

**Town of Londonderry, Vermont**  
**Selectboard**  
**Regular Meeting Minutes**  
**Monday, August 5, 2019**  
**Twitchell Building - 100 Old School Street, South Londonderry, VT**

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

**Board Members Absent:** None.

**Others in Attendance:** Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Planning Commissioners Sharon Crossman and Dwight Johnson. Members of the Public – Ethan Phelps of the Vermont Department of Forests, Parks and Recreation, Kelly Capen, Hiland Clough, Malcolm Clough, Bruce Frauman (GNAT) and Sean Cunningham (Chester Telegraph)

**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 suggested adding to the agenda a discussion on a grant for employee workplace safety from the Vermont League of Cities and Towns.

*Taylor Prouty moved to add a discussion on the VLCT grant for employee workplace safety to the New Business section of the agenda, seconded by George Mora, passed unanimously.*

Jim Ameden suggested eliminating the discussion on purchasing of deicing product and equipment as Highway Superintendent Mathew Rawson was not present.

*Jim Ameden moved to delete from the Roads and Bridges section of the agenda the discussion on the purchase of deicing product and agreement for product storage equipment rental, seconded by Bob Forbes, passed unanimously.*

**3. Minutes Approval – Meetings of July 1, 2019 & July 15, 2019**

*George Mora moved to approve the minutes of the Selectboard meeting of July 1, 2019, seconded by Taylor Prouty, passed 4-0-1, with Bob Forbes abstaining.*

*George Mora moved to approve the minutes of the Selectboard meeting of July 15, 2019, seconded by Tom Cavanagh, passed 3-0-2, with Jim Ameden and Tom Cavanagh abstaining.*

O’Keefe noted that he had found that the Minutes of the March 5, 2018 meeting were erroneously labelled as the February 5, 2018 minutes, and asked the Board to execute a corrected copy of the minutes, which had been signed on March 19, 2018. The corrected minutes were signed by all those that signed the original minutes.

#### **4. Selectboard pay orders**

Pay orders were reviewed and signed by the Board members.

#### **5. Announcements/Correspondence**

Emergency Preparedness Training – Bruce Frauman from the Mighty Londonderry Community Resilience Organization noted that the G-191 training went better than expected the previous week, with 16 people each night, representing Londonderry and Weston. One of his primary take-aways was that many people in Londonderry prefer to “shelter in place” during emergency events as opposed to using shelters provided by the Town or State. He discussed additional training opportunities for the community.

#### **6. Visitors and Concerned Citizens**

##### **a. Meet with representative(s) of the VT Department of Forests, Parks & Recreation on proposals for Lowell Lake State Park**

Ethan Phelps of the Vermont Department of Forests, Parks and Recreation stated that he was present to answer any questions that the Board may have regarding his agency’s recently presented plans for Lowell Lake State Park. He gave an overview of the plans, stating that there were three concepts presented at the July 25, 2019 open house held at the Town Hall. He stated that the Department received feedback from those who attended the open house and is in a public feedback period of at least 60 days with an online survey.

The day-use concept envisions facility improvements such as parking, circulation, an office-type structure for staff, composting toilets, and accessible pathways and trails.

Two concepts for overnight structures are 1) the reuse of the existing structures and 2) a different configuration with mostly new structures.

He stated that there is nothing set in stone with the options, and they may implement varying aspects of the different concepts, concepts in full, or nothing at all.

On the question of an “events barn”, Phelps noted that they are considering reuse of the existing storage barn for rustic events with a maximum capacity of 50-70 people, with the first overnight option. He stated that it would be the equivalent of a picnic shelter from other parks but would be enclosed though unheated and without plumbing.

Phelps addressed concerns about cost of the project, which he mentioned could be in the neighborhood of \$3 million, and mentioned that some costs estimates are coming in lower than expected. He also stated that the Department of Forests, Parks and Recreation is not exempt from regulations. While the extent of possible project disturbance does not reach the Act 250 threshold he stated, there are Act 250 requirements being included in the planning and development process. He mentioned that he has been working with Town Zoning Administrator Shane O’Keefe on zoning bylaw matters, and while no determinations have been made as of yet, he has been helpful to the State focusing in on its project plans.

Phelps described the comment review process and stated that are not looking at the results as of yet.

Addressing comments from the public, Phelps described treatment plans for the shoreland, and spoke to concerns voiced about potential overcrowding and described efforts to reduce

stormwater runoff on the site. He also spoke about staffing, noting that there are three staff now, and there would be one or two more should there be overnight accommodations. He also described overnight accommodations at other State Parks and noted that there is a high level of management and all parks have quite hours. He also mentioned that State Park facilities are not closed overnight, so that those staying overnight can come and go.

Phelps thanked the Board and invited anyone unable to attend the open house presentation to go to the Department's web site and review the plans and complete the survey. He left the meeting at 7:38 PM.

## **7. Town Officials Business**

### **a. Listers – Consider online posting of property record cards (continued)**

It was noted that there were no Listers present at the meeting. Lister Chair Sandra Clark was at the previous meeting it was agreed at that time to continue the discussion to this meeting as there was a likelihood that there would be a full Selectboard present.

*Taylor Prouty moved to table discussion on this matter until a Lister is available at another Selectboard meeting, seconded by Bob Forbes, passed unanimously.*

### **b. Conservation Commission – Discuss LCC actions regarding Lowell Lake State Park (continued)**

It was noted that there were no Conservation Commission members present at the meeting. Conservation Commission Chair Irwin Kuperberg was at the previous meeting it was agreed at that time to continue the discussion to this meeting as there was a likelihood that there would be a full Selectboard present.

*George Mora moved to pass over this matter until a future time when someone from the Conservation Commission can be here, seconded by Bob Forbes, passed unanimously.*

### **c. Planning Commission – Discuss economic development initiatives**

Planning Commissioners Sharon Crossman and Dwight Johnson met with the Board on this matter. Johnson highlighted efforts to address economic development needs and opportunities. He specified concerns such as traffic and safety issues in south and north villages, the appearance of the town and any steps that can be taken to improve the appearance, economic challenges and opportunities businesses and people are facing, and both housing and employment challenges. He said that the Commission is in its earliest stages on this effort and just wanted to brief the Selectboard up front. He added that they are making arrangements to meet with consultants and both the Windham Regional Commission and the Vermont Downtown Program to see what other towns have done.

Crossman mentioned that the Commission was working on the Zoning Bylaw, and that economic development will be considered in that effort.

Johnson stated that the Zoning Bylaw consultant is doing a very nice job. Crossman added that she'd keep the Selectboard posted.

## 8. Transfer Station

Cavanagh mentioned the additional repairs on the backhoe that have been made.

## 9. Roads and Bridges

Ameden noted that in July the Highway Department used 347.5 gallons of vehicle fuel and 75 gallons of fuel for buildings. And it looks like the new mower head is mounted and in use.

### a. Unpermitted Town Highway access – 2046 Winhall Hollow Road

O’Keefe noted that this matter was brought up a few meetings ago and the Board had asked him to send a letter to property owner Hiland Clough regarding what appeared to be a second highway access met with the Board to discuss the second access to property at 2046 Winhall Hollow Road. The Board had reviewed a letter in response from Hiland Clough that the driveway was in the location of an old farm gateway. Hiland Clough reiterated to the Board that it was an old gateway and stated that the Town had raised the road 18 inches in past years.

It was noted that the drive provided access to an unpermitted shed built to cover a trailer, and that it had been torn down. O’Keefe acknowledged Mr. Clough’s efforts to comply with the Zoning Bylaw regarding this structure, and noted that debris from demolition of the shed should be removed, which Mr. Clough stated that he would do.

Hiland Clough noted that topsoil has been placed on the driveway to allow brush to grow back, but that he is still claiming it as a farm gateway. The Board reviewed old and new photos of the location. Ameden stated that he felt that there probably was some sort of access to the fields at this location, and as long as the brush were to grow back he would have no issues as Road Commissioner. Mora stated that a permit should no longer be needed if the brush is allowed to grow back. The consensus of the Board was that this was an appropriate resolution to the matter.

### b. Adopt Town Road and Bridge Standards

The Board reviewed recommended road and bridge standards promulgated by the Vermont Departments of Transportation and Natural Resources that address standards for driveway access, guard rails, roadway construction, intermittent stream crossings, which the Town has or are being worked on.

Ameden noted that adoption of these standards is prerequisite for receiving some State funding for road projects. Specific requirements in the standards will be reviewed by Ameden, O’Keefe and Highway Superintendent Mathew Rawson before submittal to the State.

*Bob Forbes moved to adopt the municipal road and bridge standards, seconded by George Mora, passed unanimously*

Speed Limits -- Ameden noted that the correct speed signs have been posted on Thompsonburg Road, and stated that he will work with Rawson and ensuring consistency with sign placement and height specifications. O’Keefe noted that a Main Street resident has requested additional speed limit signs in between the existing ones on either end of the road, and that he has mentioned this to Rawson.

Mora suggested contacting the State Police about speed monitoring, and it was agreed that O’Keefe would contact Lieutenant French on this. It was mentioned that there are no signs yet on the gravel roads.

Culverts -- There was an inquiry from Kelly Capen about budgeting and priorities for Highway Department projects, noting that there was a culvert at Carly Lane that was in need of replacement. Hiland Clough inquired about responsibility for removing brush near a culvert ditch by his home on Winhall Hollow Road. It was noted that the property owner is responsible for maintenance outside the right-of-way. O’Keefe suggested that Clough contact the State permit specialist before removing any vegetation in wetlands.

## 10. Old Business

### a. Discuss TOPP Phase I project closeout

O’Keefe noted that the project is close to wrapping up and there is a project walk-through scheduled for Friday that week to create a punch list, and asked if Bob Forbes would be available to participate.

Outstanding matters are the window well that is not the specified item, handicapped ramp paving (and which may need to be replaced with a poured rampway when the next phase of the project takes place), minor drain cap issues, and inadequate mulching in some spots. O’Keefe noted that all-in-all the contractor did a nice job, and helped with solutions to challenges with ledge.

### b. Discuss TOPP Phase II design/engineering procurement (continued)

Regarding the next phase of this project, which includes programming, design and engineering of building improvements, O’Keefe suggested doing a sole-source solicitation with Chris Cole, who did the original building analysis and preliminary design, which would include Cole providing a scope of services and billing rate with an amount “not-to-exceed”. He stated that Cole had provided quite a bit of work early on and was very familiar with the building, and that we would have to pay a new contractor to replicate work already done. The alternative would be to go through a public request for proposals process. The Town’s Purchasing Policy allows for exceptions to the bidding process for professional contracts.

O’Keefe noted that building condition analysis may need very minor updating, and he recommended reexamining the space needs for staff.

*George Mora moved to authorize a sole source procurement of services for Phase II of the TOPP project and seek to negotiate a scope of services with Cole Company, Inc., seconded by Taylor Prouty, passed unanimously.*

O’Keefe said he’d try to have something for the Board to review at the next regular meeting.

### c. Invitation to Bid for Platt Project

O’Keefe presented an invitation to bid for this project with a scope of services prepared by engineer Matt Beck. He noted that the scope called for the building to be elevated to the base flood elevation (BFE) plus 4.8”, but Vermont Emergency Management, the project funding agency, has recently requested BFE plus 12”. O’Keefe has appealed this decision and is

awaiting an answer from VEM, noting that the project would cost more with the VEM recommendation. He stated that the Town is not on the hook for any costs for the project, but if the cost is increased it may price the project above the grant amount, and added that the Platt's are fine with the project as designed. O'Keefe asked the Board to authorize the issuance of the Invitation to Bid regardless of the State's decision, but to await the State decision before doing so.

*Taylor Prouty moved to approve the invitation to bid for the Platt project pending the return of information from the State, seconded by George Mora, passed unanimously.*

## **11. New Business**

### **a. Review complaint regarding Zoning Administrator**

The Board had reviewed a letter from Malcolm Clough, and Mr. Clough spoke further about his issues with the actions of Zoning Administrator Shane O'Keefe regarding zoning enforcement.

O'Keefe spoke about the fact a letter was written at the request of the Selectboard to Hiland Clough, which he did as Town Administrator and not Zoning Administrator, and that he tries to work with property owners on violations in as helpful way as is reasonable. He stated that he disagreed with Malcolm Clough's characterization of events.

Ameden agreed that the letter to Hiland Clough was written at the request of the Board, and that it was not a notice of violation.

Malcolm Clough stated that he was upset with the process and requested a better means of communications.

Town Clerk Kelly Pajala stated that she recommended to Malcolm Clough that he submit any complaints to the Selectboard and Development Review Board in writing, which was acknowledged to be proper procedure matters such as this.

Ameden apologized to Mr. Clough, and noted that O'Keefe does many things for the Board, and does a great job, and while there were issues, that those issues are being worked on, and he apologized for any misunderstandings.

### **b. Discuss local option tax**

Mora spoke about the concept of establishing a local option tax, which was prompted by a local business owner who suggested it given the recent propriety tax rate increase. Mora mentioned she had met with Kelly Pajala and Tina Labeau on this to start a discussion on ways of defraying local tax burden from residents and homeowners onto visitors to the area. She looked into some numbers and assuming a 1% rate came up with a ballpark of \$170,000 of potential annual revenue to the Town, which would be two cents off the tax rate. The question was raised as to whether Stratton Corp. taxes were considered to be Londonderry taxes due to the corporate mailing address. Other nearby towns with a local option tax include Manchester, Winhall, Stratton, Brattleboro and Wilmington. Labeau mentioned that Winhall budgets \$1.1 million of revenue from the local option tax.

The potential for tax revenue from short-term rentals such as Airbnb was discussed.

There was discussion about doing research and getting better data on how much real estate tax revenue can be offset by a local option tax before the Board is willing to pursue this further. Looking at what other towns have done to run numbers and make this decision would be useful.

*Taylor Prouty moved to pursue more information on the benefits or options for a local option tax, seconded by Tom Cavanagh, passed unanimously.*

**c. Review meeting request form**

O’Keefe presented to the Board a form that people could use to request to be on the Selectboard agenda, noting that he had used such a form in other communities successfully and that it would be optional. It can help people consolidate their ideas and at the same time allow the Selectboard to have this information up front.

*George Mora moved to adopt a request form as presented in draft but to change the title to “Selectboard Agenda Item Request”, seconded by Taylor Prouty, passed unanimously.*

**d. VLCT grant for employee workplace safety**

O’Keefe noted that the Vermont League of Cities and Town provides 50% grants for workplace safety initiatives, and he recommended that the Town apply for ergonomic office equipment for Town Office staff, specifically standing desks and large screen monitors. He mentioned that the Town is eligible for up to \$5,000 of grant funding, and his initial calculations come to about \$1,000 total cost to the Town. The Highway Department and Transfer Station can be eligible for funding as well.

There was general support for the proposal. O’Keefe will come back at the next regular meeting with specifics.

**12. Adjourn**

*Bob Forbes moved to adjourn the meeting, seconded by Tom Cavanagh, passed unanimously.*  
The meeting adjourned at 8:44 PM.

The next regular meeting of the Selectboard is scheduled for August 19, 2019.

Respectfully Submitted,

Shane P. O’Keefe  
Town Administrator

*Approved August 19, 2019.*

**LONDONDERRY SELECTBOARD**

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James Ameden, Chair

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Georgianne Mora, Vice-Chair

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Thomas Cavanagh

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Robert Forbes

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Taylor Prouty

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