

Town of Londonderry, Vermont

Selectboard Meeting Minutes—Draft

October 05, 2026/6:00pm

Board members present: Tom Cavanagh, James Ameden, Leanne Alexander and Taylor Prouty.

Board members absent: Jim Flemin.

Town Officials: Aileen Tulloch, Town Administrator; Liam Elio, Recreation Director; Andy Dahlstrom, Short Term Rental Administrator; Allison Marino, Town Clerk; George Mora, Assistant Town Clerk

Others present: Pamela Spaulding; Chad Stoddard; Anna Stoddard; Lisa Brown; Jeff Duda; Patty Eisenhaur; Kim Ray; Rachel Febbe; Melissa Brown; Stephen Brown; Paul Hendler; Heather Stephenson; Kelly Capen (online); Amanda Fouda, GNAT-TV.

1. Call Regular Meeting to Order

Tom Cavanagh called the meeting to order at 6:00 pm.

Cavanagh noted that the Allison Marino and Leanne Alexander were still meeting with the STR Appeals Board and would be in the meeting shortly.

2. Additions or Deletions to the Agenda

[1 V.S.A. 312(d)(3)(A)]

Taylor Prouty moved to delete 6.b, and 11.c add 8.c Review and Approve Small Scale Grant application (HSIP) and James Ameden seconded. The motion passed unanimously.

James Ameden moved to add 11.d Dam Discussion Continued and Taylor Prouty seconded. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 09/21/2026

Taylor Prouty moved to approve the minutes of 9/21/2026 and James Ameden seconded. The motion passed unanimously.

4. Selectboard Pay Orders

Taylor Prouty moved to approve the pay orders for payroll and accounts payable and James Ameden seconded. The motion passed unanimously.

5. Announcements/Correspondence

Tom Cavanagh read into the record a memo from the Town Attorney regarding an open meeting law violation allegation. (attached)

Aileen Tulloch made the following announcements:

- a. Tulloch will be traveling to Burlington tomorrow to attend Town Fair on Wednesday and a VTCMA conference on Thursday, then will be off on Friday to travel to Erie PA to visit Gannon University with her daughter. She will still be available via phone and email.
- b. Town Offices will be closed on Monday in observance of Indigenous People's Day
- c. The South Village Wastewater project is continuing down Main Street and has also started on the leach field at Prouty.

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d. Town Hall construction project will be starting shortly. The Town Hall will be closed for rentals for the time being except for on Halloween when it will be converted to a Haunted House. The THRC is in the process of applying for MERF for additional energy efficiency projects and for an ADA grant to construct a bathroom on the first floor.

The following correspondence included in the Board's meeting packet is as follows:

- a. Memo from the Town Attorney regarding an Open Meeting Law violation complaint
- b. 2 emails from concerned citizens
- c. FYI tobacco permits
- d. An email from VLCT concerning VLCT/PACIF/VERB contract negotiations
- e. An email from Patricia Martin notifying the Town of the need to appoint a Title VI coordinator (which will be on the next agenda)
- f. An email from the WRC inviting Town Officials to take part in NIMS (national Incident Management System) training at the Grafton Town Hall on October 22 from noon to 4 pm
- g. A notice from WRC of a public hearing on their final draft of the Regional Plan on Thursday November 5 at 6:00pm, at their offices in Brattleboro and also on Zoom.

6. Visitors and Concerned Citizens

a. Road Closures for Trunk Or Treat (Jeff Duda)

Jeff Duda, Fire Chief for the South Londonderry Fire Department proposed closing the road on Halloween for the annual Trunk or Treat.

James Ameden moved to close Main Street from Old School Street to the Intersection of Route 100, and Middletown Road from the Intersection of Route 100 to Crescent Street, between the hours of 4:30 pm and 7:00pm on October 31, 2026 for the Annual Trunk or Treat and Taylor Prouty seconded. The motion passed unanimously.

Concerns and questions were raised by numerous attendees about the manner in which the Assistant Town Clerk was promoted to full time and where the funds had come from. Some questioned whether the Town Treasurer was authorized to identify budget adjustments. Tom Cavanagh pointed to the Town Attorney's Memo on the matter, which clarified the legal authority of the Selectboard to enter executive session, the authority to hire and promote personnel, and the authority to reallocate funds of a previously approved budget. It was further pointed out that both the Treasurer and the Town Clerk are elected officials in their own right and the Selectboard does not have authority over them.

Some questions were asked about the need for a full time Assistant Town Clerk. Town Clerk Allison Marino explained that many statutorily required duties were not being accomplished, such as preserving the land records, which are required to be kept in perpetuity. Many records are in danger of or have already fallen apart. In addition it is an election year, and the Town Clerk is responsible for running a safe and fair election, which requires planning, training and preparation.

Some discussion ensued about the presentation from Ron Rhodes about possible grant money for studying the removal of Williams Dam. The decision isn't due until February, so the Board has time to further discuss this opportunity.

7. Liquor Commission

8. Roads and Bridges

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- a. Updates
- b. Approve Change Order to extend Spring Hill Culvert Contract Date

Aileen Tulloch announced that the change order was still in process, and asked the Board to authorize her to sign it when it was ready.

Tom Cavanagh moved to authorize the town administrator to sign the change order for the Spring Hill Road covert contract and Taylor Prouty seconded. The motion passed unanimously

- c. Review and Approve Small Scale Grant application (HSIP)

This was a grant we applied for back in the Spring and hoped to use for the Boynton Road project. We were never notified that we got the grant, so we went ahead and did the Boynton Road project. We can still use it for edge line striping for Landgrove Road, and Thompson Road.

Taylor Prouty moved to accept the HSIP grant and authorize the Town Administrator to sign any and all documents necessary to execute it, and Leanne Alexander seconded. The motion passed unanimously.

9. Town Officials Business

- a. Town Clerk
 - i. Review and Adopt Amended Dog Ordinance

The Dog Ordinance has been amended for grammatical errors and a more detailed penalty/waiver schedule, at the suggestion of Deputy Ashley Pinger, Windham Regional Animal Control officer.

Taylor Prouty moved to adopt the Ordinance Regulating Dogs and Wolf-Hybrids as Amended, such ordinance amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b) and Leanne Alexander seconded. The motion passed unanimously.

The ordinance is attached to these minutes.

- b. Recreation Director
 - i. Review and Approve West River Road Closure

A 5K run is scheduled for November 1st to benefit the Friends of West River Trail. They would like to close West River Road for the duration of the race.

Leanne Alexander moved to close the West River Road between the hours of 10 and 1 p.m. on November 1st for a 5K race to benefit friends of the West River Trail and James Ameden seconded. The motion passed unanimously.

- ii. Review and Approve Army Corp Use Agreement

Liam Elio needs permission from the US Army Corp of Engineers to use their portion of the West River Trail for the 5k race.

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Leanne Alexander moved to approve the US Army Corp of Engineers Special Activity/Event Application and authorize the Town Administrator to sign any and all documents necessary to obtain permission for a 5K Race on the West River Trail and James Ameden seconded. The motion passed unanimously.

iii. Review and Approve LWCF grant application for Tennis Court

Liam Elio would like to apply for a LWCF grant to help fund the replacement of the Pingree Tennis Courts. He will be attending a webinar to learn more about the grant. Tom Cavanagh suggested holding off to make sure the grant doesn't include requirements that will make the project more costly. Elio will come back next meeting with more information.

10. Transfer Station/Solid Waste Management

a. Updates

11. Old Business

a. Review and Approve Windham County ACO contract

Londonderry will now be getting Animal Control Services from the Windham County Sheriff's Office. Deputy Ashley Pinger has already been dealing with some dog complaints and is doing a great job.

Taylor Prouty moved to accept the proposal from the Windham County Sheriff's Office to provide services relating to animal control, estimated to cost \$5,005.00 and 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work and Leanne Alexander seconded. The motion passed unanimously.

b. Review and Approve Itinerant Vendor Ordinance

The amended Vendor ordinance will allow for the Selectboard's Appointee to approve permits without going before the Selectboard. It also allows for property owners who host events throughout a season to apply for one permit on behalf of all vendors for that season.

Leanne Alexander moved to adopt the Itinerant Vendor Ordinance as Amended, such ordinance amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b) and Taylor Prouty seconded. The motion passed unanimously.

The ordinance is attached to these minutes.

c. Adopt the Library bulletin board as a physical posting location

The new bulletin board has been placed at the library and is ready for business. It was suggested that a lockbox be purchased to be on location so that people don't walk away with the keys.

Taylor Prouty moved to adopt the Library bulletin board as the third physical posting location for all Board, Committees and Commissions for any meeting not yet posted and simultaneously remove the South Londonderry Post Office as the official posting location and Leanne Alexander seconded. The motion passed unanimously.

d. Dam Discussion Continued

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More discussion about what to do with Williams Dam and whether the Town should reconvene a Dam Committee. Aileen Tulloch volunteered to write a charge, which might be discussed at the next Selectboard meeting.

12. New Business

a. Discuss Note Taker Position

Unfortunately, Sally Hespe is no longer able to be the Note Taker for the Selectboard due to work demands. Aileen Tulloch asked for permission to advertise the position. The Selectboard agreed that it was an important service.

b. Review and Adopt Social Media Policy

Aileen Tulloch explained that she had taken the policy that Liam Elio had originally presented to the Selectboard a few years ago and modified it because currently the Town does not have its own Social Media, and there had recently been some confusion over Town Officials turning off comments on the Londonderry Forum page. Also it becomes confusing of Town Officials use their personal Facebook accounts to post Town Business. Elio pointed out that the Village Wastewater committee and the Planning Commission had their own Facebook pages, and he has a group. Elio feels that comments should be turned off on Town owned pages but if they are shared with other pages we should not try to dictate how they appear. Tulloch agreed and said this lead her to think that the Town should have its own dedicated Facebook page after all. She is willing to run it. The Selectboard agreed that might be best. Tulloch will come back with a new version of the Social Media Policy at a future meeting.

13. Executive Session: 1 V.S.A. § 313 (a)(1)(E) Pending or probable civil litigation or a prosecution, to which the public body is or may be a party. (STR Administrator)

Taylor Prouty moved to find that premature general public knowledge of pending litigation will clearly place the Town, the Board or person involved at a substantial disadvantage by revealing legal strategy and Leanne Alexander seconded. The motion passed unanimously.

Taylor Prouty moved that the Board enter executive session under 1 V.S.A. § 313 (a)(1)(E) Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, and invite the Town Administrator and the Short Term Administrator to attend the session and Leanne Alexander seconded. The motion passed unanimously.

Entered Executive Session at 7:45 pm.

Exited Executive Session at 8:09 pm.

14. Adjourn

Leanne Alexander moved to adjourn and Taylor Prouty seconded. The motion passed unanimously

Adjourned at 8:10 pm.

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Respectfully Submitted,
Aileen Tulloch, Town Administrator

Approved
LONDONDERRY SELECTBOARD

Chair, Tom Cavanagh

MEMORANDUM

From: Town Attorney

To: Selectboard

Re: Open Meeting Law Complaint

Date: 9/25/2026

On September 22, 2026, the Town received a complaint alleging a violation of the Open Meeting Law at the September 21, 2026 Selectboard meeting. The complaint alleges that the Selectboard went outside the scope of the basis identified for entering an executive session by “debat[ing], negotiat[ing], and reach[ing] a consensus to alter the town’s budget structure to bypass the explicit will of the voters.”

The Selectboard entered executive session to, among other reasons, discuss the evaluation of a public employee, specifically a part-time assistant town clerk, pursuant to 1 V.S.A. § 313(a)(3), for the purposes of conducting the employee’s six-month review. After exiting executive session, the Selectboard made the final decision to promote the employee from part-time to full-time as required by § 313(a)(3). As noted in the minutes to the meeting, the decision resulted in no increase to the town budget.

The six-month review of the employee was a valid reason to enter executive session pursuant to § 313(a)(3). The final decision and reasoning for that decision was made in public as required by § 313(a)(3). The decision made no alteration to the town budget and therefore there is no violation of the Open Meeting Law as alleged.

The complaint makes further allegations that the decision to promote the employee to full-time was improper because the Town had voted against the appropriation of funds for “this specific full-time position” at the annual Town Meeting on March 3, 2026, and a special Town Meeting on May 11, 2026. There is no alleged violation of the Open Meeting Law, which pertains to the right of the public to attend meetings of public bodies. Nevertheless, in the interests of efficiency, this claim is addressed below.

Pursuant to 24 V.S.A. § 872, the Selectboard has the general supervision of the affairs of the Town. This includes the general fund budget approved by the voters pursuant to 17 V.S.A. § 2664. Pursuant to Section 7 of the Town’s Personnel Policy, adopted pursuant to 24 V.S.A § 1121, “[r]egular work hours for persons employed by the Town shall be determined by the Selectboard.” The Selectboard acted within its authority and discretion to promote the employee to a full-time position, and that additional salary was within the approved budget.

The warned articles at the annual and special town meeting were both for raising and appropriating a sum *in addition* to the general fund budget for the purpose of funding the salary of a General Office Manager. The vote not to approve that additional funding does not prohibit the Selectboard from promoting an assistant town clerk (not a general office manager) from a part-time to full-time employee to be paid from the approved general fund budget, as the allocation and spending of the general fund budget and the supervision of town personnel are both within the Selectboard’s authority pursuant to state law.

ORDINANCE REGULATING DOGS AND WOLF-HYBRIDS

Town of Londonderry

SECTION 1. AUTHORITY. This ordinance is adopted by the Town of Londonderry under authority of 20V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59. Upon adoption, this Ordinance will supersede the Town of Londonderry’s Dog Ordinance as adopted on August 18,2025.

SECTION 2. PURPOSE. The purpose of this ordinance is to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment, and destruction, to protect the public health and safety of the Town and preserve the quiet enjoyment of its residents’ homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and phrases shall apply:

A. “Dog” means any member of the canine species. For purposes of this ordinance, this term shall also include “wolf-hybrids” and “working farm dogs” except as otherwise stated.

B. “Domestic animal” means those animals defined by 6 V.S.A. § 1151(2).

C. " (3) “Domestic pet” or “pet” means any domestic dogs, domestic cats, and ferrets. The term shall also include such other domestic animals as the Secretary shall establish by rule, provided that the Secretary finds that the animal has the potential to become an imminent danger to public health or welfare if not subjected to the provisions of this chapter.

D. “Enforcement Officer” means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard.

E. “Impoundment” means being held by the Town at a place designated by the Selectboard. Such a place may or may not be operated by the Town and may or may not be within Town limits.

F. “Owner” means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.

G. “Potentially vicious dog” means a dog that, while running at large: inflicts minor injuries on a person not necessitating medical attention; chases, worries, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal or real

property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring and other domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

H. "Premises" means the home and real property of the dog owner.

I. "Running at large" means that a dog is not:

- a. on a leash; or
- b. in a vehicle; or
- c. on the owner's premises.
- d. on the premises of another person with that person's permission; or
- e. clearly under the verbal or non-verbal control of its owner.

J. "Wolf hybrid" means an animal that:

- a. is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*); or
- b. is advertised or otherwise described or represented to be a wolf hybrid; or
- c. exhibits primary physical and/or behavioral wolf characteristics.

K. "Working farm dog" means a dog that:

- a. is bred or trained to herd or protect livestock or poultry or to protect crops; and
- b. is used for those purposes; and
- c. is registered as a working farm dog pursuant to State law.

SECTION 4. NUISANCES.

A. Prohibitions. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

Nuisance One: Lack of current license and/or rabies tag

A dog without a collar or harness with a current license tag securely attached.

Nuisance Two: Running at large

A dog running at large in the Town. "Run at large" shall mean to move about without restraint, control or limitation as to property lines or areas. A domestic pet or domestic

animal on a public road is considered restrained if it is on a leash and is not causing a danger or nuisance.

Nuisance Three: Failure to remove waste

A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

Nuisance Four: Unconfined dog in heat

A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

Nuisance Five: Disturbing the Peace

A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period between the hours of 10:00pm – 7:00am. This regulation shall not apply to dogs in a kennel or boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel or boarding facility. This regulation shall not apply to a working farm dog. Note that the working farm dog also needs to be working on a farm that meets the qualifications for a farm. See the Required Agricultural Practices that are set forth by the department of Agriculture as to the minimum requirements for a farm operation.

Nuisance Six: Potentially vicious dog

A dog that while running at large: inflicts minor injuries on a person not necessitating medical attention; chases, worries, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal or real property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

B. Exemptions for Working Dogs. The provisions of the sections pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:

1. barking to herd or protect livestock or poultry or to protect crops; or
2. running at large to herd or protect livestock or poultry or to protect crops.

SECTION 5. COLLAR AND LICENSE.

Each dog shall be licensed according to the laws of this State and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog found without a collar or harness and license shall be in violation of this Ordinance and may be immediately impounded.

SECTION 6. ENFORCEMENT.

A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Windham County Superior Court, at the election of the Selectboard and/or Enforcement Officer. Violations concerning potentially vicious dogs under Section 4 A (Nuisance 6) and violations concerning a vicious dog and dog bite cases shall be enforced pursuant to Section 9 and Section 10 of this ordinance in addition to any civil fines imposed.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the Town at any hearing. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

A. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance to any person who violates any provision of the ordinance shall be subject to a civil penalty of not less than a warning to not more than Five Hundred Dollars (\$500.00) together with the costs of prosecution and, in the event of a continuing violation, each day shall constitute a separate offense.

B. The Enforcement Officer is authorized to recover a waiver fee in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

C. Determining the sequences of offenses for violations of this Ordinance shall be as follows: a subsequent violation that is identical to, and that occurs within 12 months of, a previous violation shall be considered a higher offense (i.e., second, third, or subsequent offense). Any subsequent identical violation that occurs after 18 months of a previous identical violation shall be considered a new first offense.

D. Reckless Dog Owner. Any owner who has violated this Ordinance 3 times, whether the offenses are identical or not, within a 12 month period shall provide proof to the

Enforcement Officer of successful completion of a behavior modification program, pre-approved by the Selectboard, and designed to improve the owner's understanding of dog ownership responsibilities, within 4 months from the date of notification. The Enforcement Officer shall issue a notification of this requirement, in writing by regular mail, postage prepaid, to the owner's last known address. Failure to provide such certification within the time allotted shall subject the offending dog(s) to immediate seizure and impoundment.

E. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.

F. A warning shall not be counted towards the calculation of the number of offenses under this Ordinance.

G. Fees

Lack of current license and/or proof rabies vaccine

1st Offense: **Warning** Waiver fee: NA

2nd Offense: **\$50** Waiver fee: **\$35**

3rd & Subsequent Offense: **\$75**

Running at large

1st Offense: **\$25 Waiver Fee: \$15**

2nd Offense: **\$75 Waiver Fee: \$50**

3rd & Subsequent Offense: **\$125 Impoundment and/or fine** Waiver fee: **\$100 Impoundment and/or fine**

Failure to remove waste

1st Offense: **\$25 Waiver fee: \$15**

2nd Offense: **\$50 Waiver fee: \$30**

3rd & Subsequent Offense: **\$75 Waiver fee: \$60**

Unconfined dog in heat

1st Offense: **Warning** Waiver fee: **NA**

2nd Offense: **\$75 with impoundment (and any fees associated)** Waiver fee: **\$60 impoundment (and any fees associated)**

3rd & Subsequent Offense: **\$100 with impoundment (and any fees associated)** waiver fee: **\$80 with impoundment (and any fees associated)**

Disturbing the peace

1st Offense: **Warning** Waiver fee: **NA**

2nd Offense: **\$50** Waiver fee: **\$30**

3rd & Subsequent Offense: **\$75 and/or impoundment fine** Waiver fee: **\$60 and/or impoundment fine**

Potentially vicious dog

1st Offense: **\$200 with impoundment (and any fees associated)** Waiver Fee: **\$100 with impoundment (and any fees associated)**

2nd Offense: **\$350 with impoundment (and any fees associated)** Waiver Fee: **\$150 with impoundment (and any fees associated)**

3rd & Subsequent Offense: **\$500 with impoundment (and any fees associated)** Waiver Fee: **\$300 with impoundment (and any fees associated)**

Vicious dog

1st Offense: **\$500 with impoundment (and any fees associated)** Waiver fee: **NA**

2nd Offense: **\$800 with impoundment (and any fees associated)** Waiver fee: **NA**

3rd & Subsequent Offense: **\$1,000 and/or humane disposal of the animal** Waiver fee: **NA**

SECTION 8. IMPOUNDMENT.

A. Grounds for Impoundment. Any dog may be immediately impounded if the dog:

1. has been determined by an Enforcement Officer to be a "potentially vicious dog," which presents an imminent danger to people or other animals;
2. has reportedly bitten a person off or on premises the ordinance will apply to all dog bites, regardless of location and premises of its owner.
3. is in violation of State licensing law;
4. has an unknown rabies vaccination history or is suspected of having been exposed to rabies;
5. is running at large;
6. is an unconfined dog in heat; or
7. is found without a collar or harness and license.

B. Notice of Impoundment. The officer who impounds a dog shall, within twenty-four (24) hours, give notice to the owner thereof either personally, by telephone call, or by regular mail postage prepaid at the owner's last known address. Such notice shall inform the

owner of the nature of the violations, the dog's location, and the necessary steps to have it returned to the owner. If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment, post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) calendar day period. The public notice shall include a description of the dog, including any significant marks of identification, and when and where it was impounded or found by the person placing the dog in the town's custody. The public notice must also declare that, unless the owner 1) claims the dog, 2) pays all expenses incurred by the town for treatment, boarding and care of the dog, and any applicable penalties, and 3) takes all necessary remedial action within ten (10) calendar days following posting, the town may place the dog in an adoptive home or transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

C. Release from Impoundment. Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including, but not limited to, boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action, as determined by the enforcement officer in consideration of the violation committed, is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license; verification of certification of current vaccination against rabies completion of a program designed to improve the owner's understanding and execution of dog ownership responsibilities. If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) calendar days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization; or, if the town is unable to transfer the dog, it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment, and any expenses associated with its transfer or humane disposal.

D. Rabies Suspect. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the Vermont Department of Health's rules.

SECTION 9. INVESTIGATION OF VICIOUS DOGS.

A. Complaint. When a dog has bitten a person while the dog is off or on the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. The complaint shall contain the time, date, and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation.

B. Investigation and Hearing. The Selectboard, within seven (7) calendar days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date, and place of hearing and a copy of the complaint.

C. Protective Order. If, after a hearing on the matter, the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the dog is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested, to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

D. Rabies suspect. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or an Enforcement Officer determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the Vermont Department of Health's rules. If the dog; payment of all applicable fines or waiver fees; and proof of satisfactory successful is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced.

SECTION 10. POTENTIALLY VICIOUS DOGS.

A person claiming a dog is a "potentially vicious dog" may file a written complaint with the Selectboard. The complaint shall contain the time, date, and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the Selectboard in conducting its hearing. Upon receipt of a "potentially vicious dog" complaint, the Selectboard shall proceed as in the case of a "vicious dog" complaint using Section 9 B.-D. above, with the exception that if the Selectboard determines that the behavior classifies the dog as "potentially vicious" the Selectboard may order any protective measures be taken absent the dog being humanely destroyed.

SECTION 11. OTHER LAWS.

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

SECTION 12. SEVERABILITY.

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 13. EFFECTIVE DATE.

This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted by the Town of Londonderry Selectboard at its meeting held on the 18th day of August 2025.

Amended Oct. 5th, 2026, by the Town of Londonderry Selectboard at its meeting held on the same day.

Town of Londonderry, Selectboard

Thomas Cavanagh, Chair

James Ameden, Jr, Vice-Chair

Taylor Prouty, Member

Leanne Alexander, Member

James Fleming, Member

TOWN OF LONDONDERRY

ITINERANT VENDOR ORDINANCE

AUTHORITY: This ordinance is adopted pursuant to the authority of 24 VSA 2291 (9).

Requirement: As of the date of adoption of this ordinance by the Londonderry Select Board, any Itinerant Vendor, as defined herein, shall obtain a license according to the requirements and provisions set forth herein, prior to engaging in such business.

Definition: Itinerant Vendor shall include persons, principles, agents, or business entities who engage in temporary or transient business within the Town of Londonderry, whether in one location or by traveling from place to place, to sell goods, services or food, or other items deemed similar in nature by the Select Board, from a structure, tent, vehicle or other device. This definition does not include principles, agents or business entities exclusively selling fruits vegetables or other farm products.

Itinerant Vending shall include temporary or transient business conducted outside any dwelling or structure, other than a temporary structure such as a tent, cart, mobile unit or similar device without wastewater facilities, by the property owner and /or owner's family members or others with a duly executed agreement with the property owner and located within the property boundaries beyond setbacks required by the Town's Zoning Bylaw.

Exemptions: Garage sales, yard sales, auctions and similar types of sale for a period of 3 consecutive days or less, or not more than eight days per calendar year, conducted by a property owner so as to not cause unsafe traffic conditions, parking problems or other nuisances to neighbors shall be exempt from this Ordinance.

Application: A complete application and fee shall be submitted to the Selectboard's Itinerant Vendor Permit Appointee for action to approve or deny.

Permitted Applicants: Itinerant Vendors may apply singly, or property owners regularly hosting itinerant vendors may obtain a site permit that covers vendors lacking their own Itinerant Vendor Permit.

A complete application shall include the following information and attachments:

1. Name, mailing address, and phone number of the Itinerant Vendor applicant.
2. The physical address of the vending site, parcel identification number, and owner of record.
3. A description of the proposed vending activity including items to be sold, hours/days/term of operation, and other information as may be reasonably required.
4. A sketch showing the physical location of the property, proposed vending operation including the location and dimension of any structures, carts, vehicle, or other device to be used, signage and available on site parking.

6. Evidence of receipt of all applicable federal, state, and local permits necessary to legally conduct business, including but not limited to: Vermont sales and use tax certificates, rooms and meals tax certificates and health permits to operate a food establishment.
7. Any other information as may be reasonably requested or required by the Town.

FEES:

1. Applications shall include the required fees:

- a. \$25 per application.
- b. Fees may be waived for religious, charitable, educational and service organizations conducting fundraising activities in a public place or on Town property.

Procedure: The Appointee shall act to approve or deny the complete application within 15 working days of receipt of the Application. Notice of approval, together with any applicable conditions, shall be delivered in writing to the applicant. If the permit is not approved, notice including the reason(s) for denial shall be delivered in writing to the applicant.

Posting: The approved Vendor License shall be posted and visible at the business location or carried with the Itinerant Vendor for presentation upon request.

Expiration: An Itinerant Vendor permit shall be effective for a term of 12 months at which time the permit shall expire, unless renewed by submittal of a complete application and fee to the Town Clerk for the same period, providing the activity is to continue as originally permitted and also provided no complaints relating to the itinerant vendor activities have been submitted. Any changes in the business shall require a new determination by the Select Board or Appointee.

Appeal: A person may appeal the denial of a license by filing a written notice of appeal with the Town Clerk or Appointee within five (5) days of receipt of notification of denial. The appeal shall be considered by the Select Board at a duly warned hearing with notice to the appellant. The decision may be affirmed or reversed, with or without conditions imposed to protect public health, safety and welfare and to prevent damage to public and private property.

Penalty: Violations of the provisions of this Ordinance shall be determined by the Select Board or Appointee which shall require payment of a fine of not less than \$100 nor more than \$100 for each offense, for each day the offense may continue, after notice of violation is delivered in writing by certified mail.

Performance Standards

All permit holders must comply with all of the following performance standards:

- (A) No land or structure in any zoning district shall be used or occupied by an Itinerant Vendor in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties.

(13) The following standards apply to all Itinerant Vendors. In determining ongoing compliance with these performance standards, the burden of proof shall fall on the applicant. The activity of any Itinerant Vendors shall not cause or result in:

- (1) noise in excess of seventy (70) decibels at the property line, or represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area;
- (2) noticeable, or clearly apparent vibration which, when transmitted through the ground, is discernible at property lines without the aid of instruments;
- (3) smoke dust, odors, noxious gases, or other forms of air pollution which constitute a nuisance to other landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; which cause damage to property, business, or vegetation; or which are offensive or uncharacteristic of the area;
- (4) releases of heat, cold, moisture, mist, fog, precipitation or condensation beyond the property lines of the property on which it is located, or to a height likely to be detrimental to the public safety, health, or welfare;
- (5) glare, lumen, light or reflection which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is detrimental to the public health, safety, or welfare;
- (6) liquid or solid wastes or refuse in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground and surface waters; or which are otherwise detrimental to the public health, safety, and welfare; or
- (7) undue fire, safety, explosive, radioactive emission or other hazard which endangers the applicant's or neighboring properties, or the general public or which results in a significantly increased burden on municipal facilities and services.
- (8) Access. The area of operation shall have enough room for customers to turn around and re-enter the roadway face first and have a clear visibility to approaching traffic and pedestrians.

- (9) **Cleanliness.** The Vendor shall keep the area of operation clean and tidy. Any refuse shall be stored in secure containers that are screened from the neighbor's view. Any water used to clean or rinse shall be contained within the area of operation.
- (10) **Hours.** Hours of operation shall be at the discretion of the Select Board's Appointee, taking into consideration the type and nature of the vending activity; the vending site and surrounding neighborhood; the zone where the vending activity will take place.
- (11) At the end of the season or use, all temporary vestiges of the Vendor's business must be stored away from public view.
- (12) **Health.** All Itinerate Vendors selling food products shall comply with the Vermont Department of Health; "Health Regulations for Food Service Establishments".
- (13) **Signs.** Signage for Itinerate Vendors shall be governed by Londonderry Zoning By-Laws.
- (14) **Vehicles/Trailers.** All vehicles and/or trailers used by Itinerate Vendors shall be safe, roadworthy and properly registered with the Vermont Department of Motor Vehicles.

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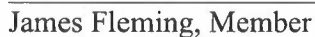
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