

Town of Londonderry, Vermont

Selectboard Meeting Agenda

Monday, January 6, 2025 – 6:00 PM
139 Middletown Road, South Londonderry, VT 05155

1. Call Meeting to Order
2. Additions or Deletions to the Agenda [\[1 VSA 312\(d\)\(3\)\(A\)\]](#)
3. Minutes Approval – Meeting(s) of 12/16/2024
4. Selectboard Pay Orders
5. Announcements/Correspondence
6. Visitors and Concerned Citizens
7. Town Officials Business
 - a. Board of Listers/Assessor – Discuss results of the 2024 Equalization Study
 - b. Board of Listers – Appoint new Lister to fill vacancy
 - c. Board of Listers/Assessor – Discuss proposal to restructure the Board of Listers
 - d. Planning Commission – Discuss budget matter
8. Transfer Station/Solid Waste Management
 - a. Updates
9. Roads and Bridges
 - a. Updates
 - b. Better Roads Road Erosion Inventory – Ratify filing of Letter of Intent
10. Old Business
 - a. Consider Code of Ethics Investigation and Enforcement Ordinance/Policy
 - b. Recommendation on the future of the Williams Dam
 - c. Appoint member(s) to the Long-term Community Recovery Committee
 - d. Town Office Renovations – Consider change order(s)
11. New Business
 - a. Consider request to use Town Hall
 - b. Review and discuss proposed FY2026 Budget
 - c. Review draft of Town Meeting Warning
 - d. Discuss Town Administrator recruitment process
 - e. [Discuss process for hiring officials for recreational sporting events](#)
12. Adjourn

As Amended at Meeting

Meeting documents will be available at <http://www.londonderryvt.org/town/agendasminutes/>
approximately 24 hours before the meeting.

Live video of meetings available at:

<https://www.youtube.com/user/GNATaccess>
<https://www.facebook.com/GNATtelevision>

**Town of Londonderry, Vermont
Selectboard**

Meeting Minutes
Monday, January 6, 2025 – 6:00 PM
139 Middletown Road, South Londonderry, VT 05155

Board members present: James Ameden, Jr., Thomas Cavanagh, and Martha Dale.

Board members absent: James Fleming and Taylor Prouty.

Town Officials: Shane O'Keefe, Town Administrator; Allison Marino, Town Clerk; Tina Labeau, Town Treasurer; Sally Hespe, Selectboard Meeting Note Taker; Jeremiah Sund, Town Assessor; Sandra Clark, Lister; Pamela Spaulding, Planning Commissioner; Helen Hamman and Irwin Kuperberg, Londonderry Conservation Commissioners; and Liam Elio, Mountain Towns Recreation Director (arrived at 7:15 p.m.)

Others in Attendance: Resident Paul Hendler 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)]**

James Ameden moved to add to the New Business part of the agenda, as the last order of business, a discussion on the process of hiring officials for recreational sporting events, which may include an executive session to consider the appointment or employment of a public employee, pursuant to Title 1 V.S.A. Section 313(a)(3), seconded by Martha Dale. The motion passed unanimously.

3. Minutes Approval – Meeting of 12/16/2024

Martha Dale moved to approve the minutes of the Selectboard meeting of 12/16/24, seconded by James Ameden. The motion passed unanimously.

4. Selectboard Pay Orders

Martha Dale 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 made the following announcement:

- The Town Audit for Fiscal 2024 will be on the next meeting agenda, and an electronic version will be available.

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O'Keefe noted the following correspondence was included in the meeting packet:

- An update letter from the Community Fund for Londonderry, dated 12/23/2024, on use of ARPA funds and its other town initiatives.
- Copy of Town's group net metering registration form submitted to the VT Public Utility Commission in support of the Town Office solar panel array.
- Resident request to remove the Brophy Lane "Bridge Out" warning sign. This will be discussed at next meeting when Road Foreman Josh Dryden should be present.
- Catering requests from Ski Magic, LLC for events at Magic Mountain.

Town Clerk Allison Marino made the following announcement:

- Dog licenses are now available with new pricing.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Board of Listers/Assessor – Discuss results of the 2024 Equalization Study

Town Assessor Jeremiah Sund presented results from the State's Property Valuation and Review 2024 Equalization Study. As a result of Act 183, the State has adopted a new methodology to adjust property tax rates statewide.

Martha Dale asked how Londonderry compares to other cities and towns in Vermont, and Sund said Londonderry is similar to neighboring towns. Sund believes the new methodology will ultimately be to the Town's advantage.

b. Board of Listers – Appoint new Lister to fill vacancy

Lister vacancy was posted on 12/2/24 after the resignation of Lister DeGiorno. No one has expressed interest in the position to date.

c. Board of Listers/Assessor – Discuss proposal to restructure the Board of Listers

Shane O'Keefe discussed the several scenarios available to incorporate the roles of Lister and Assessor: 1) Board of Listers only; 2) Active Lister Board with Contracted Assessor; 3) Assessor with Listers doing only essential responsibilities; or 4) the Town could vote at Town Meeting to do away with Board of Listers entirely. Each option offers pros and cons as detailed in the meeting packet materials.

Jeremiah Lund, current Town Assessor, reported that he originally thought that the Town Assessor could act and operate as Lister. After talking to several district administrators for the Vermont Department of Taxes, this does not seem like an available option in Londonderry. The Assessor's office is currently operating as option #2.

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d. Planning Commission – Discuss budget matter

Pamela J. Spaulding of the Planning Commission explained the Commission's recent budget request. The Commission voted to not accept the stipend of \$4,200 for fiscal year '24 – '25 and proposed using these funds for the purchase of chairs for the balcony of the Town Hall, with one plaque to read "In Recognition of the Town Hall Renovation Committee 2024." The Board agreed that the best way to transfer the funds was to put the money into the Reserve Fund and a motion will be proposed for the Board to vote on at the next meeting.

The Planning Commission further requested that the \$4,200 stipend for the '25 – '26 fiscal year be reduced to \$3,000 and the \$1,200 difference be divided between Education and Communication for the Planning Commission. Specifically, the commission would like to compensate the individual who assists with IT and Zoom meetings and also get note taking assistance for Planning Commission meetings.

8. Transfer Station/Solid Waste Management

a. Updates

The punch card vending machine has been retrofitted to work, but operation is still waiting on approval from the credit card processing company.

9. Roads and Bridges

a. Updates

Noone present to give updates.

b. Better Roads Road Erosion Inventory – Ratify filing of Letter of Intent

The Town received a reminder notice to file for State of Vermont Better Roads Program, and Shane O'Keefe filed paperwork in order to meet the program deadline. He is now asking for ratification of the submission of the Letter of Intent.

James Ameden moved to ratify the submittal of a Letter of Intent for participation in the FY2025 Better Roads Program, seconded by Martha Dale. The motion passed unanimously.

10. Old Business

a. Consider Code of Ethics Investigation and Enforcement Ordinance/Policy

Recent guidance received from the Vermont League of Cities and Towns indicates towns are now required to adopt an ethics ordinance. The Code of Ethics previously approved by the Board would be overridden by a new ordinance which will follow the same layout as other Town ordinances. Shane O'Keefe provided a draft ordinance in the meeting packet and will handle required public notice if the ordinance is adopted.

Martha Dale moved to adopt the Code of Ethics Investigation and Enforcement Ordinance as presented, such amendment to take effect after 60 days unless a

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petition is filed as provided for under 24 V.S.A. § 1973(b). seconded by James Ameden. The ***motion passed*** unanimously.

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

b. Recommendation on the future of the Williams Dam

The future of the Williams dam has not been discussed since the August 19, 2024 Board Meeting, and Shane O'Keefe suggesting revisiting the issue now. If the dam is removed, other options for a water supply for the fire department will need to be explored. The Board will reach out to Todd Dale, an individual who assists communities with firefighting water supply needs, to advise on alternatives to the Mill Pond, including a dry hydrant and/or a cistern.

The Board will also reach out to Scott Jensen, River Management Engineer at the Vermont Agency of Natural Resources (ANR), for input. Jensen indicated earlier that it was unlikely that the State would issue a permit to dredge the pond as the State denied a similar request from the Town of Weston. The Board will also reach out to the Town of Wilmington, which installed a cistern for firefighting needs.

Money is currently available from the State for dam removal, but time to access these funds is running out. It was agreed to gather information from all sides and present at the first February Board meeting.

c. Appoint member(s) to the Long-term Community Recovery Committee

Helen Hamman, of the Londonderry Conservation Commission, applied to serve on the Long-term Community Recovery Committee. It was agreed that if Hamman is unable to attend a meeting, an alternate from the Conservation Commission can attend in her place. The Committee will meet 1 -2 times per month for 8 months, with the next meeting scheduled for 1/16/25 at 4:30 p.m.

Martha Dale moved to appoint Helen Hamman to the Long-term Community Recovery Committee, to serve a term to 12/16/2025, seconded by James Ameden. The ***motion passed*** unanimously.

d. Town Office Renovations – Consider change order(s)

The original renovation plan for the Town Office included insulating the basement and attic levels, but not the entire building wall system. As the project nears completion, it was noted that air was escaping on the first floor. The contractor proposed several options to insulate the first floor, O'Keefe noted, and Efficiency Vermont was approached for help with the additional cost, but they are unable to assist.

Engineer Chris Cole recommended 2-inch spray foam installation for \$19,894, which would pay for itself over the lifetime of building. A portion of the cost would be offset by contractor credits for floor outlets and built-in shelving which were determined to not be necessary.

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The IT consultant, Pete Smith, is also looking at potential data wiring issues and will submit a quote to finish the IT work.

Martha Dale moved to authorize a change order for the Town Office Renovation Project to address the need to install additional insulation at a cost of \$19,894, and to acknowledge a change order credit of \$1,108 due to not installing floor outlets in the Clerk/Treasurer's Office, and to authorize the Town Administrator to execute any documents necessary to implement these change orders, seconded by James Ameden. The motion passed unanimously.

11. New Business

a. Consider request to use Town Hall

The Windham Regional Commission requested to utilize Town Hall for a public meeting on the revised regional plan. This is part of effort by the Commission to present the plan to various communities in the region. O'Keefe recommended that the Town should waive fees for the use of Town Hall, but still require insurance.

James Ameden moved to authorize use of the Town Hall meeting room by the Windham Regional Commission on the evening of 2/13/2024 for a public meeting on the draft Windham Regional Plan update, to waive applicable fees, and to authorize the Town Administrator to sign the required facility use agreement on behalf of the Town, seconded by Martha Dale. The motion passed unanimously.

b. Review and discuss proposed FY2026 Budget

The Town Treasurer, Tina Labeau stated that there are still some budget items that need to be tweaked, including amounts for maintenance of the renovated Town Office. Labeau proposed that the budget can be reviewed line by line at the next Board Meeting. Initial estimates show the tax rate will be up approximately 4 cent assuming the existing Grant List.

Resident Helen Hamman asked if funding for a 2-year conservation study by UVM student was included in the budget. Labeau confirmed there is a line item for the Field Naturalist Program.

The budget must be approved by 1/20/2025, so the Board will hold a special meeting next week to review the budget and will request Doug Friant, Town Moderator, attend the meeting.

c. Review draft of Town Meeting Warning

First draft of the Town Meeting Warning was reviewed and several changes were discussed.

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d. Discuss Town Administrator recruitment process

Initial interviews with 4 candidates will be conducted tomorrow by Tom Cavanagh and Martha Dale. Dale outlined the questions that would be asked:

- Can you provide a thumbnail sketch of your background?
- Why do you think you're a good fit for this position?
- Can you provide examples of team work, grantsmanship and attention to detail?
- What do you think are challenges for Londonderry?
- How do you work with supervisors?
- How do you drive consensus?

O'Keefe shared guidance from the Vermont League of Cities and Town on questions that cannot be asked in interviews.

e. Discuss process for hiring officials for recreational sporting events

Liam Elio, Mountain Towns Recreation Director, reported that there is one referee who needs to be paid by check as they do not have a bank account to accept direct deposits. Treasurer Tina Labeau said the Town will switch from paying referees by direct depot to paying by checks.

Referees would be Town employees and therefore should be hired by the Selectboard. The Recreation Director requested the ability to hire referees for the season for all the Mountain Towns. In order to do this, the Recreation Director's job description will be changed to include the ability to hire and dismiss referees, court monitors, umpires, and other seasonal employees. O'Keefe and Elio will work together to define the boundaries of the newly delegated authority. The Board will vote on the new job description at the next meeting and vote separately on a set of defined rates for referees and other employees the Recreation Director will hire.

The Board also agreed to hold a one-year performance review for the Mountain Towns Recreation Director in the near future.

12. Adjourn

Martha Dale moved to adjourn the meeting at 7:27 pm p.m., seconded by James Ameden. The motion passed unanimously.

Respectfully Submitted,

Sally Hespe
Town Minute Taker

Approved January 20, 2025

LONDONDERRY SELECTBOARD



Thomas Cavanagh, Chair

ADDENDUM

CODE OF ETHICS INVESTIGATION AND ENFORCEMENT ORDINANCE
Town of Londonderry, Vermont

ARTICLE 1. AUTHORITY. Under authority granted in 24 V.S.A. § 1997, and other such general enactments as may be material hereto, it is hereby ordained by the Selectboard of the Town of Londonderry that the following ordinance regarding ethics investigation and enforcement within the town (which may also be referred to as the "Municipal Ethics Code" or "Municipal Ethics Ordinance") is adopted for the Town of Londonderry, Vermont.

ARTICLE 2. PURPOSE. The purpose of this Ordinance is to enact procedures for the investigation of complaints that allege a municipal officer of the Town of Londonderry (the "Town") has violated Vermont's Municipal Code of Ethics and the enforcement in instances of substantiated complaints, including methods of enforcement and available remedies.

ARTICLE 3. DEFINITIONS.

- A. **"Designated Complaint Recipient"** means the municipal officer or body designated to receive complaints alleging violations of the Municipal Code of Ethics.
- B. **"Municipal Code of Ethics"** means the municipal ethics framework in Vermont established by Act 171 (H.875) of 2024.
- C. **"Municipal Ethics Complaint"** means a complaint against a "Municipal Officer" or "Officer" alleging a violation of the Municipal Code of Ethics.
- D. **"Municipal Officer"** or **"Officer"** means:
1. any member of the Londonderry Selectboard;
 2. any member of a quasi-judicial body of the Town; or
 3. any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of the Town:
 - a. auditor;
 - b. cemetery commissioner;
 - c. chief administrative officer, or Town Administrator;
 - d. clerk;
 - e. collector of delinquent taxes;
 - f. department heads;
 - g. first or second constable;
 - h. lister or assessor;
 - i. moderator;
 - j. planning commission member;
 - k. road commissioner;
 - l. treasurer;
 - m. trustee of public funds.
- E. **"Public body"** means any board, council, or commission of the Town, any board, council, or commission of any agency, authority, or instrumentality of the Town, or

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any committee or subcommittee of any of the foregoing boards, councils, or commissions.

ARTICLE 4. RESERVED.

ARTICLE 5. COMPLAINTS.

- A. Any member of the general public may make a Municipal Ethics Complaint including any person elected, appointed, or employed by the Municipality.
- B. All Municipal Ethics Complaints must be directed to the Designated Complaint Recipient.
- C. The Designated Complaint Recipient will conduct a prompt, thorough, and impartial investigation of all Municipal Ethics Complaint, and confidentiality will be protected to the extent possible.
- D. Municipal Ethics Complaints against the Designated Complaint Recipient must be directed to the Chair of the Selectboard.
- E. No person will be adversely affected in either their volunteer or employment status with the Municipality as a result of bringing a Municipal Ethics Complaint.

ARTICLE 6. ENFORCEMENT. If the Designated Complaint Recipient, or the Selectboard Chair in the case of a Municipal Complaint brought against the Designated Complaint Recipient, determines that a violation of the Municipal Code of Ethics has occurred, the Selectboard Chair will take immediate and appropriate corrective action. Municipal Officers who are found to have violated the Municipal Code of Ethics may face the following disciplinary action:

- A. **Enforcement Against Elected Officers.** In cases in which the Municipal Officer holds elected office, the Selectboard may, in its discretion, take any of the following disciplinary actions against such an elected officer as it deems appropriate:
 - 1. The Chair of the Selectboard may meet informally with the Municipal Officer to discuss the Municipal Code of Ethics violation. This will not take place in situations where the Selectboard Chair and the Municipal Officer together constitute a quorum of a public body.
 - 2. The Selectboard may meet to discuss the conduct of the Municipal Officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The Municipal Officer may request that this meeting occur in public. If appropriate, the Selectboard may admonish the offending Municipal Officer in private.
 - 3. The Selectboard may admonish the offending Municipal Officer at an open meeting and reflect this action in the minutes of the meeting. The Municipal Officer will be given the opportunity to respond to the admonishment.
 - 4. Upon majority vote in an open meeting, the Selectboard may request (but not order) that the offending Municipal Officer resign from their office.
- B. **Enforcement Against Appointed Officers.** In cases in which the Municipal Officer holds appointed office, the Selectboard may choose to follow any of the steps articulated in Section 6.A. In addition to, or in lieu of any of those steps, the

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Selectboard may choose to remove an appointed Municipal Officer from office, subject to state law.

- C. **Enforcement Against Employees.** In cases in which the Municipal Officer is also an employee of the Municipality, the Selectboard Chair may take any disciplinary action, up to and including termination, in accordance with the Town's personnel policy.

SECTION 7. APPEALS. A decision of the Selectboard may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure. An enforcement action taken against an employee may be appealed in accordance with the Town's personnel policy.

SECTION 8. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE 9. SEVERABILITY. The provisions of this ordinance are declared to be severable and if any provisions hereof be adjudged invalid such judgment shall not affect the validity of any other provisions. If any statute referred to in this ordinance is amended, this ordinance will be deemed to refer to such amended statute.

ARTICLE 10. PUBLICATION AND POSTING. This Ordinance and any subsequent amendment of this ordinance, or a concise summary thereof, shall be published in a newspaper of general circulation in Londonderry, within fourteen (14) days of its adoption, and shall be filed with the Town Clerk and posted at five (5) conspicuous places within the community.

ARTICLE 11. RIGHT OF PETITION. Notice is hereby given of the right to petition for a permissive referendum vote on this ordinance at an annual or special meeting as provided for in 24 V.S.A. § 1973. Such petition for a permissive referendum must be signed by not less than five (5) percent of the qualified voters of the Town of Londonderry and shall be presented to the Selectboard or the Town Clerk within forty-four (44) days following the date of adoption.

ARTICLE 12. EFFECTIVE DATE. Unless a petition is filed in accordance with 24 V.S.A. § 1973, the Ordinance shall become effective sixty (60) days after its adoption.

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