

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, May 20, 2019
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Georgianne Mora, Robert Forbes, Taylor Prouty and Thomas Cavanagh.

Board Members Absent: James Ameden.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala. Members of the Public – Harry Lux of the Flood Brook Athletic Association.

1. Call meeting to order

Selectboard Vice Chair **George Mora**, taking over as Chair in the absence of Jim Ameden, called the meeting to order at 7:00 PM.

2. Additions or deletions to the agenda

Shane O’Keefe suggested removing from the agenda the matter of the Invitation to Bid for the Platt Elevation Project, as the document was not ready yet.

Taylor Prouty moved to delete the discussion on the Platt Elevation Project Invitation to Bid from the Old Business portion of the agenda, seconded by Tom Cavanagh, passed unanimously.

Tom Cavanagh suggested adding a discussion on the stump dump and yard debris pile to the agenda.

Taylor Prouty moved to add a discussion of the stump dump and yard debris pile to the Transfer Station portion of the agenda, seconded by Bob Forbes, passed unanimously.

3. Minutes

Tom Cavanagh moved to approve the minutes of the meeting of May 6, 2019, seconded by Taylor Prouty, passed unanimously.

4. Selectboard pay orders

Pay orders were reviewed and signed by the Board members.

5. Announcements/Correspondence

Outside Consumption Permit - O’Keefe noted that the Board’s meeting packet included an outside consumption permit for Magic Mountain Ski Area, which was referred by Town Clerk Kelly Pajala.

Recycling Announcements - He also passed on notices from Recycling Coordinator Esther Fishman indicating that the Hazardous Waste Collection Day at the Flood Brook School would be held on both June 1, 2019 and October 5, 2019, and that there would be a backyard compost workshop at Neighborhood Connections on June 4, 2019 at 5:00 PM.

Traffic and Parking Ordinance - O'Keefe noted that the Traffic and Parking Ordinance approved by the Board on April 1, 2019 had not been petitioned for reconsideration so it will be going into effect on May 31, 2019. He will provide notice to the State Police on this.

Tax Deeded Property - He also noted that the approximately ¾ acre tax deed property on Derry Woods Road at Route 11 is now Town-owned.

TOPP Phase I - O'Keefe noted that the TOPP Phase I project is scheduled to start this week.

Town Office Renovations – Tina Labeau noted that the Town Clerk's office would be closed to research during the week of July 22 for renovations.

6. Visitors and Concerned Citizens

Harry Lux, representing the Flood Brook Athletic Association, was present to report on the effort to revitalize local baseball, and he provided the Board with information indicating that participation was excellent.

He noted that he was installing an electronic solar-powered scoreboard at the lower field at Pingree Park for which he received approval from the Parks Board. Lux said he was trying to determine who ultimately authorizes the project for the Town so he can proceed to completion. Parks Board representative Kelly Pajala stated that it was not necessarily a Selectboard approval that was needed as much as a zoning determination.

O'Keefe mentioned that he and Lux had met the previous week to discuss this installation and determine whether such an effort requires a zoning permit. He stated that he does not believe that it needs a zoning permit or Development Review Board review as it qualifies as either an accessory structure of less than 150 square feet in size (and less than 10 feet in height) or qualifies under the public use exemption. He stated that he did not believe that it was sign either. He said his concern was who grants authority on park property such as this: the Selectboard or the Parks Board? Pajala said that the Parks Board has been approving any parks improvements that were not big project, and that Pingree Park is subject to Act 250, and as such any project that would trigger Act 250 review is avoided. Sae said that the Parks Board has dealt with parks and tries to ensure communication with the Selectboard.

O'Keefe noted that ultimately the Selectboard is the property owner and the Parks Board is the steward of the property.

Pajala discussed a maintenance agreement with FBAA for the property that the Town Attorney has written up but has not been signed. Insurance for park maintenance was discussed.

Mora stated that she did not think that the Selectboard needs to debate or vote on this matter at this time.

O'Keefe will respond formally to the inquiry from Lux on zoning so that a notice of appeal can be provided. Forbes mentioned that there is likely a need to pull a State permit for the electrical work related to the electronic score board.

Bob Forbes moved to indicate the Board's support and thanks for the work that the FBAA has done to bring back baseball, seconded by Tom Cavanagh,

Lux showed the Board photographs of the scoreboard. There was discussion about the excitement of the growth of baseball of late.

The motion passed unanimously.

Transfer station bottle funds and their support of local activities was discussed.

Lux also spoke about the outfield fence, and his interest in hanging temporary advertising banners for sponsors on the fence, which would only be visible to game attendees. He was asking about authority to do this. There were no objections from the Board members. Taylor Prouty suggested there could be a blanket authority for baseball or sports facilities. Lux and O’Keefe will meet on this as well, and Lux will provide a mock-up of the fence banners.

Lux left the meeting at 7:28 PM.

7. Town Officials Business

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

Tina Labeau presented year-to-date budget figures to the Board for review, and indicated that the Town was in pretty good shape except for the Highway Budget, which is high in large part due to weather conditions. There was saving on policing, and it was noted that there may not have been a new contract signed with the Vermont State Police; O’Keefe will look into this.

b. Zoning Administrator – Request to hire Town Attorney for zoning enforcement matter

The Board reviewed documentation provided by O’Keefe in his role as Zoning Administrator regarding ongoing Zoning Bylaw violations at property located at 213 Middletown Road owned by James Twitchell. O’Keefe explained that efforts to work with the property owner toward voluntary compliance over the past year have not been successful in eliminating the violations, including separate promises to remove the violations as of October 31, 2018 and then May 1, 2019, so he issued a formal Notice of Violation on May 2, 2019. The property owner did not cure the violations within the 7-day statutory timeframe, nor did he appeal the notice of violation within the statutory 15-day appeal period. O’Keefe requested that the Board authorize hiring the Town Attorney to seek a court order to compel compliance and seek fines of up to \$200 per day per violation dating from the violation notice.

The Board reviewed a letter submitted that evening from the property owner stating that the heating oil tank in the building would be removed this week and the building taken down and removed thereafter in a timely manner.

There was a lengthy discussion on this matter. O’Keefe suggested that if the Town wants to be serious about zoning enforcement then it needs to be prepared to take all steps necessary once voluntary compliance fails. He stated that he has taken all appropriate steps and the decision to proceed forward is now with the Selectboard. Mora agreed that the Town should be prepared to follow through on these matters once they reach this stage. Forbes mentioned the long history of not dealing with enforcement, and talked about the balance between working with property owners and then when to get legalistic. Prouty suggested holding off on a decision until such time as the entire Board membership was present, which was echoed by the other members present. Forbes pointed out that there were a number of buildings in a similar violation situation. Cavanagh stated that unless there is zoning enforcement there is no use in having zoning

regulations. It was the sentiment of the Board, based on the letter from Mr. Twitchell, that it could well be that the violation could be cured in time for the next regular meeting.

Taylor Prouty moved to continue this matter to the next regular meeting, seconded by Tom Cavanagh, passed unanimously.

8. Transfer Station

a. Transfer Station Use Policy

Tom Cavanagh mentioned that he had met with staff of the Transfer Station about ways to limit abuse of the take-it-or-leave-it shed. Ideas were to 1) establish 15-minute parking throughout the facility, 2) allow use of the shed twice per day and require two punch card punches per visit thereafter, and/or 3) limit the hours of operation of the shed. Other ideas discussed included one punch for every use of the shed, and all-day “leave-it” with limited time “take-it”. Also discussed was requiring approval to leave something at the shed.

Cavanagh suggested that other Board members think about other options. O’Keefe will work on this with Cavanagh for consideration at the next regular meeting.

b. Discuss stump dump and yard debris

Tom Cavanagh mentioned that the stump dump needs to be pushed back, and he needs to figure out where a test well is before that happens. And the yard debris must be turned over. There was discussion about whether this work would be done in-house or with outside contractors.

Cavanagh will confer with the Highway Department on whether they would be available for this effort. This matter will be discussed at the next regular meeting.

Pajala left the meeting at 8:24 PM.

9. Roads and Bridges

a. Access permit 2019-04 – Hell’s Peak Road (Hazelton)

His matter was briefly discussed, and it was the consensus of the Board to hold off on a decision until such time as Road Commissioner Jim Ameden was in attendance, which may be as soon as a special meeting tentatively scheduled for later in the week.

b. VTrans comments on Route 11 congestion at Flood Brook School

Following up on the Board discussion on April 15, 2019, the Board reviewed comments dated May 13, 2019 from VTrans on Route 11 congestion, and the reviewer suggested that the onus was on the Flood Brook School administration to address this matter. There was extensive discussion this, and it was mentioned that the school administration was making efforts to reach out to parents to adhere to circulation rules to avoid vehicular congestion. It was noted that fewer and fewer children were using the school buses to travel to and from school.

O’Keefe was asked to forward the VTrans email to the Flood Brook School Principal and ask that he meet with the Selectboard to reach some sort of resolution of the issue. He was also asked to request additional signage from VTrans as offered in the correspondence.

10. Old Business

None.

11. New Business

a. Itinerant vendor Permit Application – West River Farmers market

The Board briefly reviewed an application for vendor permit from the West River Farmers Market.

Taylor Prouty moved to approve the itinerant vendor permit application from the West River farmers market, seconded by Tom Cavanagh, passed unanimously.

The farmers market has agreed to seed the property after its use.

b. Schedule special meeting to consider paving bids

O’Keefe noted that the Request for Bids for paving was due on May 23, 2019 at 4:00 PM, and Jim Ameden suggested a special meeting to address this as soon as possible.

It was agreed all around that the Board meeting would be scheduled for 5:00 PM that day.

It was also agreed to place the Hell’s Peak Road access permit on this agenda as well.

12. Adjourn

Bob Forbes moved to adjourn the meeting, seconded by Tom Cavanagh, passed unanimously.

The meeting adjourned at 8:46 PM.

The next regular meeting of the Selectboard is scheduled for June 3, 2019 at 7:00 PM.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved June 3, 2019.

LONDONDERRY SELECTBOARD

James Ameden, Chair

Georgianne Mora, Vice-Chair

Thomas Cavanagh

Robert Forbes

Taylor Prouty

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