

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, April 1, 2019
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: James Ameden, Georgianne Mora, Robert Forbes and Taylor Prouty.

Board Members Absent: Thomas Cavanagh.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Treasurer Tina Labeau, Town Clerk Kelly Pajala, and Planning Commissioners Larry Gubb, Dick Dale and Gail Mann, and Conservation Commissioner Irwin Kuperberg. Members of the Public – Jane Schilcher, Agency of Natural Resources representatives Marie Caduto and Lynette Clauden, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair **Jim Ameden** called the meeting to order at 7:00 PM.

2. Additions or deletions to the agenda

Shane O’Keefe noted that a request for an outside consumption permit has been submitted by Derry Downtown Limited, DBA The Garden Restaurant, that should be added to the agenda as item 12.f.

George Mora moved to accept the recommended change to the agenda, seconded by Taylor Prouty, passed unanimously.

3. Minutes

George Mora moved to approve the minutes of the meeting of March 18, 2019, seconded by Taylor Prouty, passed 3-0-1, with Forbes abstaining due to his absence from the meeting.

4. Selectboard pay orders

Pay orders were reviewed and signed by the Board members.

5. Announcements/Correspondence

TOPP Phase I - O’Keefe mentioned that the pre-bid meeting for Phase I of the Town Office Planning Project is scheduled for April 3rd at 1:00 PM.

VT Route 11 Repaving – He also distributed a letter from an engineering consultant for VTrans regarding the proposed Route 11 paving project, scheduled for some time in the coming year, subject to funding. He will get a set of project plans. Dick Dale inquired about whether a safety audit for VT Route 11 safety study should be requested of VTrans by the Board, given the upcoming project. It was uncertain whether such a study was conducted prior to the project planning. It was agreed to place this matter on the agenda for the next regular meeting subject to an inquiry by Mora with the transportation planner at the Windham Regional Commission on this matter. O’Keefe will also inquire of VTrans about this and request a project plan set.

6. Visitors and Concerned Citizens

Emerald Ash Borer – Conservation Commissioner Chair Irwin Kuperberg spoke to the Board. On the issue of impending emerald ash borer infestation, he mentioned that the Commission is concerned about this recommended that the Board establish some financial strategies on how to manage this effort. It was mentioned that Emergency Management Director Kevin Beattie was looking into the potential costs and establishing a capital fund for this.

Lowell Lake – Regarding the Vermont Department of Forests, Parks and Recreation master plan for Lowell Lake, he stated that the Commission is unanimously concerned about the State's plans. He mentioned that he is the Commission's representative on the Lowell lake Working Group, a group of concerned citizens of which the Commission is supportive. He mentioned that he and other members of the working group met with regional manager of FPR and has submitted a series of project-related questions. He stated that he has concerns about the sincerity and transparency of the State on this project, and that the Commission is forming a formal position. He encouraged the Selectboard to get involved in the project, and cited one concern being traffic congestion on Lowell Lake Road.

Taconic and Green – Dick Dale stated that the Taconic and Green Regional School District would be meeting tomorrow at the Flood Brook School to discuss the Districts interest in Pre-K programming. Such programming would promote quality and equity.

7. Annual Appointments

a. Fire Warden [10 VSA 2641(a)]

This matter was tabled from the previous meeting. Ameden stated that he had spoken with several people about their interest in the position, and there was none, and mentioned that he had heard that Jim Twitchell was interested in remaining in the position.

There was discussion about the need for a Deputy Fire Warden. Bruce Frauman mentioned that Kevin Beattie stated that he would serve as Warden if Twitchell was no longer interested.

Bob Forbes moved to appoint Jim Twitchell as Forest Fire Warden, seconded by George Mora. Motion passed unanimously.

O'Keefe will look up any statutory requirements for appointing a Deputy Forest Fire Warden.

8. Town Officials Business

a. Town Clerk – Discuss E911 address changes

Town Clerk and E911 Coordinator Kelly Pajala gave the Board an update on E911 efforts, mentioning several areas where there were discrepancies or changes needed to conform with E911 standards. She mentioned the significant efforts of Assistant Clerk Bonnie Cobb to help ensure address accuracy. Improperly named private roads were mentioned as an issue that need to be addressed. Renumbering will need to be done at condominiums at Magic Mountain and at the Mountain Marketplace Plaza. She requested that the Board and staff help support the E911 effort by letting people know how important accuracy and consistency with State recommendations is to ensure public safety.

b. Planning Commission – Discussion on Water & Sewer planning and funding (includes representative from ANR/DEC)

Planning Commissioners Gail Mann and Larry Gubb discussed water quality concerns in the villages and impacts on community health and economic viability, and the Commission's desire to have a professional assessment of the issue. They introduced Agency of Natural Resources representatives Marie Caduto and Lynette Claudon, who each presented information to the Board.

Lynette Claudon is the program manager for the Engineering Planning Advance program, and she described the program, noting that it can help the Town with funding for a study. The Town would only be required to repay the loan if a project went to construction, and funding would be refinanced with the project's long-term debt repayment. That amount can also be credited in the form of a down payment to a pollution control grant.

Marie Caduto is the State's Watershed Coordinator and gave an extended presentation on the State's surface water monitoring in Londonderry, along the West River, Flood Brook and Thompsonburg Brook. She stated that the only impaired reach of water is in the West River in South Londonderry, where there are historically elevated levels of bacteria. They have not been able to determine the source of the bacteria. This condition will be favorable for the Town's interest in funding for remediation. She stated that the State wants to promote sustainable communities with assistance for issues such as what Londonderry has. There was discussion about various funding sources for water and wastewater projects.

The procurement process for a feasibility study was discussed, and the State prefers a qualifications-based solicitation. There was discussion about issues that could come up with a feasibility study that might place undue burdens on property owners to remedy.

Dick Dale stated that the Planning Commission was unanimously behind proceeding with a feasibility study. There was discussion about the process for putting together the application and for working with a chosen consultant.

Bob Forbes moved to move forward with a feasibility study application, Taylor Prouty seconded, passed unanimously.

O'Keefe will work with Planning Commissioners on the application. The Board thanked the State representatives for their input.

9. Transfer Station

Ameden stated that Candy Bliss would like to meet with the Board to discuss transfer Station matters, and it was agreed to place this matter on the agenda for the next regular meeting.

10. Roads and Bridges

a. Department updates

Ameden, on behalf of Matt Rawson, noted the following usage for the month of March 2019:

Salt – 179 ton	Vehicle Fuel – 1,292.4 gallons
Sand – 273 yards	Building Fuel – 241.6 gallons

He noted that the Highway Department is looking to spec. out a new truck.

He also spoke of his interest in scheduling for summer work projects for both staff and the public. Staff needs to be proactive and not so reactive, and replace or repair roads, culverts, etc. before they fail. There was extended discussion about needed scheduling by the Highway Foreman and periodic review of projects and their schedule. This will be discussed at an upcoming meeting with Matt Rawson.

b. Review and adopt Traffic & Parking Ordinance

The Board reviewed the most recent draft of the proposed Traffic and Parking Ordinance. The speed limit on Thompsonburg Road is shown as 40 mph, with Main Street shown as 30 mph, and all unpaved roads as 35 mph. Stop sign locations were briefly discussed.

George Mora moved to adopt the Traffic and Parking Ordinance as presented, Bob Forbes seconded, passed unanimously.

O’Keefe will take care of properly posting the new ordinance as required by Vermont Statutes.

The text of the Traffic and Parking Ordinance is attached hereto as an addendum and made part of these minutes

c. Approve excess vehicle weight permits

George Mora moved to approve the excess weight permits (fleet) for St. Pierre, Inc., TAM Inc./Trevor Mance, Frost Wells & Pumps, Inc., G.W. Tatro Construction, Inc., TK Trucking, Crandall Logging, LLC and Camp Precast Concrete products, Inc., Taylor Prouty seconded, passed unanimously.

It was agreed that the permit for TK Trucking would be held pending submittal of a complete insurance certificate.

11. Old Business

a. Contract for managed computer services

Following up on the Board’s decision to work with TechVT at the previous meeting for managed IT services, O’Keefe asked for authority to execute a standardized contract document after Town Attorney review.

George Mora moved to authorize the Town Administrator to execute all necessary documents to employ the services of TechVT, LLC, including a service contract after review by the Town Attorney, Bob Forbes seconded, passed unanimously.

b. Resolution adopting deferred compensation plan with ICMA Retirement Corporation

O’Keefe presented the Board with a resolution establishing the Town’s participation in the deferred compensation plan offered through the International City/County Management Association Retirement Corporation. This is the plan that he will participate in as opposed to that provided through the Vermont Municipal Retirement System.

George Mora moved that the Board pass the suggested resolution from the ICMA retirement Corp. necessary for the establishment of a deferred compensation plan, Taylor Prouty seconded, passed unanimously.

12. New Business

a. Set terms and appointments for Development Review Board

Following up on previous discussions about establishing terms of office for various boards and commissions to provide for orderly and predictable opportunities for citizens to serve the community, the Development Review Board discussed this at its meeting of March 20, 2019, the Development Review Board voted to recommend the following terms of office for its existing members, commencing on October 1, 2019:

Three 3-Year Terms: Denis Pinkernell, Chris Laselle and John Lancaster
Two 2-Year Terms: Esther Fishman and Terry Hill
Two 1-Year Terms: Bob Maisey and Sven Fedorow

Taylor Prouty moved to establish three-year terms of office for the Development Review Board, and appoint the following individuals to the Board with transitional staggered terms as follows:

- *Denis Pinkernell, Christopher Laselle and John Lancaster to September 30, 2022*
- *Esther Fishman and Terry Hill for 2-year transitional terms to September 30, 2021*
- *Robert Maisey and Sven Fedorow for 1-Year transitional terms to September 30, 2020*

George Mora seconded, passed unanimously. O’Keefe will provide notice to the DRB members of their appointments.

b. Discuss scheduling for employee performance evaluations

It was agreed to hold a special meeting on April 10th at 4:30 to discuss personnel performance evaluations for the Highway Department, and to also discuss highway work scheduling.

Ameden will confirm with Matt Rawson his availability and that of the highway crew as well.

- c. **1st Class Liquor License – Derry Downtown, Limited, DBA The Garden Restaurant**
- d. **1st Class Liquor License – Derry Downtown, Limited, DBA The Garden Market**
- e. **2nd Class Liquor License – Derry Downtown, Limited**
- f. **Outside Consumption Permit – Derry Downtown, Limited, DBA The Garden Restaurant**

George Mora moved to approve the liquor licenses presented to the Board, Bob Forbes seconded, passed unanimously.

13. Adjourn

Bob Forbes moved to adjourn the meeting, seconded by George Mora, passed unanimously.

The meeting adjourned at 9:13 PM.

The next regular meeting of the Selectboard is scheduled for April 15, 2019 at 7:00 PM.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved April XX, 2019.

James Ameden, Chair

Georgianne Mora, Vice-Chair

Thomas Cavanagh

Robert Forbes

Taylor Prouty

ADDENDUM

TRAFFIC AND PARKING ORDINANCE Town of Londonderry, Vermont

Pursuant to the provisions of Title 19, Vermont Statutes Annotated, Section 304(a)(6) and (7), Title 23, Vermont Statutes Annotated, Section 1007 and 1008, and Title 24, Vermont Statutes Annotated Sections 1971 and 2291(1)(4) and (5), and such other general enactments as may be material hereto, it is hereby ordained by the Selectboard of the Town of Londonderry that the following Traffic and Parking Ordinance is adopted for the Town of Londonderry, Vermont.

ARTICLE I. DEFINITIONS

The definitions of Title 23, Vermont Statutes Annotated, Section 4 are incorporated by reference.

Either Side Of: As used in the Article VII, “Parking Regulations”, unless otherwise specified herein, “Either Side Of” shall mean that portion of the highway which is meant for and normally used for travel.

Intersection: That area of two or more streets which join one another at an angle (whether or not crossing another) through which motor vehicles must pass when traveling from one street to another.

Parking: The stopping or standing on a street of any vehicle whether occupied or unoccupied.

Sidewalk: That portion of the public right-of-way which is set apart for public pedestrian travel.

Traffic Control Device: Any traffic light, blinker, sign, signal or marking placed by the Selectboard or Traffic Committee of the State of Vermont for the regulation of vehicular or pedestrian traffic or of

parking, and any sign, signal or marking placed by a law enforcement officer having jurisdiction in the Town of Londonderry to designate temporary regulations.

Vehicle: Any contrivance capable of being used for the conveyance of persons or goods on land, except light carriages for use by children or disabled persons.

ARTICLE II. PURPOSE AND SCOPE

In order to promote safety, provide good traffic flow, and assist the Town in the maintenance of streets and highways, this ordinance establishes special traffic and parking regulations on public highways within the Town of Londonderry, Vermont.

ARTICLE III. TRAFFIC CONTROL DEVICES

Section 1. It shall be unlawful for any person to disobey the direction of a traffic control device except in response to the direction of a law enforcement officer having jurisdiction in the Town of Londonderry.

Section 2. It shall be unlawful for any person to intentionally remove, injure, obstruct, deface, alter or tamper with any traffic control device.

Section 3. It shall be unlawful for any person to install any sign or device which may resemble or be mistaken for an official traffic control device, without prior approval of the Town of Londonderry Selectboard.

ARTICLE IV. SPEED REGULATIONS

Section 1. Paved Town Highways

On the basis of engineering and traffic studies, the following speed limits measured in miles per hour (MPH) are hereby established for specific Town Highways (TH) and portions thereof:

TH #2. A maximum speed of 30 MPH from its intersection of VT Route 100 easterly and southerly to the intersection of TH #38 (Rowes Road), then a maximum speed of 40 MPH from its intersection of TH 38 (Rowes Road) easterly and northerly to its intersection of VT Route 11.

Section 2. Unpaved Town Highways

The following speed limits measured in miles per hour (MPH) are hereby established for unpaved Town Highways (TH) and portions thereof:

Speed limits on all unpaved Town Highways within the Town of Londonderry shall be a maximum speed of 35 MPH, unless otherwise set forth by this Ordinance or amendments hereto.

Section 3. State Highways

Speed zones on State Highways in the Town of Londonderry shall be the same as posted by the State of Vermont and shall be enforceable under this ordinance. Speed limits on VT Route 11 and VT Route 100 shall be the same as posted by the State of Vermont and shall be enforceable under this ordinance.

Section 4. Posting of Speed Limits

The above speed limits shall be posted with traffic control devices in accordance with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) and shall be in effect when so posted.

ARTICLE V. STOP AND YIELD INTERSECTIONS

Section 1. The following intersections shall be designated as stop intersections and shall be so signed:

State Highways

VT Route 100 entering VT Route 11

VT Route 100 entering intersection of TH #2 Main Street) and TH #5 (Middletown Road)

Class 2 Town Highways

TH #1 (Landgrove Road) entering VT Route 11

TH #1 (Landgrove Road) entering TH #59 (Old Stowell Hill Road)

TH #2 (Thompsonburg Road) entering VT Route 11

TH #2 (Main Street) entering intersection of VT Route 100 and TH #5 (Middletown Road)

TH #3 (Route 121) entering VT Route 11

TH #4 (Magic Mountain Access Road) entering VT Route 11

TH #5 (Middletown Road) entering VT Route 11

TH #5 (Middletown Road) entering VT Route 100

TH #6 (Winhall Hollow Road) entering VT Route 100

Class 3 Town Highways

TH #8 (Reilly Road) entering VT Route 11

TH #8 (Reilly Road) entering TH #1 (Landgrove Road)

TH #9 (Hell's Peak Road) entering VT Route 11

TH #9 (Barker Road) entering TH#13 (Hell's Peak Road)

TH #13 (Hell's Peak Road) entering TH #9 (Barker Road)

TH #14 (Pond Street) entering VT Route 100

TH #16 (Derry Woods Road) entering VT Route 11

TH #17 (Little Pond Road) entering VT Route 11

TH #18 (Boynton Road) entering TH #17 (Little Pond Road)

TH #19 (Mountain Lake Road) entering TH #17 (Little Pond Road)

TH #19 (Lowell Lake Road) entering VT Route 11

TH #23 (Scott Pet Road) entering VT Route 11

TH #26 (Brophy Lane) entering VT Route 11

TH #27 (Melendy Hill Road) entering VT Route 100

TH #28 (Edgehill Road) entering VT Route 11

TH #28 (Brooks Lane) entering TH #5 (Middletown Road)

TH #29 (Mansfield lane) entering VT Route 11

TH #30 (Cromack Road) entering VT Route 11

TH #33 (Rest Haven Lane) entering VT Route 11

TH #36 (Under Mountain Road) entering TH #2 (Thompsonburg Road)

TH #37 (Cross Road) entering TH #2 (Thompsonburg Road)

TH #39 (Livermore Mills Road) entering TH #41 (Springhill Road)

TH #39 (Livermore Mills Road) entering TH #6 (Winhall Hollow Road)

TH #41 (Springhill Road) entering VT Route 100

- TH #43 (Haven Hill Road) entering TH #41 (Springhill Road)
- TH #45 (Glebe View Lane) entering VT Route 100
- TH #48 (West River Street) entering VT Route 100
- TH #49 (Windy Rise Lane East) entering VT Route 100
- TH #49 (Windy Rise Lane West) entering VT Route 100
- TH #46 (Winhall Station Road) entering VT Route 11
- TH #51 (Goodaleville Road) entering TH 46 (Winhall Station Road)
- TH #55 (Crescent Street) entering VT Route 100
- TH #58 (High Street) entering VT Route 100
- TH #59 (Old Stowell Hill Road) entering VT Route 11
- TH #59 (Old Stowell Hill Road) entering VT Route 100
- TH #59 (Old Stowell Hill Road) entering TH #1 (Landgrove Road)
- TH #65 (Howard Hill Road) entering VT Route 11
- TH #66 (Sherwood Forest) entering VT Route 11
- TH #67 (Evergreen Lane) entering VT Route 100
- TH #71 (Adams Drive) entering TH #5 (Middletown Road)

Section 2. The following intersections shall be designated as "YIELD" intersections and shall be so signed:

[RESERVED]

ARTICLE VI. [RESERVED]

ARTICLE VII. PARKING REGULATIONS

Section 1. [RESERVED]

Section 2. Parking Restrictions in Certain Areas

It shall be unlawful to park a vehicle at any time in the following circumstances:

- A. Within six (6) feet of either side of a point at the roadway edge of travel directly in front of a hydrant;
- B. Within six (6) feet of a private driveway;
- C. On a crosswalk;
- D. On a sidewalk;
- E. Abreast of another vehicle;
- F. Along the side or opposite any street excavations or obstructions;
- G. Within thirty (30) feet of a driveway of a fire station;
- H. Within twenty (20) feet of a crosswalk at an intersection, or where there is no crosswalk, within twenty-five (25) feet of an intersection, or on that part of any street opposite the junction of one street with another;
- I. At any point on a street, including a designated parking space, when the presence of such vehicle in conjunction with any other condition then existing will obstruct the free passage of other vehicles upon the street.

Section 3. General Prohibitions

It shall be unlawful for vehicles to be parked or left unattended within the public right-of-way of any Town Highway for more than twenty-four (24) hours. It shall be unlawful to park any vehicle in a manner which will interfere with pedestrian and vehicular traffic.

Section 4. Winter Restrictions

- A. It shall be unlawful to park any vehicle in a manner which will interfere with the removal of snow from a Town Highway by the Town of Londonderry.
- B. It shall be unlawful to park any vehicle for any period of time within the right-of-way of a Town Highway during the period of November 1 of each year, until May 1 next following.

Section 5. Exceptions

Emergency response vehicles and Town Highway maintenance vehicles while performing necessary functions, and delivery vehicles making deliveries where other parking is unavailable, shall be relieved of the requirements of Sections 3 and 4 for the duration of time needed to perform their respective functions.

Section 6. Parking Fines

The fine for violation of any provision of this Article shall be \$100.00 for each separate violation.

Section 7. Removal of Vehicles

Any vehicle parked in violation of the provisions of this Article may be summarily removed at the owner's expense, by order of any law enforcement officer having jurisdiction in the Town of Londonderry, the Town of Londonderry Road Commissioner, or the Town of Londonderry Selectboard.

Section 8. Disposal of Vehicles Removed

If the owner of a vehicle summarily removed under section 6 hereof does not claim such vehicle and pay all towing and storage expenses within thirty (30) days of the date of such removal, the title to such vehicle shall escheat to the Town and the vehicle may be sold or otherwise disposed of in accordance with Title 27, Vermont Statutes Annotated, Chapter 11.

Section 9. Nothing in this Article shall be construed to make unlawful vehicular stops in obedience to the direction of a law enforcement officer having jurisdiction in the Town of Londonderry or for causes beyond the control of the operator.

ARTICLE VIII. DESIGNATED ONE-WAY STREETS

The following street or portion of said street is hereby designated as a one-way street and the direction of travel shall be as follows:

[RESERVED]

ARTICLE IX. LOADED VEHICLES

No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded so as to prevent its contents from dropping, sitting, leaking or otherwise escaping there from.

ARTICLE X. GENERAL PROVISIONS

Section 1. Separate Offenses

Each violation of a provision of this ordinance shall be deemed a separate offense.

Section 2. Penalties

Penalties for violations other than parking shall be as set forth in Title 23, Vermont State Statutes, as amended. The provisions of this ordinance shall be cumulative to the fullest extent

permitted by law with respect to all other statutes or ordinances now or hereafter adopted regardless of their order of passage or enactment.

Section 3. 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.

Section 4. Designation

This ordinance is hereby designated as a civil ordinance pursuant to Title 24, Vermont Statutes Annotated Section 1971(b), and may be referred to as the Traffic and Parking Ordinance and in a prosecution hereunder a copy of such ordinance, certified by the Londonderry Town Clerk shall be prima facie evidence thereof. An allegation that the act constituting the offense charged is contrary to a specified provision of this ordinance shall be a sufficient reference hereto.

Section 5. Repeal of Prior Ordinances

Any other ordinance or traffic regulation heretofore adopted by the Town of Londonderry is hereby repealed. The Parking Ordinance adopted by the Selectboard on October 20, 2014 is hereby superseded in its entirety by this ordinance upon its effective date.

Section 6. Publication and Posting

This ordinance, or a concise summary thereof, shall be published in the Vermont Journal 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.

Section 7. 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 Title 24, Vermont Statutes Annotated, Section 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.

Section 8. Effective Date

Unless a petition is filed in accordance with Title 24, Vermont Statutes Annotated, Section 1973, the Ordinance shall become effective sixty (60) days after its adoption.

Adopted by the Town of Londonderry Selectboard at its meeting held on the 1st day of April, 2019.

Town of Londonderry, Selectboard

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