agreements with the State of Vermont Department of Environmental Conservation for both the north and south village wastewater projects, and to authorize the Town Administrator to execute the documents on behalf of the Town. The Board accepted the terms of the original agreements on February 5, 2024. Mr. Prouty seconded. Motion passed unanimously.

b. Village Wastewater Committee – Review and discuss proposed Wastewater Ordinance and fee Structure

Matt Bachler from the Windham Regional Commission, who is the Town's Project Coordinator, spoke to the Board about a memo he prepared, which was included in the meeting packet. He reviewed the items the Selectboard should consider when drafting the ordinance; highlights included:

- Fees and how to set them.
- How many properties are connecting to the system.
- The average daily flow from different type of residential and commercial properties.
- Construction costs. He explained the ARPA grant covers most of the cost. The Town voted last year to bond for most of the remainder. The final cost is to be determined.

Mr. O'Keefe noted the increase in grant funding does not require an increase in the Town's match.

Mr. Bachler continued his recommendations for what the Selectboard should consider when drafting the ordinance. Highlights included:

- How to pay the loan the Town will take out to pay for construction.
- How capacity for each facility - for the north and the south parts of Town - will be determined, and the State's involvement in this.

Mr. Bachler noted the engineering firm is still working on the connection system design, which includes meeting with the property owners. He said the Town's task is to soon determine who can connect during Phase One for the South Village system.
Mr. Bachler recommended forming a sewer commission for the overall oversight and management of this effort, which could simply be the Selectboard. A discussion ensued on this commission's structure. A discussion ensued on planning for Phase Two of the South Village system.

There was discussion of working with RCAP Solutions, a federally funded not-for-profit organization that assists rural communities with wastewater system development and can provide expertise with an ordinance and fee structure.

Motion by Mr. Prouty to authorize the Town Administrator to enter into a no-cost service agreement with RCAP Solutions for technical assistance for the Village Wastewater Project. Ms. Dale seconded. Motion passed unanimously.

8. Transfer Station / Solid Waste Management

a. Updates

I. The compactor
Ms. Fishman spoke about the new compactor and the estimates for its associated costs. The concrete slab for under the compactor will cost $4,538. The compactor itself will cost $29,600. It is estimated that having a compactor will save the Town more than $23,000 per year in hauling costs.
Ms. Fishman noted the company pouring the slab can begin with a week's notice.
This item will go on the agenda for the next regular Selectboard meeting.

II. Punch cards vending machine
Ms. Fishman distributed a document with a revised quote, from Remarc, on a vending machine to sell punch cards. She said the Londonderry Village Market has consented to having the vending machine inside its store. Ms. Fishman noted the machine only takes credit cards; those wishing to pay with cash can continue to do so at the Town Clerk's office.
A discussion ensued on the details and implications of using a vending machine to sell punch cards.
This item will go on the agenda for the next regular Selectboard meeting.

b. Consider extension of contract for winter maintenance

The contract from last winter for Transfer Station winter maintenance had a provision that it could be extended for two years with the consent of the Selectboard.

Motion by Mr. Ameden to consent to extending the contract with Alberti Landscape and Construction, LLC for Transfer Station winter maintenance for the next two winter seasons, and authorize the Town Administrator to execute any documents necessary for this service agreement extension. The Board approved the initial contract on November 20, 2023. Mr. Prouty seconded. Motion passed unanimously.

9. Roads and Bridges

a. Updates

Road Foreman Josh Dryden gave his update, as follows:

I. Fuel usage
The August fuel usage for the Transfer Station was 140 gallons. The August fuel usage for the equipment was 608 gallons.

II. New truck update
The new truck is expected to be delivered soon.

III. Other items
The grader needs to be repaired.
Paving will begin the first week in October.

b. Discuss equipment radios

Mr. Dryden spoke about his satisfaction with the radios his department recently tested. He said they are of good quality. A discussion ensued on using the Town's Equipment Fund to pay for them.

Motion by Mr. Prouty to pay for a contract for radios for Road Crew equipment out of the Equipment Reserve Fund. Mr. Ameden seconded. Motion passed unanimously.

A discussion ensued on how many radios are needed, what kind - including hand-held radios - and what the contract includes.

c. Review bids and award contract for Town highway edge line markings

Mr. O'Keefe said that, although he spoke with a line striping company who expressed interest in the project, once he put the item out for bid, the Town received no bids. He acknowledged that the short time-frame and late period of the paving season were likely factors.
Mr. O'Keefe said he spoke with State officials about what to do with the $35,000 grant the Town received. He was told there would be another round of grants next year, and that Londonderry will be at the top of the list.
Mr. Prouty asked if this project can go out to bid again. Mr. O'Keefe expressed doubts it would bring in a bid, as he contacted the paving company who expressed interest and they did not respond. He will try contacting them again.

10. Old Business

a. Town Office renovations - consider change order for roofing

Mr. O'Keefe said the project architect and Chris Cole, the Clerk of the Works, both recommended Alternative 6. He noted the cost is a very good price, and doing this now would complete the needed re-roofing project.

Motion by Mr. Ameden to authorize a change order for the Town Office Renovation Project to implement bid alternative 6, which calls for re-roofing the main gable section of the building (over the front entry hall and clerk and zoning "wings") at a cost of $13,000.00, and authorize the Town Administrator to execute any documents necessary to implement this change order. Mr. Prouty seconded. Motion passed unanimously.

b. Discuss FEMA Community Assistance Team

A discussion ensued on whether the Selectboard would like to accept FEMA's proposal for their Community Assistance Team to work with the Town. The consensus was in favor. Mr. Cavanagh will ask Kelly Pajala, of the FEMA Community Assistance Team (and the Town's former Town Clerk), if any specific votes are required to proceed.

c. Discuss governmental operations/structure audit study

Ms. Dale spoke about this governmental structure study, prepared the previous November by the New England Municipal Resource Center (NEMRC), specifically regarding the recommendation to adopt the Town Manager form of municipal governance. The consensus was to continue discussing this as it relates to succession planning.

d. Ratify 9/9/2024 decision to reschedule site visit and public hearing for Rest Haven Road reclassification

Motion by Mr. Prouty, with regard to the proposed reclassification of a portion of Rest Haven Road, to ratify the Board's 9/9/2024 decision to reschedule the date and time for examining the premises and hearing interested persons from 9/30/2024 at 4PM to a new date of 10/21/2024 at 5PM, prior to the regular Board meeting. Mr. Ameden seconded. Motion passed unanimously.

Mr. O'Keefe reported the notice to property owners has been sent.

11. New Business

a. Parks Board - Appoint new member to fill vacancy

Motion by Mr. Ameden to appoint Joel Jordan to the Parks Board to fill a vacancy, for a term extending to 4/30/2026. Mr. Prouty seconded. Motion passed unanimously.

b. Consider request to use Town Hall

Jan Payne requested the use of Town Hall to host an event with Rob Roper, a freelance writer and speaker who focuses on Vermont, on October 8, 2024, at 6PM.
A discussion ensued on whether this request was proper, since Ms. Payne is on the November ballot. The consensus was, because this event does not take place at the polls on election day, there is no conflict.

Motion by Mr. Prouty to authorize use of the Town Hall meeting room by Jan Payne on October 8, 2024 to host Rob Roper a freelance Vermont writer and speaker, and to authorize the Town Administrator to sign the facility use agreement on behalf of the Town. Mr. Ameden seconded. Motion passed unanimously.

c. Review bids and award contract for Parks and Town Hall winter maintenance

Mountain Towns Recreation Director Liam Elio reported the Parks Board recommended not opening Memorial and Pingree parks for the coming winter, and not plowing their areas, because of the cost.
Mr. O'Keefe noted that it is the Selectboard's purview to make decisions on whether to close facilities.
Levi Dryden noted Pingree Park is used a lot in the winter.
Mr. Prouty noted the Town only recently began keeping the parks open in the winter and maintaining them for public use. He pointed out there are sometimes long stretches in the winter where there is no snow on the ground, thus challenging the wisdom of keeping parks closed when they do not need snow-removal anyway.
A lengthy discussion ensued on whether to keep the parks open in the winter.

Motion by Mr. Ameden to accept the bid from Dryden's Outdoor for Parks and Town Hall winter maintenance for the next winter, and to authorize the Town Administrator to execute any

documents necessary for the hiring of the contractor to provide the necessary material and services. Mr. Prouty seconded. Motion passed unanimously.

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

Motion by Mr. Prouty to enter executive session to consider the employment or evaluation of a public employee, pursuant to Title 1 V.S.A. § 313(a)(3), and invite Shane O'Keefe to attend the executive session. Mr. Ameden seconded. Motion passed unanimously.

The Board entered Executive Session at 7:59PM.
The Board exited Executive Session at 8:13PM.

The Board made no decisions and took no action upon exiting Executive Session.

12. Adjourn

Motion by Ms. Dale to adjourn the meeting. Mr. Ameden seconded. Motion passed unanimously.

The meeting was adjourned at 8:14PM. The next regular meeting of the Selectboard is scheduled for Monday, October 7, 2024.

Respectfully Submitted,

Wendy M. Levy

Wendy M. Levy
Minutes Taker

Approved October 7, 2024

LONDONDERRY SELECTBOARD

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Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 7, 2024
139 Middletown Road, South Londonderry, VT 05155

Board members present: Thomas Cavanagh, James Ameden, Jr., Martha Dale, James Fleming (*note: Mr. Fleming left the meeting at approximately 8PM)*, Taylor Prouty

Board members absent: none

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Planning Commissioner Pamela J. Spaulding, Recycle / Transfer Station Coordinator Esther Fishman, Road Foreman Josh Dryden, Short-Term Rental Administrator Andrew Dahlstrom

Members of the Press: *GNAT-TV* videographer Bruce Frauman

Others in Attendance: Meg Staloff (BDCC/SeVEDS), Chris Cole, P.E.

Documents presented at this meeting:
- Brattleboro Development Credit Corporation (BDCC) 70th Anniversary Party Invitation
- BDCC/CEDS project solicitation
- Letter from the Selectboard to the Vermont Judicial Bureau, regarding a request for a Department Number
- Letter from the Selectboard to the Vermont Judicial Bureau, regarding contact information for communication concerning civil ordinance enforcement
- Email to Mr. O'Keefe from Mandeep Ghotra of the Vermont Emergency Management Hazard Mitigation Team, regarding the procurement process for the elevation project at 2486 Vermont Route 11.
- Application for Use of Alcoholic Beverages in Public Places, from Terry L. Merrow, for an event at Pingree Park on October 27
- Town of Londonderry Facility Use Policy and Agreement, signed by Terry L. Merrow, for the event mentioned above
- Resignation letter from Mr. O'Keefe, effective at the adjournment of the 2025 Annual Town Meeting, on March 4, 2025 at the latest

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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 V.S.A. § 312(d)(3)(A)]

There were none.

3. Minutes Approval - Meeting of 9/23/24

Motion by Mr. Prouty to approve the minutes of the Selectboard meeting of September 23, 2024. Mr. Ameden seconded. Motion passed unanimously.

4. Selectboard Pay Orders

Motion by Mr. Prouty to approve the pay orders for payroll and accounts payable. Mr. Fleming seconded. Motion passed unanimously.

5. Announcements / Correspondence

a. Announcements

I. DVCUD audit report
Mr. O'Keefe said on 9/28/2024, he forwarded to Board members the audit report for Deerfield Valley Communications Union District's (DVCUD) financials for the 2023 calendar year.
II. MERP update
Mr. O'Keefe said he submitted the Municipal Energy Resilience Program (MERP) Implementation Program grants for energy efficiency and ADA compliance work at the Town Office and the Town Hall on 9/27/2024, in the amounts of $371,459 and $125,400, respectively, for a total of $496,859, and the Town should hear back on these by 10/25/2024.
III. PFAS sampling
Mr. O'Keefe announced the semi-annual PFAS sampling at the former septic fields behind the Transfer Station is scheduled for Wednesday, October 16.
IV. Ballots
Town Treasurer Tina Labeau reminded the public about absentee ballots.
V. Hurricane relief
Mr. Cavanagh lauded the community for its efforts to aid those affected by the recent hurricane. He said Londonderry residents donated three truck loads' worth of goods with less than 24 hours' notice, and $1,300 at the Londonderry Hardware Store to purchase supplies to send to the affected areas.

b. Correspondence included in the Selectboard's meeting packet

- Formal closeout documents from FEMA on the five FEMA buyout properties from Tropical Storm Irene.
- The Town's signed agreement with RCAP Solutions for assistance with the Village Wastewater Project ordinance and fees. Mr. O'Keefe will meet with RCAP Solutions representatives on Wednesday, October 9.

6. Visitors and Concerned Citizens

a. Meet with representative(s) of Brattleboro Development Credit Corporation (BDCC)/SeVEDS
Meg Staloff of the BDCC said the Town annually sends funds to the BDCC, calculated as $3 per resident, as per the 2020 Census. She spoke about the efforts of the BDCC and SeVEDS. Highlights included:
- The difference between the BDCC and SeVEDS.
- BDCC provides workforce development, business assistance, guidance to high school students on career options, and assistance to towns with community- and economic development.

A discussion ensued on the South Londonderry wastewater project.

A discussion ensued on the buyouts from FEMA and the State of Vermont for flooded properties, and what is permitted to build there. Basically, no structures, no pumphouses, and no sculptures. A bench might be permissible.

Motion by Mr. Cavanagh to submit phase 2 of the South Londonderry Wastewater Project for consideration under the Comprehensive Economic Development Strategy as a regional priority project. Ms. Dale seconded. Motion passed unanimously.

7. Town Officials Business

a. STR Administrator – Updates on ordinance enforcement and administrative software
Mr. Dahlstrom gave his report:
- 53 short-term rental applications have been submitted so far. More are coming.
- The registration fees short-term rental property owners have paid so far: $19,900.
- Preliminary figures show that 16 short-term rental registrations have come from local residents, and 35 have come from absentee owners.
- Work has started with Deckart, the administrative software company.
- Soon, Deckart will make available a spreadsheet showing the short-term rentals' status: registered, in-progress, or has not registered.
- An explanation of the need for letters from the Selectboard to initiate the Judicial Bureau process: it will allow the Town to write tickets for short-term rental violations, as well as other violations of Town ordinances.

Motion by Ms. Dale to authorize the Short-Term Rental Administrator to draft appropriate letters to the Vermont Judicial Bureau for Selectboard signature to enable participation in enforcement proceedings, and designate as both issuing and appearing officials the Short-Term Rental Administrator, the Town Administrator, the Town Constable, the Town Attorney, the Town Clerk, and any Selectboard member. Mr. Fleming seconded. Motion passed unanimously.

8. Transfer Station / Solid Waste Management

a. Updates
Ms. Fishman had no updates to report.

b. Consider compactor project improvements and expenses
Ms. Fishman asked about having someone coordinate the quotes for the compactor's concrete pad and electrical work. Mr. Cavanagh agreed to do this.

Ms. Fishman said this project will take some time, and more research is necessary. She recommended continuing the discussion at the next Selectboard meeting. She also recommended combining the outreach for the compactor and the vending machine, both of which are new projects. A discussion ensued on the traffic pattern at the Transfer Station and how the new compactor will change it, and what infrastructure—such as electricity and a canopy—is necessary to accommodate the compactor. Mr. O'Keefe recommended a site visit to Rockingham's Transfer Station to see their facility.

The Selectboard agreed to collect more information and revisit this subject at the next meeting.

Motion by Mr. Prouty to order the compactor equipment and prepare the concrete pad with consideration for a future canopy to be built. Mr. Ameden seconded. Motion passed unanimously.

c. Consider purchase of vending machine for punch cards
A discussion ensued on whether to purchase a new or a refurbished vending machine. It will take five-to-seven weeks for delivery.

Motion by Mr. Prouty to authorize the Recycling Coordinator to purchase the recommended vending machine from Remarc Vending in the amount of $8,544.00. Mr. Ameden seconded. Motion passed unanimously.

d. Consider changes to facility fee structure
Ms. Fishman's recommendation is to increase the residential fee from $10 to $15, and to increase the commercial fee from $25 to $30.

A further discussion ensued on the subject. Highlights included:
- Should a card get punched for recycling, too? Recycling costs the Town money.
- Would charging for recycling disincentivize recycling?
- The State law changed to allow transfer stations to charge for recycling.
- There should be at least 1,000 stickers for residential users, and less than 100 stickers for commercial users.
- What changes, if any, should be made to the fee structure? The Selectboard agreed that the amount of the business increase should be larger than that for residents.

Motion by Mr. Cavanagh to amend the fees for use of the Transfer Station as follows:
2025 stickers for commercial users will be $40.00, up from $25.00, and residential stickers will be $15.00, up from $10.00, and also on January 1, 2025, we will charge one punch for recycling. Mr. Fleming seconded. Motion passed unanimously.

9. Roads and Bridges

a. Updates
Road Foreman Josh Dryden gave his update, as follows:

> **I. Fuel usage**
> The September fuel usage for the Transfer Station was 200 gallons. The September fuel usage for the equipment was 532 gallons. Ms. Dale requested a comparison spreadsheet for this showing last year's and this year's figures.
> **II. Paving**
> Paving begins on October 8.
> **II. New truck update**
> The truck is at Reed's. It does not have headlights. Mr. Dryden hopes it will be delivered soon.

b. Discuss winter maintenance
Mr. Dryden reported he almost has a three-person crew now. He continues trying to get the word out about filling the vacancy. The seasonal change may help free up people seeking employment, once construction season is finished. Ms. Dale recommended establishing a mentorship program at local high schools to encourage students to enter the Road Crew line of work.

10. Old Business

a. Town Office renovations - consider change orders
Clerk of the Works Chris Cole gave a brief report. He said the project is going well, and GPI is an excellent contractor.

Mr. O'Keefe provided details on the change-orders and why they are necessary. A discussion on them ensued.

Mr. O'Keefe noted there is a project meeting every Thursday at 9AM and Selectboard members are invited to attend.

Mr. O'Keefe said he receives regular reports from the contractor, and these include photographs. Mr. O'Keefe keeps these reports in the records.

Motion by Ms. Dale to authorize a change order for the Town Office Renovation Project to remove vermiculite insulation containing asbestos at a cost of $5,288, and authorize the Town Administrator to execute any documents necessary to implement this change order. The Board acknowledges change orders for heating in the backstage storage closet costing $1,156, and an $8,000 credit for passing on bid Alternate 4, which called for installing dense pack cellulose in exterior walls. Mr. Ameden seconded. Motion passed unanimously.

b. FEMA Hazard Mitigation Grant Program – Consider grant assistance for property owners
A lengthy discussion ensued on the pros, cons, and challenges of the Town offering this assistance. Mr. O'Keefe said he seeks the Selectboard's guidance on this. The consensus was, the Town does not have the resources to offer this to property owners.

Motion by Mr. Ameden to not proceed with procuring engineering services for State of Vermont Hazard Mitigation Grant Program applications for private properties. Mr. Fleming seconded. Motion passed unanimously.

c. FEMA closeout of COVID-19 pandemic funding
Mr. O'Keefe said the Town has the ability to apply for this funding, but the labor necessary to gather the required information would cost about $500, and would only bring in $389.72. He recommended the Selectboard decline this offer.

Motion by Mr. Prouty to decline to submit a FEMA Category Z project seeking administrative and management cost reimbursement for COVID-19 pandemic. Mr. Ameden seconded. Motion passed unanimously.

11. New Business

a. Consider request for use of Pingree Park and use of alcoholic beverages in a public place – Cornhole tournament fundraiser by Terry Merrow

Motion by Mr. Ameden to authorize the use of Pingree Park by, and grant a permit allowing the use and consumption of alcoholic beverages to, Terry Merrow for a cornhole tournament to benefit breast cancer on Sunday, October 27, 2024 from 8:00 AM to7:00 PM, 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. Mr. Fleming seconded. Motion passed unanimously.

b. Discuss Town website

Mr. O'Keefe noted this subject has been discussed for a long time, and includes lengthy research done two years ago on other towns' websites; this research is all outdated by now.

Mr. O'Keefe recommended the Selectboard choose to work with a company that specializes in municipal websites. He distributed a list of companies doing this work, and Vermont towns that recently updated their websites. He noted Londonderry's IT person wants to be involved in this process.

A discussion ensued on also redoing the Town's logo and other branding at the same time as the website is updated.

A discussion ensued on possible project managers for this.

This item will continue to be discussed at future Selectboard meetings, as it will be a lengthy process.

c. Development Review Board – Annual appointments

Motion by Mr. Fleming to reappoint Esther Fishman and Andrew Rackear as regular members of the Development Review Board for 3-year terms extending to September 30, 2027, and Robert Trask as an alternate member with a term extending to September 30, 2025. Mr. Ameden seconded. Motion passed unanimously.

Mr. Fleming left the meeting.

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

Motion by Mr. Prouty to enter executive session to consider the employment or evaluation of a public employee, pursuant to Title 1 V.S.A. § 313(a)(3), and invite Shane O'Keefe to attend the executive session. Mr. Ameden seconded. Motion passed unanimously.

The Board entered Executive Session at 8:09PM. The Board exited Executive Session at 8:27PM.

The Board took no action.

e. Discuss employee recruitment

Ms. Dale read Mr. O'Keefe's letter of resignation. Mr. O'Keefe announced that he would retire, effective the adjournment of Annual Town Meeting in March, 2025, or sooner if someone is hired beforehand. He offered to stay employed on a part-time basis until the end of the fiscal year, which ends on June 30, 2025.

Ms. Dale asked if Mr. Ameden would co-chair the recruitment committee.

Ms. Dale said she will be sorry to see Mr. O'Keefe go, and there will be celebrations thanking him for his service to the Town.

12. Adjourn

Motion by Mr. Ameden to adjourn the meeting. Mr. Prouty seconded. Motion passed unanimously.

The meeting was adjourned at 8:30PM. The next regular meeting of the Selectboard is scheduled for Monday, October 21, 2024.

Respectfully Submitted,

Wendy M. Levy

Wendy M. Levy
Minutes Taker

Approved October 21, 2024

LONDONDERRY SELECTBOARD

____
Thomas Cavanagh, Chair

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Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 21, 2024
5:30 PM – Rest Haven Road at Rest Haven Cemetery
6:00 PM - 139 Middletown Road, South Londonderry, VT 05155

Board members present: Thomas Cavanagh, James Ameden, Jr., Taylor Prouty

Board members absent: Martha Dale, James Fleming

Town Officials: Town Administrator Shane O'Keefe, Town Treasurer Tina Labeau, Planning Commissioner Pamela J. Spaulding, Road Foreman Josh Dryden, Housing Commissioner Patty Eisenhaur, Recycle / Transfer Station Coordinator Esther Fishman, Mountain Towns Recreation Director Liam Elio (arrived at 7:00PM)

Members of the Press: *GNAT-TV* videographer Bruce Frauman

Others in Attendance: Butch Hodges, Duane Hart, Marisa Stephens, Chris Stephens, Paul Hendler, Maryann Morris (The Collaborative), Champion Fire Co. #5 Chief Jeff Duda, Sharon Crossman

Documents presented at this meeting:
- Notice of Public Hearing (Rest Haven Road reclassification) and supporting documents
- Draft Minutes, October 7, 2024 Selectboard Meeting
- Re Londonderry Housing Commission: Selectboard Meeting Minutes 6/19/2023 Item 8.b.; Selectboard Meeting Minutes 7/24/2023 Item 11.a.; Londonderry Housing Commission Meeting Minutes 10/10/2024 Item 2.a.i.
- Email from Esther Fishman, dated 10/10/2024, about a proposed sharps disposal container for the Transfer Station, and supporting documents
- Email from Gary Barton, forwarded by Esther Fishman, dated 10/9/2024, about the Transfer Station compactor
- Town Highway Access Permit Application Form, dated 10/7/2024, from Joseph Rostock, Cove Dweller Properties, LLC
- Town Highway Access Permit Application Form, dated 6/24/2024, from Matthew V. Josephs.
- Documents related to an application submitted to the Town of Londonderry Vermont Development Review Board by Matthew V. Josephs. Hearing held July 17, 2024
- Information on the comparative costs of business accounts for Paypal, Square, and Stripe
- Discussion notes for Recruitment of Londonderry Town Administrator, prepared by Martha Dale, dated 10/18/2024
- Londonderry Town Office construction-related documents, including a change order, from GPI Construction, dated 10/18/2024, and an email from Chris Cole, P.E., dated 10/21/2024.
- A list of municipal website providers, dated 10/21/2024
- Email from Emergency Management Director Rich Phelan about a road closure for a Hallowe'en event, dated 10/10/2024
- The text of State Statute Act No. 171 (H.875). An act relating to the State Ethics Commission and the State Code of Ethics
- The text of State Statute Sec. 22. 24 V.S.A. chapter 60: Municipal Code Of Ethics
- Email from Esther Fishman about the design for the punch-card vending machine, dated 10/21/2024
- Information on vehicle extended warranties, dated 3/28/2023.

1. Call Meeting to Order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:30 PM at the entrance to the Rest Haven Road Cemetery.

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

There were none.

3. Site Visit/Inspection – Rest Haven Road [19 V.S.A. § 709]

The Board along with Town Administrator O'Keefe, Road Foreman Josh Dryden, abutters Chris & Marisa Stephens and Butch Hodge, Planning Commissioner Pamela Spaulding and Rest Haven Cemetery caretaker Duane Hart assembled, discussed and walked the portion of Rest Haven Road proposed for reclassification.
The site visit was adjourned at 5:50PM and resumed at Town Hall.
The meeting resumed at Town Hall at 6:08PM.

4. PUBLIC HEARING – Proposed reclassification of a portion of Rest Haven Road

This item was moved to later in the meeting to allow for the arrival of Road Foreman Josh Dryden.

5. Minutes Approval - Meeting of 10/7/24

Motion by Mr. Ameden to approve the minutes of the Selectboard meeting of October 7, 2024. Mr. Prouty seconded. Motion passed unanimously.

6. Selectboard Pay Orders

Mr. O'Keefe mentioned a variance between the paving contract and the paving invoice. Mr. Prouty spoke to this.

Motion by Mr. Prouty to approve the pay orders for payroll and accounts payable. Mr. Ameden seconded. Motion passed unanimously.

7. Announcements / Correspondence

a. Announcements

I. Mr. O'Keefe announced Selectboard minutes taker Wendy M. Levy has resigned her position effectively at the end of this month due to her talking on a full-time position elsewhere in the area. This meeting will be her last for the Town and he'd like to thank her for doing an excellent job for the Town over the past few months. He is actively recruiting for a replacement.

II. Mr. O'Keefe announced that last week the Town received an anonymous public records request that requested "any and all emails, texts, notes or any written or typed correspondence to or from the STR administrator and any of the following between the dates of 4-22-24 and 10-10-24: Any Londonderry employee, official, town volunteer, Board or Board member, Committee or Committee member, Commision (sic) or commission member and any law enforcement organization with any connection to the town of Londonderry." With the help of the Town's IT vendor, Pete Smith of TechVT, Short-Term Rentals Administrator Andy Dahlstrom and Mr. O'Keefe responded with 1,208 pages of documents, some of which were redacted due to attorney-client confidentiality, all within the 3-business day requirements of the Vermont Public Records Act.

III. Mr. O'Keefe announced he learned that day that the Town will be given a one-year extension to the $35,000 roadway edge striping grant received from VTrans.

IV. Mr. O'Keefe announced he submitted timely the request to include phase II of the South Londonderry Village Wastewater system to the BDCC's CEDS program.

V. Town Treasurer Tina Labeau announced early voting is underway.

b. Correspondence included in the Selectboard's meeting packet

I. An email of 10/16/2024 from VT Emergency Management indicating that over $400 million was requested of the $67 million available for the FEMA Hazard Mitigation Grant Program, and that only a limited type of projects will be funded. O'Keefe mentioned that more work needs to be done to better understand the newly limited scope of project funding.

II. Mr. O'Keefe's letter of 10/11/2024 to VTrans seeking to extend the grant timeframe to December 2025 for the $175,000 VTrans structures grant for the Spring Hill Road culvert project, which notes the delays caused by participating in another VTrans grant that provides $300,000 of funding.

III. An email from Zoning Administrator Will Goodwin, dated 10/9/2024, noting an interest in interim zoning for signage. This is likely to come to the Board at the next meeting, O'Keefe added.

IV. Documents from the VT Department of Health, dated 10/3/2024, on its appointment of Mark Frayne as the Town's Deputy Health Officer.

V. A notice of appeal from the Vermont Superior Court, dated 10/3/2024, regarding an appeal filed by Bent Apple Farm of an Act 250 jurisdictional Opinion.

VI. A Public Hearing Notice from the Deerfield Valley Communications District regarding its 2024 annual report, scheduled for 11/6/2024 at 5:00 PM, along with a sheet noting annual activities.

VII. Public Utility filing documents regarding Green Mountain Power's delayed schedule for the Thompsonburg Road substation.

VIII. The monthly report from the Windham County Sheriff's Office for September 2024.

4. PUBLIC HEARING – Proposed reclassification of a portion of Rest Haven Road

Motion by Mr. Prouty to open the public hearing and request input from the public. Mr. Ameden seconded. Motion passed unanimously.

The public hearing was opened at 6:18PM.

Chris Stephens explained his family's development plans for their property on Rest Haven Road and why they want it to remain a Class 3 road in its present configuration.

Mr. O'Keefe said the Town proposes to change the classification of a roughly 400' stretch of Rest Haven Road (near the cemetery) to a Class 4 road, which would remove the requirement that the Town maintain it.

Pamela Spaulding expressed her concern that by the Town no longer maintaining the road, it could impede access for anyone maintaining or visiting the cemetery.

Mr. Prouty noted that section of Rest Haven Road has not been maintained by the Town for years, so reclassifying it would bring its classification in-line with its actual condition. The reason the Town has not maintained that part of the road is because there is no turn-around. He added that if the property owners take over maintaining that stretch, it could improve its condition.

Mr. Dryden said the Town could collaborate with the property owners to build a turn-around and maintain the road after this winter.

Mr. Prouty said the Selectboard's intention is not to create an adverse situation, and the Selectboard can accommodate whatever everyone decides is the best course of action.

Mr. O'Keefe pointed out the 60-day timeframe for Board action, as per 19 V.S.A. § 711, should the Selectboard wish to order the reclassification. He will bring a written order draft to the Town Attorney for his review.

The consensus was to take no action at this meeting, and to revisit the subject at a future meeting when all Board members are present.

The public hearing was closed at 6:28PM.

Motion by Mr. Cavanagh to close the public hearing. Mr. Ameden seconded. Motion passed unanimously.

8. Visitors and Concerned Citizens

There were none.

9. Town Officials Business

a. Londonderry Housing Commission – Consider change to Commission charge
Housing Commissioner Patty Eisenhaur explained the reason behind this proposal: the Housing Commission has the maximum number of members, and one of them is a Selectboard member. If the Selectboard member was a non-voting liaison, it would free up a spot for another community member. The Selectboard member would still have the opportunity to vote on Commission proposals once the proposal reached the Selectboard.

Motion by Mr. Prouty to amend the charge for the 7-member Londonderry Housing Commission, originally approved on 6/19/2023, by eliminating the inclusion of a Selectboard member on the Commission, thus allowing for another member to be appointed by the Selectboard. Mr. Ameden seconded. Motion passed unanimously.

10. Transfer Station / Solid Waste Management

a. Updates

Ms. Fishman reported on the status of the proposed vending machine for punch cards. The original machine that was proposed does not have enough capacity for the Town's needs. She said she found a different machine that is less expensive and has more capacity, and she provided details about this machine.

Ms. Fishman noted she had received public comment indicating dissatisfaction with the proposal to punch the cards for recycling. She pointed out the Town spent more than $69,000 in 2023 to collect, handle, and process recycling, and these costs affect the tax rate. She proposed that a more fair system would have the households using recycling pay for it at the point of service. This would bring in additional revenue to the Town. She noted the new compactor will allow single-stream recycling, which does not require households to separate their recyclables.

b. Discuss sharps disposal option

Maryann Morris of The Collaborative spoke about the need for a sharps disposal. The boxes are large, metal containers with liners, they are safe, and there is a cost to get them picked up.

Motion by Mr. Ameden to accept delivery of a sharps disposal container from The Collaborative, to be located at the Londonderry Transfer Station. Mr. Prouty seconded. Motion passed unanimously.

The Selectboard will review at a later date the memorandum-of-understanding for this item.

c. Reconsider compactor project improvements and expenses

Ms. Fishman gave an update on this project. She said the Town's electrician is not available at this time due to other scheduled projects.

Motion by Mr. Prouty to rescind the Board's vote of 10/7/2024 to order the compactor equipment and prepare the concrete pad with consideration for a future canopy to be built, and instead revisit the matter during the coming winter. Mr. Ameden seconded. Motion passed unanimously.

11. Roads and Bridges

a. Updates

There were none.

b. Access permit 2024-07 – 1290 Middletown Road, Parcel 062011.100

There was a brief discussion on this application.

Motion by Mr. Ameden to approve access permit application No. 2024-07, submitted by property owner Matthew V. Josephs, for a second access to parcel #062011.100, located at 1290 Middletown Road, and authorize the Chair to sign the permit on behalf of the Board, subject to all written requirements of the Road Foreman as specified in the access permit, and is subject to conditions determined by the Development Review Board on July 29, 2024 under Site Plan and Zoning Permit #2024-33. Mr. Prouty seconded. Motion passed unanimously.

c. Access Permit 2024-09 – 210 Bungalow Road, Parcel 027010.001

There was a brief discussion on this application.

Motion by Mr. Prouty to approve access permit application No. 2024-09, submitted by Joseph Rostock on behalf of property owner Cove Dweller Properties, LLC, for a modification of an existing second access to parcel #27010.001, located at 210 Bungalow Road, and authorize the Chair to sign the permit on behalf of the Board, subject to all written requirements of the Road Foreman as specified in the access permit. Mr. Ameden seconded. Motion passed unanimously.

d. Discuss winter maintenance

Mr. O'Keefe said he has increased advertising since the last meeting. He has no updates.

e. Consider extended vehicle warranty

Ms. Labeau announced the new truck is almost ready. She and Mr. Dryden spoke in favor of the Town purchasing an extended vehicle warranty. Mr. Dryden shared details of the warranty and the Town's recent history of truck repairs, the latter of which especially supports the purchase of an extended warranty.

Motion by Mr. Prouty to purchase 1) a towing warranty that covers towing and roadside International repairs up to $550 per incident for the cost of $1,600, 2) a Cummings Engine extended warranty of 5-years/100,000 miles with towing for $2,945, and 3) a Cummings Engine extended warranty of 5-years/100,000 miles after treatment system for $860, for a total $5,405 of additional warranty coverage to be paid from the Town Highway Equipment Fund. Mr. Ameden seconded. Motion passed unanimously.

12. Old Business

a. Mountain Towns Recreation Director – Permission to activate a Paypal account

Mr. Elio spoke about different options for the Town receiving payments. He said a new system can be used for the upcoming basketball tournament, as well as other Town services. The Town currently uses ExpressPay, which is inadequate for the Town's current and future uses.

Motion by Mr. Prouty to authorize the Town Treasurer, the Mountain Towns Recreation Director, and the Town Administrator to enter into any agreements or other documents necessary to establish one or more PayPal accounts for payments to the Town of Londonderry. Mr. Ameden seconded. Motion passed unanimously.

13. New Business

a. Champion Fire Co. #5 – Discuss Halloween Trunk or Treat

This item was moved to accommodate Mr. Duda. The Board briefly discussed this annual Halloween event.

Motion by Mr. Ameden to authorize the closure of Main Street and one lane of Middletown Road from Crescent Street to VT Route 100 in South Londonderry from 4:30 to 6:30 PM on Thursday, October 31, 2024 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. Mr. Prouty seconded. Motion passed unanimously.

12. Old Business (continued)

b. Discuss Town Administrator job description and recruitment process

Mr. O'Keefe shared his research into other Town Administrators' job descriptions.

A discussion ensued on some possible changes to the Town Administrator's job description.

Mr. O'Keefe noted the Vermont League of Cities and Towns (VLCT) no longer provides search services. Their website does have a list of companies who offer this. Mr. O'Keefe said he reached out to an in-state company and received no response. He said he was concerned that out-of-state firms would be prohibitively expensive. He shared some ideas he has for outreach opportunities.

Mr. O'Keefe will bring a redlined version of the Town Administrator's job description to a future Selectboard meeting with suggested amendments for consideration.

c. Town Office Renovations – Consider change orders

Mr. O'Keefe provided an update to the project. Highlights included:

- Workers discovered quite a bit of ledge beneath the building. This interferes with the foundation's proper drainage, and some ledge must be removed.
- It is normal to find things like this during renovation projects.
- Two other needs were discovered during the project: the generator cable must be rerouted,

and a portion of the parking lot subbase must be replaced.

- There is not much contingency built into this project's budget.
- It is possible to get some of this grant-funded. He will know more near the end of October.

Motion by Mr. Prouty to authorize change orders for the Town Office Renovation Project to 1) address slab drainage and ledge removal needs at a cost of $36,812, 2) reroute the generator cable at a cost of $11,843, and 3) replace the parking lot subbase at a cost of $8,000, and authorize the Town Administrator to execute any documents necessary to implement this change order. The Board acknowledges a change order in the amount of $2,864 for rewiring the Town Office generator to meet applicable codes. Mr. Ameden seconded. Motion passed unanimously.

d. Discuss Town website

Mr. O'Keefe gave an update on this item. He shared with the Selectboard a refreshed list of companies who develop municipal websites, and he has been in contact with a number of them. He has also contacted officials at other nearby towns that recently updated their websites, and he will continue doing so. There are numerous resources for this project.

Mr. O'Keefe and Ms. Labeau will assemble a group to address this. Many people present at the meeting expressed their willingness to be part of this group.

13. New Business

b. Discuss compliance with new State of Vermont ethics requirements (Act 171 of 2024)
Mr. O'Keefe shared some background on this item: new legislation requires this of towns, and January 1, 2025 is the deadline for compliance. Mr. O'Keefe noted the VLCT has little guidance on this, but some might come soon.

This subject will remain on the Selectboard's agenda for future meetings.

14. Adjourn

Motion by Mr. Ameden to adjourn the meeting. Mr. Prouty seconded. Motion passed unanimously.

The meeting was adjourned at 7:42PM. The next regular meeting of the Selectboard is scheduled for Monday, November 4, 2024.

Respectfully Submitted,

Wendy M. Levy

Approved November 4, 2024

Wendy M. Levy
Minutes Taker

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

* * *

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, November 4, 2024
Town Hall, 139 Middletown Road, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Taylor Prouty and James Ameden, Jr.

Absent Board Members: Martha Dale and James Fleming.

Town Officials: Town Administrator Shane O'Keefe; Zoning Administrator Will Goodwin; Planning Commissions Jen Greenfield and Pamela Spaulding; Housing Commission Chair Patty Eisenhour; Cemetery Commissioners Gary Barton and Maureen Cronin; Emergency Management Director & Health Officer Rich Phelan; and Deputy Health Officer Mark Frayne.

Others in Attendance: FEMA Community Assistance representatives Kelly Pajala and Mark Leese; residents Shelly Hendler Trevor Dryden; 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 delete from the Town Officials section of the agenda the Village Wastewater Committee discussion on prioritization of connections to the South Village wastewater system,** seconded by James Ameden. The **motion passed** unanimously.*

3. Minutes Approval – Meeting(s) of 10/21/2024

*James Ameden **moved to approve the minutes of the Selectboard meeting of 10/21/2024,** 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 James Ameden. The **motion passed** unanimously.*

5. Announcements/Correspondence

Town Administrator Shane O'Keefe noted the following:

- The Town received four applications for the Minute Taker position, and the plan at this time is for O'Keefe and Cavanagh to interview them and bring the recommended candidate to the Board meeting for further interview in executive session. He noted he'd be handling the minutes for the meetings until a replacement is hired.
- The application for VTrans structures funding for replacement of the Windy Rise Lane West culvert #2 was denied. It's still on the list of projects for which funding is being sought through the Hazard Mitigation Grant Program RIVERS program.
- Everyone who has not voted yet should visit the Town Hall at 139 Middletown Road the following day – Election Day - to vote; polls will be open from 7:00 AM to 7:00 PM.

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

- A 10/19/2024 letter from the Windham County Sheriff's Office indicating that the FY2026 service rates will be increasing from $54/hour to $65/hour, a 20% increase. O'Keefe noted that he had been contacted by the Town of Townshend expressing interest in joining with Londonderry and Jamaica in the policing services arrangements with the WCSO.
- A letter, dated 10/30/2024, from the attorney for Green Mountain Power regarding further construction and upgrade delays at the substation on Thompsonburg Road.
- Year-to-date financials through July 2024.

6. Visitors and Concerns

a. Discuss Long-term Community Recovery Plan with FEMA Community Assistance Group

FEMA representatives Kelly Pajala and Mark Leese and spoke about the FEMA Community Assistance team proposal to assist the Town with its long-term recovery planning effort, which was previously discussed on 9/9/2024. Leese provided the Board with a prepared handout and gave an overview of the program, the planning process and recovery/resilience project development, including the need to establish a steering committee for the effort, gathering public support and eventual adoption by the Selectboard. He noted that FEMA provides technical assistance for the plan, and going through this process provides the Town advantages when seeking grant funds in the future.

Leese provided suggestions on establishing a steering committee for a 6–8-month period, to meet periodically, and hold three public meetings. It was agreed to include the steering committee on the agenda for the next regular meeting of the Board. Cavanagh suggested representation from the Selectboard, Planning Commission, and Housing Commission. Pajala suggested including individuals that could represent the topics of community planning, housing, health and social services, economic development, natural and cultural resources, and infrastructure. She added that she and Leese would make themselves available to meet with the committee once formed.

b. Other visitors

Resident Bruce Frauman announced that the Friends of the West River Trail, the Londonderry Arts & Historic Society, and the Weston Historic Society are sponsoring the showing of the movie "Where the Rivers Run North" as part of their Vermont film series 7:00 PM on 11/14/2024.at the Depot on West River Street.

Resident Trevor Dryden inquired about his previously noted concern about the salt shed still not being covered and protected from weather effects. Prouty mentioned that this is work on the Highway Department's schedule.

Mr. Dryden also expressed concern about Windy Rise Lane West having been paved recently when there is a culvert needing to be replaced. This and the Town's paving schedule and capital plan was discussed at length. He also remarked that Spring Hill Road should be a priority for paving and there was extended conversation about the proposed replacement of the large culvert on Spring Hill Road, for which the Town has received grant funds of $475,000 already.

7. Town Officials Business

a. Zoning Administrator – Consider proposed interim Zoning Bylaw amendment

Zoning Administrator Will Goodwin spoke to the Board about signage at the Mountain Marketplace Plaza, noting that the Zoning Bylaw allows one sign of 8 square feet per business and that there are several tenants there with larger signs and newer tenants are unhappy with having to abide by the 8-square foot limitation. He suggested that the Board consider an interim Zoning Bylaw amendment to address this concern, which is permitted under Vermont statutes. He mentioned interim bylaws passed by other communities.

The Selectboard meeting packet included draft minutes of the 10/28/2024 Planning Commission meeting, which state that the Commission voted to pass on a recommendation to the Board that there be a single commercial uniform signage standard for businesses zoned commercial.

Goodwin's proposal calls for allowing businesses in the plaza to have the same signage allowance as any other business in a commercial district, which he said would be two signs of up to 20 square feet each. He spoke in detail about the several proposed changes, and mentioned that the State statute on interim bylaws implies that they are for emergencies, and the Board reviewed the provisions of 24 V.S.A. 4415(a). Goodwin offered and the Board agreed that he would do further research on this and confer with the Town Attorney and get back to the Board on next steps, including scheduling the required public hearing.

8. Transfer Station/Solid Waste Management

a. Updates

There were none.

9. Roads and Bridges

a. Updates

Taylor Prouty noted that delivery of the new truck was expected that day.

October 2024 Salt – 0 tons Sand – 0 yards
Fuel (gallons): Equipment – 632 Transfer Station – 0 Parks – 4

10. Old Business

a. Town Office Renovation Project – Request interim funding from Cemetery Commission

O'Keefe noted that he was in the process of filing an application to the Vermont Bond Bank for a $1.3 million bond note as approved by the Voters at the 2023 Town Meeting, and that the project is expected to cost approximately $1.8 million, with the balance proposed to be made up from grants and reserve funds. He added that as the project is now underway and interim construction financing is needed at this time to cover immediate construction and other project expenses, and recommended that the Board seek to borrow internally from the Cemetery fund. He noted that the Board can borrow for less than one year without voter approval.

Cemetery Commissioners Maureen Cronin and Gary Barton spoke to the Board to clarify their understanding of the request. O'Keefe mentioned that the request could be as high as the full project amount but that it could be borrowed incrementally as expenses are incurred. He noted that the Bond Bank funds would be available in the spring, after project completion, and mention grant funding opportunities.

Cronin mentioned that a promissory note would be required that spell out the specific terms such as a payback schedule, and that interest would have to be imposed in keeping with going construction loan rates. Barton noted that the Trustees of Public Funds would need to be involved in the process, and Cronin added that some fund assets may need to be sold to address this request.

Dryden inquired about impact on taxpayers of paying back borrowed funds.

Taylor Prouty ***moved to formally request interim funding for the Town Office Renovation Project construction-related expenses from the Cemetery Commission's cemetery funds at a mutually agreeable rate of interest for a term of less than a one year****, seconded by James Ameden. The* ***motion passed*** *unanimously.*

O'Keefe stated that he would provide notice to the Cemetery Commission of the Board's vote, and suggested that the Town Treasurer should take the next steps toward arranging for the interim construction funding.

b. Discuss Municipal Energy Resilience Program (MERP)

O'Keefe mentioned that he had submitted a grant application of approximately $500,000 under the MERP for improvements to the Town Office and Town Hall and that award decisions were overdue, but he was seeking preapproval to sign any required grant agreements in case the Town was successful with the requests.

James Ameden ***moved to authorize the Town Administrator to execute any documents necessary to accept grant funds under the Municipal Energy Resilience Program that may be forthcoming from the State of Vermont. The Town Administrator shall report any such grant agreements to the Board****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

c. FEMA Hazard Mitigation Grant Program preapplication amendment – Buyout for 74 Main ST

O'Keefe mentioned the property owners of 74 Main Street in the South Londonderry had originally requested hazard mitigation grant funds for elevation of their home. He added that once the Town was notified that these types of projects were not being prioritized by the State due to limited funds compared to project funding sought state-wide, and that buyouts were being prioritized, he had notified the five HMGP applicants of this. So far only the owners of the subject property have decided to change course, he mentioned, and O'Keefe asked the Board to amend the previous vote regarding this property.

O'Keefe clarified that a buyout project would allow the property owner to receive 100% of the pre-disaster appraised value for the property, and the State of Vermont would handle pre-demolition work, and demolition/stabilization of the property. The Town would become the property owner with covenants preventing any further development of the site. While the project would remove a property subject to repetitive flood damage, it also deletes a property from the grand list, he stated. The Board members discussed the HMGP priorities and the process that the Town goes through in administering the projects.

Taylor Prouty ***moved to amend the Board 's decision from August 19, 2024 authorizing submittal a written expression of interest and application with Vermont Emergency Management's Hazard Mitigation Grant Program for the floodproofing or elevation of the building on property located at 74 Main Street owned by Andrew and Donna Chambers, to instead authorize submittal of application documents for the FEMA buyout program****, seconded by James Ameden. The* ***motion passed*** *unanimously.*

d. Proposed reclassification of a portion of Rest Haven Road [19 VSA 710 & 711]

O'Keefe asked the Board how it would like to proceed with this project as the Board must make a decision with regard to the reclassification within 60 days of the previous meeting and Town Attorney assistance is needed to proceed with that effort.

Prouty noted that a survey recently found indicates that the Rest Haven Cemetery property extends 25-feet beyond the westerly stone wall. As a result, the access permits for the neighboring Stephens property need to be amended, he said, but that the curb cuts will be located on the class 4 portion of the road, nonetheless.

Board members discussed creating a vehicle turnaround at the end of the existing class 3 portion of the road, and it was noted that the property owner would be willing to assist with this. Cavanagh suggested involving the fire departments when designing the turnaround, and Ameden noted that the first line truck is 27 feet long.

It was generally agreed by the Board to hold off on a decision regarding the classification and that the property owners should be contacted to make sure they know the cemetery boundaries and the need for a turnaround.

e. Town Office Renovations – Consider change order(s)

The Board reviewed a potential change order to address vertical and horizontal cracks found in the building foundations, and it was generally agreed that it was important to address the matter at this time.

James Ameden ***moved to authorize a change order for the Town Office Renovation Project to address the need to repair foundation cracks at a cost of $5,965, and authorize the Town Administrator to execute any documents necessary to implement this change order****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

O’Keefe updated the Board by noting that paving of the parking lot will take place in the spring, ad mentioned that special care needs to be taken at the entry steps for the temporary Town Office trailer due to ponding of water.

f. Discuss Town Administrator job description and recruitment process

The Board reviewed changes to the job description for the Town Administrator position as prepared by O’Keefe to change some wording and to make it consistent with more recent descriptions from a formatting standpoint. He also highlighted tasks that should be considered for changing either now or in the future.

O’Keefe distributed information on methods and cost of advertising the position.

Pamela Spaulding inquired as to whether there were plans to convert to the Town Manager form of government and advertise for that position. Cavanagh noted that this would require a Town Meeting vote and was not being pursued at this time.

The Board was in general agreement with the changes to the Town Administrator job description, and proposed listing it as a 40 hour per week position.

James Ameden ***moved to accept the recommended changes to the job description for the Town Administrator position, and to post the job advertisement to the Massachusetts and New Hampshire Municipal Association websites in addition to the Vermont Lague of Cities and Towns website****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

As to the process going forward, it was agreed that O’Keefe should start the advertising of the position as soon as possible and that review of applications would begin at the second meeting in December, with a rounds of interviews to take place in January and February.

g. Discuss Town website

O'Keefe updated the Board by noting that several residents have been contacted to assist him and Treasurer Tina Labeau as a working group with this effort, including Pete Smith, George Mora, and Heather Stephenson. Frauman mentioned he'd be interested in helping out, as did Ameden. O'Keefe outlined that the goal was to get proposals from vendors and come to the Board with a recommendation.

11. New Business

a. Londonderry Housing Commission – Appointment to fill new position

The Board reviewed an application for appointment to the Housing Commission submitted that day by Maryann Morris, who had previously served on the Commission as the Planning Commission appointee.

James Ameden ***moved to appoint Maryann Morris to the Londonderry Housing Commission for a term extending to June 30, 2027****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

12. Adjourn

Taylor Prouty ***moved to adjourn the meeting****, seconded by James Ameden. The* ***motion passed*** *unanimously.*

The meeting adjourned at 7:40 PM. The next regular meeting of the Selectboard is scheduled for 11/18/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved November 18, 2024.

LONDONDERRY SELECTBOARD

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Martha Dale, Vice Chair

Town of Londonderry, Vermont
Selectboard

Meeting Minutes
Monday, November 18, 2024
Town Hall, 139 Middletown Road, South Londonderry, VT

Board Members Present: Martha Dale, Taylor Prouty and James Ameden, Jr.

Absent Board Members: Thomas Cavanagh and James Fleming.

Town Officials: Town Administrator Shane O'Keefe; Town Treasurer Tina Labeau; Town Clerk Allison Marino; Zoning Administrator Will Goodwin; Road Foreman Josh Dryden; Short-Term Rental Administrator Andy Dahlstrom; Mountain Towns Recreation Director Liam Elio; Planning Commission Chair Jen Greenfield; Housing Commission Chair Patty Eisenhour; Village Wastewater Committee members Gary Hedman, Larry Gubb, Sharon Crossman, and Tom Metcalf.

Others in Attendance: Residents Barry Randell, Cynthia Gubb, Bill Sinsigalli, Melissa Brown, Chad Stoddard, Heather Stephenson, and Jenny Ogden; and GNAT camera operator Brendan Maids.

1. Call meeting to order

Vice Chair Martha Dale, acting as chair in the absence of 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 Town Officials section of the agenda, as item 8.e., consideration of a contract for employment background search services,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to add to the Town Officials section of the agenda, as item 8.f., a discussion on hiring of referees for recreational sporting events,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to add to the New Business section of the agenda, as item 11.d., an executive session to consider the employment of a public employee pursuant to Title 1 V.S.A. Section 313(a)(3),*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

Taylor Prouty ***moved to adjust the agenda by Addressing Agenda item 8.b. before 8.a.,*** *seconded by James Ameden. 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 employment of a public employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Sally Hespe and Town Administrator Shane O'Keefe to attend the executive session,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

The Board and invitees entered the executive session at 6:03 PM, and came out of executive session at 6:15 PM.

Taylor Prouty ***moved to enter executive session to consider the evaluation of a public employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Road Foreman Josh Dryden, Town Treasurer Tina Labeau, Town Clerk Allie Marino, and Town Administrator Shane O'Keefe to attend the executive session,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

The Board and invitees entered the executive session at 6:16 PM, and came out of executive session at 6:22 PM.

4. Minutes Approval – Meeting(s) of 11/4/2024

James Ameden ***moved to approve the minutes of the Selectboard meeting of 10/21/2024,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

5. Selectboard Pay Orders

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

6. Announcements/Correspondence

Town Administrator Shane O'Keefe noted the following:

- The Town received notice that day that there will be blasting that Wednesday between 3:00 PM and 4:00 PM at the Mad King Quarry on Rowes Road.

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

- Correspondence from the State of Vermont Office of Emergency Management on the federal increase in flood damage reimbursement for Vermont Towns from 75% to 90%, and further that the Emergency Relief and Assistance Fund will kick in to reduce the Town's share from the 25% originally estimated, down to 2.2% of costs. Also included was a spreadsheet showing that the Town has received all funds due to it from VEM other than administrative cost reimbursement, which is the last item to come through.
- A copy of the 11/12/2024 award of $450,322 from the Municipal Energy Resilience Program (MERP) for the Town Office and Town Hall renovation projects.
- A letter of resignation from the South Derry Master Planning Task Force submitted on 11/11/2024 from appointee Emmet Dunbar.
- A notice from the Brattleboro Development Credit Corporation regarding the 30-day comment period for the 2024 Southern Vermont Comprehensive Economic Development Strategies (CEDS).
- Thank you letters from Grace Cottage Family Health & Hospital and the Rural Fire protection Program (also known as the Dry Hydrant Program) for the Town's annual social services contributions.
- The monthly report from the Windham County Sheriff's Office for October 2024.

7. Visitors and Concerns

a. Discuss budgetary concerns with resident Barry Randell

Barry Randell spoke at length about his concerns with Town finances and property taxes, and asked the Board about its approach with budgeting going forward. He noted concerns about social service appropriations and capital reserves.

Dale explained the need to balance the need to provide municipal services with tax impacts on the community. Prouty mentioned that each department budget is evaluated addressed separately to determine essential needs, and explained that the Board recognized the historical underinvestment in Town highways and buildings that has resulted in poor infrastructure that the Board has made a concerted effort to remedy by creating and systematically funding dedicated reserve accounts.

Bill Sinsigalli recommended that specific budget concerns could be provided to the Town for response, and Dale suggested that Mr. Randell should meet with Town staff for better insight into municipal accounting and financial planning efforts. It was noted that later in the meeting the Board would be addressing the budget process and direction.

Regarding social service appropriations, Dale noted that each appropriation request is first considered in detail by the Board before it is included in a Town Meeting warning article.

Randell expressed concerns about Town Meeting voting and noted that there is no way to know who is voting during a voice vote. Labeau explained that Voters could request a "division of the house" where individuals must stand and their votes are counted.

Randell mentioned his ongoing concern with the reserve and trust funds controlled by the Trustees of Public Funds, and noted that there is $9 million in funds that could be used for other municipal purposes. Labeau explained that those funds are set up for specific matters in trust and are not available for anything other than their dedicated purposes. It was explained that the Town can borrow from some of these funds for municipal purposes.

Randell was thanked for his comments and concerns.

b. Other visitors

Melissa Brown mentioned that there have been 14 resignations over the past 6 months from local boards and committees and asked if there were any concerns about this with the Board. She requested a formal inquiry into the resignations to determine if there are any commonalities that may have led to them.

Dale suggested that the resignations reflect negatively on the town and that the Board should learn from the resignations. Prouty agreed that it was important to understand this.

Sinsigalli said the Board should reflect on the Planning Commission resignation and try to understand this better.

Brown reiterated her concern and suggested that those who have resigned should be interviewed. Prouty mentioned that with employees the Board does often conduct exit interviews. Dale suggested sitting down with the resigned Planning Commissioners. Ameden said he's open and willing to sitting down with anyone on this, and mentioned that a lot of the issues come down to gaps in communications between boards which need to be bridged. He suggested that board and committee chairs should come to Selectboard meetings from time to time to give reports, and that Selectboard members could also attend meetings of the boards and commissions.

There was discussion about what the proper forum would be for this type of communication between boards and communications, or an inquiry into the resignations.

Jenny Ogden noted that she was shocked by the lack of decorum and behavior exhibited by Board members at one of the Zoning Bylaw discussions. She suggested that tempers need to be calmer.

Dale said that the Board must be supportive of community volunteers so that more people of encouraged to participate, and that a proper communications system and protocols need to be instituted.

Brown remarked that resignations letters submitted to the Board have not been publicly read aloud.

Dale read aloud correspondence received late that day from resident Rachel Febbie regarding her time on the Williams Dam Advisory Committee and frustrations with the process and Selectboard interactions. It also expressed concern about the recent resignations.

She also read aloud a letter of resignation from the South Derry Master Planning Task Force submitted by Emmet Dunbar that was included in the meeting packet. The letter mentioned underserving ill treatment from the Planning Commission and Selectboard chair at a recent meeting.

Dale reiterated the need to look at the individual events and the processes going forward, and that Board members consider the best ways to get the information needed to be reflective.

Resident Heather Stephenson recommended making Board meetings more interactive and allow for remote real-time participation. She added that the Vermont Open Meeting Law requires that a resident or the Press may request that a public body provide additional access to a regular meeting by providing electronic/telephonic access to an in-person meeting. O'Keefe mentioned that providing this service requires resources not presently available to the Town and that personnel needs to be assigned for this. Stephenson suggested that a volunteer could do this for the Town. It was noted that meetings of decision-making bodies are to be recorded and posted for a 30-day period.

Cindy Gubb mentioned that the news signs in the parks look great.

8. Town Officials Business

a. Village Wastewater Committee – Prioritization of connections to the South Village wastewater system

O'Keefe noted that the Village Wastewater Committee had met earlier in the day to discuss wastewater connection prioritization recommendations but due to technical difficulties decided to instead recess the Committee meeting to coincide with the Selectboard meeting.

Committee member Gary Hedman thanked the Board, the Committee and Windham Regional Commission staff for their supportive efforts to date. He distributed charts of two options for potential connections to the south village wastewater system and recalled that the Board had been updated in September on the fact that there is a capacity shortfall due to high interest in connecting to the system. Not everyone interested in connecting can be accommodated, he explained, which necessitates a connection prioritization process. He noted that the Committee recommends Option 1, which provides as follows:

Properties Included in Option 1

Crescent Street:	#39, #56
Main Street:	#1, #17, #60, #67, #74, #215, #253, #331, #347, #437/443, #461
Middletown Road:	#22
Old School Street:	#15, #45/55, #100
VT Route 100:	#3100, #3115, #3198, #3222, #3389

Properties Excluded in Option 1

Middletown Road:	#95, #139
Old School Street:	#70
VT Route 100:	#3988
Hearthstone Lane:	#24

Hedman noted that Option 1 services 21 properties while Option 2 services only 19 properties, and that there is little reserve capacity for future connections under this first phase of the project. For Town-owned facilities, the Town Hall and the Town Highway Garage are not proposed for connection, while the Town Office is planned. He explained that phase 1 of the project includes infrastructure, permits and design to accommodate a 2nd phase of the project, where not only can those properties now proposed to be excluded be accommodated but additional capacity of roughly 3,000 gallons per day would be available for other properties in the vicinity of the village center.

There was discussion about the possibility for funding of phase 2 of the village wastewater project, the cost of which is in excess of $2 million, O'Keefe reported.

There was general support for option 1 expressed by Board members.

Martha Dale ***moved, that given the limitation on capacity of Phase I of the proposed South Village Wastewater System and the fact that there are more property owners seeking to connect than the system can accommodate, the properties indicated in Option #1 should be prioritized for connection under phase I of the project and further, that those properties whose owners have shown demonstrated interest that are not prioritized above be given priority status when Phase II is constructed,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

b. Zoning Administrator – Consider proposed interim Zoning Bylaw amendment

Following up on the discussion at the previous meeting, Will Goodwin distributed proposed language for consideration as an interim Zoning Bylaw amendment to address a signage concern at the Mountain Marketplace Plaza. Goodwin's proposal calls for allowing businesses in the plaza to have the same signage allowance as any other business in a commercial district, which he said would be two signs of up to 20 square feet each, instead of the total of 8 square feet now permitted.

He stated that Town Attorney Bob Fisher confirmed that an interim Zoning Bylaw was a good way to correct the issue. To adopt the interim amendment the Board would need to first warn and hold a public hearing. He added that the version before the Board that evening was slightly changed from the previous version provided to the Board.

Goodwin read aloud and explained in detail the proposal as follows:

418.e ***Specific Standards.*** *The following signs are permitted when located on-premise for uses as specified:*

418.e.4 ***Business, within Commercial Districts:***
Two (2) separated business signs not exceeding twenty (20) square feet in area; not more than one of which shall be a freestanding sign and/or shall be located within twenty-five (25) feet of the traveled portion of the highway. *~~Roof signs are permitted but may not exceed twelve~~* ***~~twenty~~*** *~~(12~~****~~20)~~*** *~~square feet in total area and may not be placed on roofs in such a manner that the highest point of the sign is higher than one-half way between the eaves and the ridgeline.~~*

418.e.5 ***Mixed Uses, including commercial shopping centers, and business, manufacturing or industrial parks:***
~~Not withstanding Subsection (D) (4), above~~, one (1) freestanding sign for the entire development, to be located near the principal entrance and not to exceed 24 square feet in total area unless otherwise permitted under Site Plan Review; *~~and, in addition, each individual business is allowed one wall or projecting sign, not to exceed eight (8) square feet in area, announcing the business establishment.~~*

There was discussion about the rationale and urgency of this proposed Zoning Bylaw change, and whether the interim approach was the best way to address the plaza signage matter. It was noted that interim zoning expires after two years.

Taylor Prouty ***moved to schedule a public hearing for 12/16/2024 to consider an Interim Zoning Bylaw proposal regarding commercial signage, such bylaw being necessary in order to protect the public health, safety, and general welfare and provide for orderly physical and economic growth, and direct the Zoning Administrator to provide the required public notice as an emergency measure,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

c. Housing Commission – Update & Consider request for Town Meeting warning articles

Patty Eisenhaur reviewed a presentation document provided to the Board on housing conditions and Housing Commission efforts. She noted that the Commission meets monthly and that the last presentation to the Board was in the spring of 2023 after the release of the Housing Needs Study. She gave a brief recap of the study, and went on to note that there continue to be many supply and demand issues facing housing affordability in the community. She mentioned that prices have increased 6% over the past year and the median home price is over $500,000, which is above the state-wide average. She provided additional statistics that further make clear that there is a real affordability gap.

Eisenhaur noted that the Commission played a role in the Board's adopting the Short-Term Rental (STR) Ordinance that ensures safe rentals and reduces negative impacts on quality of life. And suggested that STRs should be considered conditional uses in the Zoning Bylaw and that they should be limited in number to help balance short- and long-term housing opportunities in the community.

She noted that the Commission is suggesting that the Town take steps to address affordable housing in the community, and mentioned that maintaining and improving the existing housing stock as a goal. Eisenhaur also mentioned the Vermont Housing Improvement Program which can help with creating rental housing and the Commission is trying to promote the program in Londonderry. She also spoke about the connection between local employment and local housing availability.

She noted that the 1% local rooms and meals tax is primarily generated by visitors and that the funds generated should be invested locally. The Commission is suggesting that the

The Commission is recommending that the Selectboard consider adding “housing” to the purposes of the Community Economic Improvement Reserve Fund, which presently are “to support municipal efforts to plan, promote and implement economic recovery, revitalization and development efforts in Londonderry”. Eisenhaur also suggested that the proceeds from the 1% rooms and meals tax to be allocated to that reserve fund. She suggested that funds received could be used as matching funds for various types of projects, including those promoting housing.

Labeau mentioned that the State of Vermont Department of Taxes does not break out the amount generated individually by the local option taxes for rooms, meals, and alcoholic beverages.

Eisenhaur provided the Board with draft Town Meeting warning articles for these initiatives.

Bill Sinsigalli recommended that the STR working group meet for the first time soon. And also that the Town should consider increasing STR registration fees and allocating those funds to housing in the community. He noted that other towns are generating fees in excess of the cost of administering the STR registration program and that Londonderry should do the same.

Eisenhaur spoke about other towns’ use of their local option tax revenues. She raised the warning article petition process in case the Board prefers not to add the articles to the Town Meeting warning.

O’Keefe will work with Eisenhaur on warning article language for review by the Board at the 12/16/2024 Selectboard meeting. Labeau will work with the Vermont Department of taxes on refining revenue figures for the local option taxes. The Board thanks Eisenhaur and the Commission for their efforts.

d. Short Term Rental Administrator - STR registration and enforcement update

Andy Dahlstrom spoke to his recent efforts toward registration STRs in the community. He mentioned he’d received ticket booklet from the Vermont Judicial Bureau and has undergone training with the Vermont League of Cities and Towns (VLCT), and is coordinating with the Windham County Sheriff’s Office. He noted he’d attended the recent conference held by the Vermont Short-Term Rental Alliance, and is working toward making Londonderry known as a safe place for STRs. He mentioned efforts to work with a trash hauler about ensuring STRs can properly dispose of waste, and spoke about possibly creating a localized web platform for STRs.

On registration enforcement, he noted that 62 STR owners have registered so far and that according to information from the STR administration software there are approximately 150 STRs in Londonderry. Dahlstrom stated that 96 letters went out that day to property owners suspected of operating STRs that have yet to register, of which 19 are locally owned, that the Town is about to begin formal enforcement proceedings. He asked whether the Board if tickets, at $200/day, should be issued to those who do not register after this letter. After some discussion, where it was noted that registration was required as of 7/1/2024 and the Board previously agreed to hold off on enforcement until 10/1/2024, there was the consensus of the Board that ticketing should begin on the Monday after Thanksgiving.

Dahlstrom further discussed safety matters, including inspections by the State Fire Marshal for larger STRs, and concerns by local emergency response agencies. He will look to attend the 12/2/2024 Selectboard meeting with VLCT's Trevor Whipple to further discuss the enforcement process.

e. Mountain Towns Recreation Director - Consider contract for employment background search services

Liam Elio explained that there is a requirement for background checks for referees and he proposed using the services of an online company named Chekr for this need, at a cost of $30 per person. Conducting background checks without such a service can be very time-consuming and insufficient, he mentioned, and clarified that the proposed service agreement is a per search charge and not an annual fee.

O'Keefe suggested that as long as there is no ongoing cost to the Town and there is ability to terminate at will there should be no issues with this. He inquired about whether the vendor was U.S. based and what the vendor does with the information it collects. Labeau mentioned that other reputable entities use this vendor.

The Board expressed to Elio that he determine further information about the company before creating an account.

Martha Dale ***moved to accept the Terms of service from Checkr for background check services and authorize the Mountain Towns Recreation Director to utilize their services on behalf of the Town,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

f. Mountain Towns Recreation Director – Discuss hiring of referees for recreational sporting events

Elio spoke to the Board about the need to bring on referees for sporting events and whether they are hired as contractors or employees. Labeau noted that they met the definition of employees but that she needs to do additional research on this, and Prouty suggested that they are probably contractors as they are not being instructed on how to referee, just when to show up for an event.

O'Keefe inquired of Elio what other communities are doing for this? It was mentioned that communities with Town Managers can expedite hiring decisions.

Elio asked whether he or Labeau could hire referees, and there is sometimes a need to hire a referee on the spot instead of waiting for a Selectboard meeting. O'Keefe suggested that the Board authorizing a Town employee to hire another Town employee is a major policy issue that needs further discussion.

It was agreed that this matter should be discussed further at a subsequent meeting once more information is gathered.

9. Transfer Station/Solid Waste Management

a. Updates

Labeau noted that disposal prices go up on 12/15/2024, and that recyclables will cost one punch.

10. Roads and Bridges

a. Updates

Josh Dryden mentioned that the new truck finally arrived that day and it will be oiled that week. Lettering of the new truck and equipment will take place during the week as well, he reported.

There was discussion about the need and process for weatherproofing the salt shed.

Regarding paving, there was discussion about changing the scope of the Landgrove Road reclamation project for the coming year due to paving efforts on the road already taken. O'Keefe mentioned that he may need to amend the Class II paving grant to accommodate any changes. It was agreed that Prouty, Dryden and O'Keefe will meet on this matter soon. Other locations needing paving were discussed.

Highway Department budget discussion will take place on 12/16/2024, Prouty mentioned.

b. Consider request by Chester Snowmobile Club for use of Town property for snowmobile trails

The Board briefly discussed this annual request, and it was pointed out that Cromack Lane is being proposed for usage this year, while Mansfield Lane was included the previous year.

James Ameden ***moved to approve the request from the Chester Snowmobile Club to use a portion of both Lowell Lake Road and Cromack Lane for snowmobiling between December 15, 2024 and April 15, 2025, and authorize the Town Administrator to execute a Vermont Association of Snow Travelers, Inc. landowner permission form on behalf of the Town****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

11. Old Business

a. Discuss forming a steering committee for FEMA Long-term Community Recovery Plan

Dale and Ameden each expressed interest in serving in this role, and Ameden mentioned that participants from the fire departments and EMS were being sought. Others being considered also include Paul Hendler, Rich Phelan and George Mora, as well as a number of Planning Commissioners. Ameden mentioned that it was recommended by FEMA that the committee include 10 to 12 people.

Establishment of the committee and appointment of its members should take place at the next meeting it was agreed.

b. Discuss Town Administrator recruitment process

O'Keefe mentioned that three applications have been received so far. He shared that advertisements have been placed with the VLCT, New Hampshire Municipal Association, and Massachusetts Municipal Association. The Board will begin review of applications on 12/16/2024.

12. New Business

a. Discuss FY2026 budget goals

O'Keefe inquired whether the Board had any general budget direction to departments such as whether to level fund or otherwise limit expenses. It was agreed in general that budgets should be constructed to fulfill needs while keeping taxes as low as possible.

The only big-ticket item proposed for the next year according to O'Keefe was the Class II paving project, which would include grant funding and capital reserves to help pay for it. Labeau explained that the FY2025 budget included several new personnel expenses which explained the increase for that budget year, and that the proposed cost-of-living figure being worked into the new budget was 2.5%

The Town Highway Reserve Fund will again be increased by $40,000 in keeping with the paving capital plan, O'Keefe reported, but that others would likely be level funded.

There was discussion about the need to carefully review appropriations to outside organizations, which Labeau comes to approximately $117,000 in the present year budget.

Labeau was thanked for her efforts to organize the budget process.

b. Appoint Selectboard liaison to the Londonderry Housing Commission

Martha Dale offered to take on this role given her interest.

Taylor Prouty ***moved to appoint Martha Dale as the Selectboard's liaison to the Londonderry Housing Commission,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

c. Consider employee compensation matters

Taylor Prouty ***moved to adjust the hourly rate of pay for Josh Dryden to $34.00, effective 11/16/2024. appoint Martha Dale as the Selectboard's liaison to the Londonderry Housing Commission,*** *seconded by Martha Dale. The* ***motion passed*** *unanimously.*

d. 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 employment of a public employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town Administrator Shane O'Keefe to attend the executive session,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

The Board and invitee entered the executive session at 9:36 PM, and came out of executive session at 9:45 PM.

James Ameden ***moved to hire Sally Hespe to the part-time Minute Taker position at a rate of pay of $25.00 per hour effective two weeks from today, subject to completion of a probationary period of 6 months,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

13. Adjourn

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

The meeting adjourned at 9:46 PM. The next regular meeting of the Selectboard is scheduled for 12/2/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved December 2, 2024.

LONDONDERRY SELECTBOARD

____

Martha Dale, Vice Chair

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, December 2, 2024
129 Middletown Road, South Londonderry, VT 05155

Board members present: James Ameden, Jr., Martha Dale, and Jim Fleming.

Board members absent: Thomas Cavanagh and Taylor Prouty.

Town Officials: Shane O'Keefe, Town Administrator; Allison Marino, Town Clerk; Tina Labeau, Town Treasurer; Sally Hespe, Selectboard Meeting Minute Taker; Patty Eisenhauer, Housing Commission Member; and Andy Dahlstrom, Short Term Rental (STR) Administrator.

Others in Attendance: Residents Gary Barton, Melissa Brown, Paul Hendler, Pamela Spaulding, and Heather Stephenson; State Representative Chris Morrow; and GNAT camera operator Brendan Maids.

1. Call Meeting to Order

Vice Chair Martha Dale, acting as Chair in the absence of Tom Cavanagh, called the meeting to order at 6 p.m.

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

Jim Fleming ***moved to delete the executive session, noted as Item 3, from the agenda****, seconded by James Ameden. The* ***motion passed*** *unanimously.*

Jim Fleming ***moved to add to the agenda, as New Business item 12.b, consideration of 1st & 3rd Class Liquor Licenses & Outside Consumption Permit for Londonderry Café and Tavern, LLC, DBA Jakes Restaurant****, seconded by James Ameden. The* ***motion passed*** *unanimously.*

3. Minutes Approval – Meeting(s) of 11/18/2024

James Ameden ***moved to approve the minutes of the Selectboard meeting of 11/18/2024****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Town Administrator Shane O'Keefe noted the correspondence included in the Board's meeting packet was as follows:

- Correspondence from resident Heather Stephenson recommending that the Town consider addressing Short-term Rentals in the Town's Zoning Bylaw.

Acting Chair Martha Dale announced the following;

- Sally Hespe is the new Selectboard Meeting minute taker and extended a warm welcome.

6. Visitors and Concerned Citizens

a. Meet with Rep. Christopher Morrow

Vermont State Representative Chris Morrow came to introduce himself, as he will represent the Town in Montpelier starting in January. Rep. Morrow wants to get input on what would be useful or not to the Town and its residents. He acknowledged there will be a lot going on, but he is here to help with relationships with State agencies, education spending and funding and housing fundamentals.

Rep. Morrow reported that the State released its annual letter on 12/1, projecting a 5.9% statewide property tax increase. He acknowledged that the property tax issue will be front and center in the next session, and he is open to emails and calls or scheduling something with the Selectboard.

O'Keefe asked when committee assignments would be made. Rep. Morrow answered January 8th or 9th and explained that the Speaker assigns committees. As the Speaker race is contested this year, there will be an election. Rep. Morrow requested assignment to the Ways and Means committee, but admitted this a long-shot as a new representative.

Dale recounted to Rep. Morrow that she had met with FEMA representatives Mark Leese and Kelly Pajala, who suggested that the Selectboard keep an eye out for MTAP funding for grants management and capacity building. The Selectboard would be interested in hearing of ways to consider new development and acquire state funding, including MTAP funds. Dale reported that Londonderry has two big issues: village wastewater and housing; they are looking for funding and assistance in those areas.

Rep. Morrow replied that federal funding is the wild card. At this point, no one knows where the federal government will land, which has the potential to throw a wrench in the state budget. Rep. Morrow ended by sharing his state email address (cmorrow@leg.state.vt.us) and encouraged the board and residents to keep in touch.

b. Short Term Rental (STR) Administrator – Discuss STR enforcement process

Andy Dahlstrom, Londonderry STR Administrator, provided an update on the STR registration process. He just sent out warning letters to those who had unregistered short-term rentals with a reminder that the deadline to apply was Wed. 11/27/2024.

Subsequently, over twenty new registrations and corrections were received, which are still being tabulated.

The next phase is enforcement and the issuance of tickets to those who are active in the rental market but not registered. Dahlstrom filed required paperwork with the Windham County sheriff's office, which will need to assist with ticketing to process in the Vermont court systems. He hopes that this will be finalized by the end of the week.

Overall, Dahlstrom is happy with the process and progress made. Some warning letters were sent in error as properties are advertised online by not currently rented. There is also a lag in property transfers, so current property owners are not receiving notices.

Selectboard member Jim Fleming asked how many properties are registered so far. Dahlstrom could not give an updated number as applications were still coming in, but estimated there are now around ninety registered STRs. He anticipates having an accurate figured at the next meeting.

O'Keefe asked if Dahlstrom would be able to get membership list from the Vermont Short-term Rental Alliance. Dahlstrom agreed that was a good idea and indicated he has already received a client list from Vacasa.

c. Town Clerk – Consider increasing municipal dog licensing fees

Town Clerk Allison Marino reported that the State has increased their dog license processing fees by $2, and suggested that Londonderry should increase Town fees to reflect this. The current fee for neutered dogs is $9, and Marino proposed an increase to $13.

Dale asked about when the last increase occurred, if pushback is expected, and how does Londonderry compare with surrounding towns. Marino answered that there has been no recent increase and Londonderry's licensing fees are considerably lower than surrounding towns.

Resident Melissa Brown asked how dog licensing is enforced. Marino responded that if there is a reported issue with a dog, the animal control officer can issue a fine of $500 if the dog does not have a current license. The Town office currently gives a list of any known unregistered dogs to the animal control officer, who has the discretion to enforce or not.

Dale asked if there were ever hardship requests for assistance with licensing fees. Marino replied no one has ever asked.

Jim Fleming ***moved to acknowledge the increase in State of Vermont fees and surcharges for registration of dogs, cats and wolf hybrids, and to increase the Town's optional license fee surcharge by $2 per dog, as authorized under Title 20 V.S.A. Section 3581(c)(2), for the purpose of funding the Town's rabies control program****, seconded by James Ameden. The* ***motion passed*** *unanimously.*

7. Town Officials Business

a. Discuss Lister resignation and process to fill vacancy [24 VSA 961 & 963]

It was noted that Patricia DelGiorno resigned from her position as Town Lister. DelGiorno was elected 2 years ago and has recently moved out of state. By statue, the Lister position is now vacant and the Selectboard has to issue a notice of vacancy. A draft of this notice was distributed.

Letters of interest will be accepted until January 2, 2025, and then the Board is required to act quickly to fill the position. There are no candidates as of this date it was reported.

James Ameden ***moved to acknowledge the resignation of Patricia DelGiorno as an elected member of the Board of Listers due to her no longer residing in Londonderry, and post notice of the vacancy in the office as required by Title 24 V.S.A. Section 961(a)****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

8. Transfer Station/Solid Waste Management

a. Updates

Town Treasurer Tina Labeau reported the price of transfer station permits increased to $15 as of December 2nd. As of December 15th, there will be a 1 punch charge for recycling.

Fleming asked if people might hoard and bring in as one big load for 1 punch. Labeau agreed this might be a possibility, but the Town has to pay to dispose of recycled materials so there is a need to offset the cost with revenue.

9. Roads and Bridges

a. Updates

Thanks were given to the Town Highway road crew for doing a great job during the Thanksgiving snow storm. The Town received two citizen acknowledgments of the crew's outstanding work. It was noted that the department continues to be understaffed, and that the new truck has no working headlights.

Brown asked about replacing the Radar Feedback sign on Route 100 that was damaged last year. The Town is waiting for the State to sign off on where it goes and then a permit will be issued. O'Keefe committed to work on this soon.

b. Access Permit 2024-10 – 662 Haven Hill Road, Parcel 043003.200

An access permit request was received to allow temporary logging access to a property that has a driveway elsewhere on the property. The temporary access will be returned to original condition once the job is done.

Jim Fleming ***moved to approve access permit application No. 2024-10, submitted by Jock Harvey on behalf of property owner Jennifer Veech, for a temporary logging access to parcel #043003.200, located at 662 Haven Hill Road, and authorize the Acting Chair to sign the permit on behalf of the Board, subject to all written requirements of the Road Foreman as specified in the access permit,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

10. Old Business

a. Establish and appoint members to a steering committee for FEMA Long-term Community Recovery Plan

Acting Chair Martha Dale discussed the creation of a committee to work with FEMA consultants to prepare remediation and recovery plans, as well as community design work. The first task of the committee would be visionary, to create a priority list of what they would like to work on. Dale indicated that the work of the committee was not a guarantee or enhanced route to dollars, but merely guidance for access to funds.

Planning Commissioner Pamela Spaulding asked if the Planning Commission could also have an alternate member assigned to the committee, in addition to the two Planning Commission members. This would ensure that someone form the Planning Commission was always available for meetings.

Housing Commissioner Patty Eisenhaur commented that she hopes this study won't sit on a shelf and that the Board will endorse and be accountable. Other prior long-term strategic plans should be taken into consideration. Dale agreed and hopes there is not fatigue surrounding the subject and that the plan will be embraced.

Dale read the names of potential committee members. Resident Melissa Brown asked how the names were obtained. The names were Board Chair Tom Cavanagh's suggestions, replied Dale. Brown also asked if someone from the Conservation Commission should be included. O'Keefe said the list is not final. The target size of the committee is 10 -13, so there is room for additional members.

Resident Heather Stephenson suggested the Town have an established protocol for how to select members of any future committees such as this.

Patty Eisenhauer questioned whether proposed member Hunter Kaltsas, of Hunter Excavating, would have a conflict of interest, as the company has a vested interest in flood recovery. Others mentioned that Hunter is a large local employer, and no other large local businesses came to mind too as alternate committee members. James Ameden pointed out that Hunter Excavating did the lion's share of the town's flood recovery and is therefore knowledgeable of town needs.

Dale reported that the FEMA consultants want to hold a first meeting before the holidays, either December 10 or 11. She suggested a committee is formed with the 9 suggested members and the ability to have a total of twelve spots filled, including an alternate from the Selectboard and Planning Commission.

Jim Fleming ***moved to determine that the ongoing effort to meet the long-term flooding and other emergency recovery needs in the community is best handled through the establishment of an advisory committee, and therefore the Board hereby establishes the "Long-term Community Recovery Committee", as authorized under 24 V.S.A. Section 4433, which shall be made up of no more than 12 members, to include 2 Selectboard members and 2 Planning Commission members. This Committee will work directly with representatives of the Federal Emergency Management Agency to develop a long-term community recovery plan for Londonderry, and shall be comprised of the following appointees, who shall serve for a term of one year:***

- ***Maryann Morris, Housing Commission***
- ***Rich Phelan, S. Londonderry Fire, EMS and EMD***
- ***Paul Hendler, S. Londonderry Fire***
- ***George Mora, former Selectboard member***
- ***Jen Greenfield, Planning Commission***
- ***Pam Spaulding, Planning Commission***
- ***Jim Ameden, Jr, Londonderry Fire, Selectboard member***
- ***Hunter Kaltsas, Hunter Excavating***
- ***Tom Cavanagh, Selectboard member***

Martha Dale seconded. The **motion passed** *unanimously.*

b. Discuss compliance with new Vermont ethics requirements (Act 171 of 2024)

O'Keefe reported that according to guidance from the Vermont League of Cities and Towns, Londonderry needs to establish a liaison to the Vermont Ethics Commission. To be in compliance by the January 1 deadline, O'Keefe suggested that Town Clerk Allison Marino be appointed as liaison as the Clerk is an elected official that does not work for the Selectboard. The individual can be changed in the future, but someone needs to be named liaison before the deadline.

O'Keefe also recommended that the Town terminates its current Conflict of Interest policy and adopt and post the State Ethics policy. The Vermont Ethics Commission can also administer the complaints process for the Town. This would also address communication and accountability issues the Town is currently facing.

A discussion ensued about next steps, and acting Chair Martha Dale indicated that this matter would be taken up again at the next Board meeting when all Board members should be present.

c. Ratify 11/18/2024 decision to authorize Mountain Towns Recreation Director to utilize services of a background check vendor.

James Ameden ***moved to ratify the Board's 11/18/2024 decision to accept the Terms of service from Checkr for background check services and authorize the Mountain Towns Recreation Director to utilize their services on behalf of the Town****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

11. New Business

a. Consider request to use Town Hall

The Town received a request from Steven Swinburne to use Town Hall for an event on 12/20/2024 from 5 – 9 PM. The event would entail a reading of *A Christmas Carol* to benefit to south Londonderry free library.

Jim Fleming ***moved to authorize use of the Town Hall meeting room by Steve Swinburne on 12/20/2024 for a reading of A Christmas Carol to benefit the South Londonderry Free Library, and to authorize the Town Administrator to sign the facility agreement on behalf of the Town****, seconded by Jame Ameden. The* ***motion passed*** *unanimously.*

b. 1st and 3rd Class Liquor Licenses & Outside Consumption Permit – Londonderry Café and Tavern, LLC, DBA Jake's Restaurant and Tavern.

The Town received the request for liquor license approvals and it was noted the fees were paid.

James Ameden ***moved to approve 1st and 3rd Class Liquor Licenses & Outside Consumption Permit – Londonderry Café and Tavern, LLC, DBA Jake's Restaurant and Tavern, related to the property located at Mountain Marketplace, 5800 VT Route 100, such approval to be ratified at the next Board meeting****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

12. Adjourn

James Ameden ***moved to adjourn the meeting at 7:01 p.m.****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

Respectfully submitted,

Approved December 16, 2024

Sally Hespe
Minutes Taker

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

Town of Londonderry, Vermont
Selectboard

Meeting Minutes
Monday, December 16, 2024
129 Middletown Road, South Londonderry, VT 05155

Board members present: James Ameden, Jr., Thomas Cavanagh, Martha Dale, Jim Fleming and Taylor Prouty.

Board members absent: None.

Town Officials: Shane O'Keefe, Town Administrator; Allison Marino, Town Clerk; Tina Labeau, Town Treasurer; Sally Hespe, Selectboard Meeting Note Taker; Jen Greenfield, Planning Commission Chair; Esther Fishman, Recycling and Solid Waste Coordinator; Maryann Morris and Nancy Jensen, Housing Commissioners, and Will Goodwin, Zoning Administrator.

Others in Attendance: Residents Adam Crossman, Paul Hendler, Melissa Brown, Steve Brown, and Heather Stephenson; Business owner Judy Platt and guest Craig Ruggless, and GNAT camera operator Bruce Frauman.

1. Call Meeting to Order

Chair Tom Cavanagh called the meeting to order at 6 p.m.

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

No additions or deletions were made to the agenda.

3. Minutes Approval – Meeting(s) of 12/2/2024

Taylor Prouty ***moved to approve the minutes of the Selectboard meeting of 12/2/24****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Town Administrator Shane O'Keefe made the following announcement:

1. We received word from Steve Swinburne that there will not be a reading of A Christmas Carol on 12/20/2024 at the Town Hall to benefit the

South Londonderry Free Library, as approved by the Board on 12/2/2024. Bruce Frauman volunteered to host the reading.

O'Keefe noted the following correspondence was included in the Board's meeting packet:

1. Letters from the previous week between the Town and Vermont Emergency Management on the Rinehart Road culvert project, which has been approved by FEMA to advance toward design, bidding and construction.
2. An email dated 12/2/2024 from the Brattleboro Development Credit Corporation noting that Phase 2 of the South Londonderry village wastewater project, while included in the Comprehensive Economic Development Strategy (CEDS), was not designated as a "Vital Project" for the region.
3. An email dated 12/3/2024 from Pete Cobb of the Londonderry Volunteer Rescue Squad regarding concerns with the lack of home care in the region.
4. An order from the Vermont Public Utility Commission of 12/6/2024 regarding the Green Mountain Power substation project accepting construction timetable delays.
5. Letters of thanks for the Town's annual appropriations from the Windham County Humane Society, Southeastern Vermont Community Action (SEVCA), the Mountain Valley Health Council, and the American Red Cross.
6. The monthly report from the Windham County Sheriff's Office for November 2024.

Town Treasurer Tina Labeau made the following announcements:

1. New Transfer station stickers are now on sale
2. Recycling punch cards went into effect that day.
3. There will be a vending machine for punch cards on sale soon at the Londonderry Market.

6. Visitors and Concerned Citizens

Melissa Brown asked the board what was a reasonable amount of time for returning correspondence from community members. She pointed out that concerned citizens take the time to write emails, but they are not always acknowledged and not consistently read at board meetings. Brown added this was a disservice to community members. Taylor Prouty said individual board members should not respond to emails sent to the entire committee but rather address in the open meeting system.

Heather Stephensen asked about the procedure for including citizen emails and letters to board in the board meeting packet. Shane O'Keefe said in general, email correspondence is included in meeting packets. Heather also questioned who determines which correspondence is read aloud at meetings.

The board agreed that they would do a better job of acknowledging citizen correspondence and if an individual requests that their correspondence be read aloud, the board would accommodate that request.

7. Town Officials Business

a. Housing Commission – Consider request for Town Meeting warning articles

The Housing Commission requested that the Town consider placing 100% of the Local Option Tax proceeds into the Community Economic Improvement Fund, of which Housing (among other investments) becomes an acceptable use (subject to Selectboard and Town Meeting approval). Maryann Morris, representing the commission, spoke of the need to secure future funding and requested the board consider moving revenues from rooms and meals taxes into the reserve fund, which would be available not just for housing, but for the other programs needed to access housing. Once housing is included as an acceptable use of the fund, the commission will propose projects for the Board's consideration.

The commission suggested two options for Town Meeting warning articles regarding use of Local Option Tax proceeds:

1) OPTION ONE -- Shall the Town amend how the proceeds generated by local options taxes established under Article 22 of the 2023 Town Meeting (Rooms) and Article 19 of the 2024 Town Meeting (Meals and Alcoholic Beverages) are applied, from being deposited as General Fund revenue to reduce the municipal property tax rate, to being deposited into the Community Economic Improvement Reserve Fund? 7.a.2 Page 13 of 87 2 2.

2) OPTION TWO -- Shall the Town amend how the proceeds generated by local options taxes established under Article 22 of the 2023 Town Meeting (Rooms) and Article 19 of the 2024 Town Meeting (Meals and

> Alcoholic Beverages) are applied, by allowing XX% of revenues to be deposited into the Community Economic Improvement Reserve Fund? The balance of the revenues received shall continue to be deposited as General Fund revenue to reduce the municipal property tax rate.

Martha Dale spoke of how other communities have used reserve funds for housing and economic development, and it serves to keep the issue front and center. Heather Stephenson relayed that several towns in Vermont take 5 – 15% of the proceeds of local options taxes and place in housing and economic reserve funds. Shane O'Keefe requested that Stephenson forward her research to him so he can reach out to towns for input.

The Board and Town have several options to consider: 1) whether to allocate a percentage of the option tax or all of the option tax; and 2) whether to have a separate housing fund or combined economic development fund. In preparation for Town Meeting, Shane O'Keefe will prepare 2 draft warning articles for review at the January 6, 2025 Board meeting, which can then be approved at the 2nd meeting in January. The Housing Commission will also supply the Board with some preliminary yearly budget estimates.

8. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman, Recycling and Solid Waste Coordinator, reported that a vending machine for punch cards will be available shortly, and The Londonderry Village Market has the needed electrical outlet. The Town is awaiting approval by the credit card company to accept charge purchases.

b. Discuss proposed compactor project

Fishman reported that an electrical upgrade will be necessary to install the proposed compactor. The estimated cost for the upgrade is $26,000 - $31,000 plus an additional $35,000 for a slab and canopy. This puts the total approximate cost at $63,000. The electrical upgrade will be necessary as the current electrical service is considered "temporary". Green Mountain Power will be bringing in three-phased power which will require the upgrade.

Due to the estimated total cost, Fishman recommended doing the project in 2 stages: electrical upgrade this year and the compactor next year, shortly after upgrade.

Tom Cavanagh ***moved to forgo doing the compactor until the next fiscal year and instead upgrade the Transfer Station to a true three-phased power****, seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

9. Roads and Bridges

a. Updates

No updates.

b. Consider consultant report on VT Route 11/Middletown Road/Edgehill Road intersection improvements

Town Administrator Shane O'Keefe explained a 2022 road safety analysis mentioned places to improve safety, including the intersection of VT Route 1/Middletown Road/Edgehill Road. The study recommended further study is necessary. Taylor Prouty indicated this is a complicated project as the solution lies not just on Town roads, but State Route 11. According to resident Larry Gubb, who has lived near the intersection for forty-four years, this has been an ongoing problem and is encouraged this study might find a solution. O'Keefe said the next step is for the State to initiate a scoping study.

Martha Dale ***moved to accept the draft regional project refinement report, dated 11/5/2024 and prepared by Stantec, regarding potential improvements to the intersection of VT Route 11, Middletown Road and Edgehill Road, and authorize the Chair to sign a letter of support for the project****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

c. Access Permit 2024-11 – Boynton Road, Parcel 018015.000

Application has been received for temporary logging access. The work has already begun, Prouty reported, and access will be removed once logging project is complete.

Jim Fleming ***moved to approve access permit application No. 2024-11, submitted by Jim Pitre on behalf of property owner Boynton Properties, LLC, for a temporary logging access to parcel #018015.000, located on Boynton Road, and authorize the Chair to sign the permit on behalf of the Board, subject to all written requirements of the Road Foreman as specified in the access permit****, seconded by James Ameden. The* ***motion passed*** *unanimously.*

10. Old Business

a. PUBLIC HEARING – Interim Zoning Bylaw [24 VSA 4415]

Tom Cavanagh ***opened the public hearing on the proposed Interim Zoning Bylaw amendment specific to Bylaw Sections 418.e.4 and 418.e.5, pertaining to commercial signage, such hearing having been given proper notice in keeping with 24 V.S.A. § 4415(a) and 4444 as an emergency measure.***

TESTIMONY/COMMENTS

Will Goodwin, Zoning Administrator, explained that the bylaws were not consistently enforced in the past, resulting in signs of different sizes at the Mountain Marketplace Plaza. The Plaza could now have signs of all one size, if the amendment is passed, in line with all other Londonderry business areas. Goodwin also confirmed that the Town Attorney reviewed the interim bylaw amendment and agreed it was a good way to resolve the issue.

Tom Cavanagh ***moved to close the public hearing****, seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

b. Consider adoption of interim Zoning Bylaw

Jim Fleming ***moved, as authorized under 24 V.S.A. § 4415(a), to adopt the Interim amendments to the Londonderry Zoning Bylaw specific to Bylaw Sections 418.e.4 and 418.e.5, as submitted by the Zoning Administrator and endorsed by the Planning Commission on 10/28/2024, such amendments to take effect 21 days from today, as provided for under 24 V.S.A. § 4442(c), and to include the text of the amendment in the minutes of this meeting. And furthermore, to direct the Zoning Administrator to timely send a copy of the adopted interim bylaw to all statutory parties as required under 24 V.S.A. § 4415(g),*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

It was noted for the record that the “§” means “Section”.

c. Appoint Vermont Ethics liaison and verify ethics complaint process [24 VSA 1996]

Shane O’Keefe explained that per the Municipal Code of Ethics and Act 171, the Town is required to establish a Vermont Ethics Liaison, verify an ethics complaint process, and post the Code and complaint process on the Town website, along with other requirements detailed in the Act.

O'Keefe recommended that Allison Marino, Town Clerk, be appointed as Liaison, as she is an elected official and independent of the board. O'Keefe confirmed that Marino agreed to serve in this position if appointed by the board.

O'Keefe also reviewed the complaint process moving forward. Complaints would go first to the Vermont Ethics Commission, which is staffed with officials trained in ethics complaints. The Liaisons' role will be the point person between the State and Town when deemed necessary.

O'Keefe further explained that to move forward with this new process, the Town should rescind its current Conflict of Interest Policy and adopt the State's Municipal Code of Ethics, which covers conflicts of interest.

Martha Dale ***moved 1) to acknowledge, support and commit to follow the provisions of Act 171 (H.875) -- an Act establishing a municipal ethics framework in Vermont -- that pertain to the Town, its employees, public officials and municipal officers, and in particular the Municipal Code of Ethics, 2) to appoint Town Clerk Allison Marino as the Town's Ethics Liaison, as required under 24 V.S.A. § 1995(e) and § 1996(3), who shall be responsible for providing notice of this appointment to the Vermont Ethics Commission and for required postings under the Act 171, and 3) determine that the Town's procedure for investigation of complaints that allege a municipal officer has violated the Municipal Code of Ethics shall be via written complaint made directly to the Vermont Ethics Commission,*** *seconded by James Ameden. The* ***motion passed*** *unanimously.*

d. Rescind Conflict of Interest Policy adopted 12/21/2015

Martha Dale ***moved to rescind the Town's Conflict of Interest Policy adopted by the Board on 12/21/2015, as the new Municipal Code of Ethics established under Act 171 (H.875) law provides equal or better protections,*** *seconded by Jim Fleming. The* ***motion passed*** *unanimously.*

e. Appoint member(s) to the Long-term Community Recovery Committee

Melissa Brown asked what the process was to appoint members to the committee and why there was no public outreach on the website seeking volunteers. Tom Cavanagh explained that as the process needed to move quickly, he reached out directly to some individuals and one individual, Tom Metcalf, filled out an online form. In the case of Chad Stoddard, Chad reached out personally to Tom to serve on the committee.

Cavanagh said that prior to him asking individuals to serve, the board discussed the platform for vacancies, determining the committee would be comprised of representatives from relevant local agencies, i.e. EMS, Fire, Rescue, and the Planning Commission. Taylor Prouty pointed out that all Town committees except Lister and Beautification will be represented on the 12-member Long-Term Community Recovery Committee. Cavanagh will follow up with Conservation Committee to determine their representation.

Jim Fleming ***moved to appoint Thomas Metcalf and Chad Stoddard to the Long-term community Recovery Committee, each to serve one-year terms,*** *seconded by Taylor Prouty. The* ***motion passed*** *unanimously.*

f. Town Office Renovations – Consider change order(s)

Shane O'Keefe, Tom Cavanagh, and Taylor Prouty discussed the status of Town Office renovations and asked to authorize the change order enclosed in the meeting packet.

Several of the changes were already approved at prior meetings, specifically the conduit and basement wall crack repair. Other change requests, with the exception of the $53,812 solar panel installation, are each under the $5,000 threshold necessitating board approval.

There was discussion regarding the cost of the installation of the solar panels, and it was noted that the $53,812 cost is a slight increase from original estimate, but it is an all-in cost. Shane O'Keefe is inquiring from GMP how net metering will work. If the panels won't contribute to net metering across other Town power accounts, the cost might not be worth it. O'Keefe will follow up as soon as possible. If net-metering is available, an application for certificate of public good must be filed before 12/31/2024. Additionally, O'Keefe recommended ordering the panels before end of year to avoid possible tariffs imposed by new federal administration.

Taylor Prouty asserted that solar panels are both responsible and worthwhile, even though the cost would not be recouped for approximately 18 years. O'Keefe reminded the board that the Town would be reimbursed the entire cost of the purchase and installation of the panels through the Municipal Energy Resiliency Program grant.

The board decided to move forward, with the stipulation that the acquisition and installation of the panels would not occur if it was determined that net-metering was not an option.

Martha Dale ***moved to authorize a change order for the Town Office Renovation Project to address the need to install solar panels at a cost of $53,812, and to acknowledge change orders of $2,169 for the installation of a support beam in the entry hall, $2,420 for installation of a support beam for the stair and bathroom header, $1,595 for front door hardware changes, and $1,475 for asbestos abatement of the basement walls, and to authorize the Town Administrator to execute any documents necessary to implement these change orders****, seconded by Taylor Prouty. The* **motion passed** *unanimously.*

g. Ratify 12/2/2024 decision to approve 1st & 3rd Class Liquor Licenses & Outside Consumption Permit for Londonderry Café and Tavern, LLC, DBA Jake's Restaurant and Tavern

Taylor Prouty ***moved to ratify the Board's 12/2/2024 decision to approve 1st & 3rd Class Liquor Licenses & Outside Consumption Permit -- Londonderry Café and Tavern, LLC, DBA Jake's Restaurant and Tavern, related to the property located at Mountain Marketplace, 5800 VT Route 100****, seconded by James Ameden.* The **motion passed** unanimously

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11. New Business

a. Consider recent resignations from public bodies

Martha Dale spoke and read the November 20, 2024 email she sent to the board regarding recent resignations from Town committees, text of which is:

> *Dear Gentlemen –*
> *In order to take action on the request posed to our SB at the November 18th meeting regarding recent resignations of committee volunteers, we*

should conduct "exit interviews" with those who have resigned in the last six months. Here are my thoughts about the process.

1. Compile the resignation letters from our volunteers and review them
2. Conduct phone or in-person interviews with those who have resigned. Two SB members on each interview. The questions we should be asking:

- *Tell us why you resigned from your volunteer position*
- *Were there any issues with procedures, policies or personnel?*
- *How might we improve our interaction with our volunteers and committees serving our community?*
- *Do you have any other suggestions for us going forward in order to create an environment that encourages community participation in our community?*

3. Summarize the findings and review with the entire SB team – ideally done in a setting that allows frank discussion about our responsibilities to engage and retain community volunteers. Would VT laws allow for this to be conducted in Executive Session? Please feel free to contact me with your thoughts

The board acknowledged that exit interviews are generally part of any organizational process and helpful in evaluating how the group manages volunteers.

There was further discussion about sharing the findings of exit interviews and whether this should be done in a closed executive session or per the suggestion of Melissa Brown, shared in an open forum. Heather Stephenson suggested interviewees can decide if conversations are confidential or not and added that individual names do not need to be identified. Maryann Morris urged that a consistent process for exit interviews be adopted.

The board agreed to run the process by the Town attorney. James Ameden and Martha Dale agreed to be the two interviewers.

b. Discuss participation in FEMA Swift Current Mitigation Grant program (Building floodproofing – 2136 North Main Street)

Judy Platt and Craig Ruggless discussed the opportunity to receive a flood mitigation grant from FEMA for 2136 North Main Street through the Swift Current program. The property is where the Garden Café and gallery and Blooms gift shop is located. The building also has 3 residential units, 2 of which are being worked on now to receive new tenants. This property was been designated by FEMA as a severe Repetitive Loss property making it eligible for funding from the Swift Current program.

On a December 9, 2024 conference call with Stephanie Smith of Vermont Emergency Management, Stephanie confirmed that the Swift Current funding provides for flood mitigation protection as well as program grant administration and construction supervision. Platt and Ruggless confirmed there would be no financial costs to the Town with the program, but the Town would be required by FEMA to act as sub-applicant and initiate the application. Smith confirmed that her team will assist Platt and the Town with the application, which is due January 15, 2025.

Plat and Ruggless asked the board to empower the Town to:

Initiate the application as a sub-applicant as required by FEMA and the Swift Current program. To repeat, the Town will act as Sub-applicant and initiate the application process but will have built into the funding the ability to hire and pay for a grant administrator and construction supervisor.

Shane O'Keefe mentioned that there is an ongoing liability issue to consider as the Town will be a sub-applicant on the project.

Jim Fleming ***moved to agree to act as sub-applicant under the FEMA Swift Current program with Vermont Emergency Management's Hazard Mitigation Grant Program for the floodproofing of property located at 2136 North Main Street owned by Judith Platt, and direct the Town Administrator to submit an application provided all application materials are provided timely by the property owner****, seconded by James Ameden. The* ***motion passed*** *unanimously.*

c. Review and discuss annual community and social service appropriations

Town Treasurer Tina Labeau and Town Clerk Allison Marino presented the appropriation requests received from various local non-profits and the board reviewed, noting the following changes in requests:

- Northstar has acquired Mountain Valley Health clinic. Staff explained that Northstar needs to file a petition to get on the Town ballot, as it is a request from a regional entity that does not solely serve Londonderry residents.

- Champion Fire Company #5 requested an increase from $20,000 to $40,000 for 2025, most likely due to extra flooding expenses. They also did not receive FEMA recovery funds as expected. The board will ask for clarification of the increase at the Town Meeting.

- Appropriation for GNAT. As this is more of an essential service for town members, perhaps this should be a line item in the budget for communication services.

There was a general discussion about the increase of $60,000 in appropriations in each of the past several year. Citizens are getting angrier and angrier at all the tax increases. The board agreed to explore different options for next year: a cap on total appropriations, putting essential services into the budget, or requiring petitions from all organizations seeking funding, The Town Clerk reviewed processes at other towns, some of which put criteria on appropriations, i.e. serving a designated percentage of town residents. Shane O'Keefe cautioned about putting non-municipal services into a municipal budget.

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

James Ameden ***moved to enter executive session to consider the appointment or employment or evaluation of a public employee, pursuant to Title 1 V.S.A, and invite Town Administrator Shane O'Keefe to attend the executive session,*** *seconded by Jim Fleming, at 8:22 p.m. The* ***motion passed*** *unanimously.*

The executive session ended at 8:47 p.m.

e. Discuss Town Administrator recruitment process

The board discussed the roles and process that would be involved in recruiting a new Town Administrator and would like to start conducting interviews the week of January 6, 2025. It was agreed the position would be posted until filled.

The board agreed to start with an initial vetting process via phone or zoom, with questions to include salary requirements and ability to relocate if needed. The preliminary phone screenings will be done by Martha Dale and Tom Cavanagh. Shane O'Keefe will assist in reaching out to applicants to schedule these first interviews the week of January 6th. O'Keefe declined, however, to be part of the interview process. Dale and Cavanagh will bring qualified candidates to the full board for discussion at the January 20th board meeting or at a special executive session.

O'Keefe also encouraged the board to accept the offer from the Vermont League of Cities and Towns (VLCT), spelled out in documents provided to the Board, to assist in the transition and onboarding of a new Administrator.

Taylor ***moved to participate in the Vermont League of Cities and Towns' proposed pilot program for assisting with transition to a new Town Administrator****, seconded by Martha Dale. The* ***motion passed*** *unanimously.*

12. Adjourn

Jim Fleming ***moved to adjourn the meeting at 8:56 p.m., seconded by James Ameden.*** *The motion passed unanimously.*

Respectfully Submitted,

Sally Hespe
Town Minute Taker

Approved January 6, 2025.

LONDONDERRY SELECTBOARD

____

Thomas Cavanagh, Chair

ADDENDUM

Interim Zoning Bylaw amendment specific to Bylaw Sections 418.e.4 and 418.e.5, pertaining to commercial signage

NOTE: Language to be deleted is in strikethrough.

418.e **Specific Standards**. The following signs are permitted when located on-premise for uses as specified:

418.e.4 **Business, within Commercial Districts:**
Two (2) separated business signs not exceeding twenty (20) square feet in area; not more than one of which shall be a freestanding sign and/or shall be located within twenty-five (25) feet of the traveled portion of the highway. ~~Roof signs are permitted but may not exceed twelve twenty (1220) square feet in total area and may not be placed on roofs in such a manner that the highest point of the sign is higher than one-half way between the eaves and the ridgeline.~~

418.e.5 **Mixed Uses, including commercial shopping centers, and business, manufacturing or industrial parks:**

~~Not withstanding Subsection (D) (4), above~~, one (1) freestanding sign for the entire development, to be located near the principal entrance and not to exceed 24 square feet in total area unless otherwise permitted under Site Plan Review; ~~and, in addition, each individual business is allowed one wall or projecting sign, not to exceed eight (8) square feet in area, announcing the business establishment.~~

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