

**Town of Londonderry, Vermont  
Selectboard  
Meeting Minutes  
Monday, March 2, 2020  
Twitchell Building - 100 Old School Street, South Londonderry, VT**

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

**Board Members Absent:** None.

**Others in Attendance:** Town Officials – Town Administrator Shane O’Keefe, Development Review Board Co-Chair and Recycling Coordinator Esther Fishman, and Road Foreman Joshua Dryden. Others – 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**

*Tom Cavanagh moved to add to the Transfer Station section of the agenda the approval of the purchase of a new bucket for the backhoe, seconded by George Mora, passed unanimously.*

**3. Minutes Approval – Meeting of February 17, 2020**

*George Mora moved to approve the minutes of the Selectboard meeting of February 17, 2020, seconded by Taylor Prouty, passed unanimously.*

**4. Selectboard Pay Orders**

Pay orders were reviewed and signed by the Board members.

**5. Announcements/Correspondence**

**a. Final reminder about Annual Town Meeting – March 3, 2020 at 9:30 AM**

Ameden reminded everyone that the annual Town Meeting was the following day at the Town Hall on Middletown Road. Mora stated that she wished to speak about the regional broadband initiative at the Town Meeting.

Correspondence included in the meeting package was as follows:

- A copy of the survey and notice sent to homeowners in the two study areas for the community water/wastewater study, dated 2/25/2020. O’Keefe mentioned that free water testing from the State of Vermont was offered.
- A copy of the Town’s Motion to Dismiss in the case of Contos v. Town of Londonderry and Sandra Superchi, dated 2/18/2020. He mentioned that the Contos’ had requested a two-week extension to respond.

- An email dated 2/21/2020 from the VTrans project manager for the VT Route 11 paving project regarding interaction with the Town during the upcoming paving project. O’Keefe noted that he’d like to take VTrans up on its offer of holding project meetings.
- A copy of a letter from O’Keefe to the Taylor Farm, dated 2/24/2020 regarding the need to meet and discuss compliance with applicable Zoning Bylaw provisions for its non-farming activities.
- O’Keefe mentioned an upcoming Planning Commission public hearing on 3/9/2020 at 4:30 PM in the Town Office regarding a proposed zoning bylaw amendment. It pertains to construction along roads not maintained by either the Town or the State.

## 6. Visitors and Concerned Citizens

None.

## 7. Town Officials Business

### a. Development Review Board – Consider appointment of new member to fill vacancy

Esther Fishman recommended appointing Paul Abraham to the Development Review Board to fill the vacancy caused by the recent resignation of Sven Fedorow. The Board reviewed an application submitted by Abraham, and Fishman spoke to his qualifications noting that the DRB had interviewed him at its last meeting and agreed he’d be a good candidate.

*George Mora moved to appoint Paul Abraham as a full member of the Development Review Board for a term extending to September 30, 2020, such term to fill a vacancy created by the resignation of another Board member, seconded by Tom Cavanagh, passed unanimously.*

### b. Development Review Board – Approve leave of absence

Fishman spoke to the Board about DRB member Chris Laselle’s wish to take a leave of absence from the Board for a three-month period beginning in April.

*Taylor Prouty moved to grant a leave of absence from the Development Review Board to Chris Laselle from April through June, seconded by George Mora, passed unanimously.*

## 8. Transfer Station

### a. Updates

### b. Sole source designation for backhoe repairs

### c. Approve purchase of a new bucket for the backhoe

Cavanagh and Fishman mentioned that the bucket for the backhoe would need to be replaced, as fixing what we have was determined not to be an efficient use of funds at this point upon the recommendation of Matt Coleman. The purchasing policy was reviewed, and this sort of purchase could be considered an emergency purchase and sole-source service purchase was appropriate. It was agreed that Coleman would be the go-to repair vendor for this equipment, but that other vendors could be used if he was unavailable.

*George Mora moved to approve replacement of the backhoe bucket with a new bucket with a cost of up to \$2,500, seconded by Tom Cavanagh, passed unanimously.*

## 9. Roads and Bridges

### a. Updates

Dryden noted the following usage for the month of February 2020:

Salt – 299 tons                  Sand – 918 yards              Vehicle Fuel – 249 gallons  
Heating fuel (gallons):      Town Garage 290, Town Office 250, Town Office Generator 0,  
Transfer Station 100, Town Hall 230 (for Town Meeting)

The new 2020 truck still has electrical issues that will be rewired off-site after the weather breaks. It was agreed that the Town should not out any more money into this repair as the vehicle is still under warranty.

The purchase of a new smaller vehicle, subject to budget approval at the Town Meeting, was discussed at length. Whether to purchase a gas- or diesel-fueled vehicle was considered, and it was noted that the Town would be seeking to purchase through the State of Vermont bid.

### b. Access Permit 2020-02 – Hell’s Peak RD, Parcel #013013.000 (Hazelton)

The Board reviewed and discussed an application for an access permit. The existing logging access will be realigned, and the driveway voluntarily constructed to Town specifications. O’Keefe noted that a subdivision application was in process and the driveway would provide access to a retained back lot and two of three newly-proposed lots. The need for a culvert was discussed and Ameden as Road Commissioner stated that a culvert was not needed.

*Taylor Prouty moved to approve to approve access permit application No. 2020-02, submitted by Donald & Deborah Hazelton for parcel #013013.000 on Hell’s Peak Road, seconded by Tom Cavanagh, passed unanimously.*

### c. Access Permit 2020-01a – Derry Woods RD, Parcel #110002.000 (Lot 1) (Hunter Kaltsas)

The Board reviewed and discussed an application for an access permit. Ameden mentioned that a culvert may be required, and Prouty noted that culverts already exist that cross the Derry Woods Road in the vicinity of the driveway. The need for a culvert or ditching was discussed.

*George Mora moved to approve access permit application No. 2020-01a, submitted by Hunter Excavating for parcel #110002.000 on Derry Woods Road, which shall supersede access permit No. 2019-02 (issued on February 4, 2019) and access permit No. 2020-01 (issued on February 3, 2020), subject to final review by Road Commissioner, which may require installation of a culvert, seconded by Bob Forbes, passed 3-0-1, with Taylor Prouty abstaining.*

**d. Access Permit 2020-03 – Derry Woods RD, Parcel #110002.000 (Lot 2) (Hunter Kaltsas)**

The Board reviewed and discussed an application for an access permit, which is immediately adjacent to the previously approved permit..

*George Mora moved to approve access permit application No. 2020-03, submitted by Hunter Excavating for tentative parcel #110002.300 on Derry Woods Road, subject to approval by the Development Review Board of subdivision application No. 2020-03, subject to final review by the Road Commissioner, which may require installation of a culvert seconded by Tom Cavanagh, passed 3-0-1, with Taylor Prouty abstaining.*

**e. Review and adopt amendment to the Traffic & Parking Ordinance**

The Board reviewed and discussed the proposed Traffic and Parking Ordinance as previously considered at the previous meeting. The amendment calls for establishing speed limits on Middletown Road (Town Highway 5) as follows:

A maximum speed of 30 MPH from its intersection of VT Route 100 northerly to a point 200 feet north of the intersection of TH #55 (Crescent Street), then a maximum speed of 40 MPH northerly to a point 500 feet south of the intersection of VT Route 11, then a maximum speed of 30 MPH southerly to its intersection of VT Route 11.

O’Keefe noted that he had revised the southerly 30 MPH zone and felt that increasing it from 200 feet north of Crescent Street to 500 feet might make more sense. The Board reviewed aerial photos of this area, and the suggestion was discussed at length as was extending the distance further. It was the consensus of the Board members that the speed zone should be increased further to 1,000 feet to better align with the perceived entrance to the south village area.

*Taylor Prouty moved to adopt the amendment to the Traffic and Parking Ordinance affecting Middletown Road (Town Highway 5) as presented, such amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b), with the adjustment to the distance of the 30 mile per hour zone to 1,000 feet north of Crescent Street, seconded by George Mora, passed unanimously.*

**f. Consider application(s) for excess vehicle weight permits [23 VSA 1400a]**

The Board reviewed and considered several overweight vehicle permit applications.

*Taylor Prouty moved to approve excess weight permits for Beacon Sales Acquisition, Inc., New England Quality Service, Inc., and R.K. Miles. Inc., seconded by George Mora, passed unanimously.*

**10. Old Business**

**a. Town Office generator – Discussion on connection to Town garage**

O’Keefe noted that he had done further research on the process and cost of an underground connection of the Town Garage to the Town Office generator. He noted that he is still

waiting on an estimate of cost from the electrician. The wetlands permit he stated will have to be a new permit and not an amendment to the existing permit, and permit cost should be roughly \$800. The cost of the extra work in preparing the new application is \$85 per hour for the engineering consultant, Arrowwood Environmental, so he estimates the total permitting cost to be approximately \$2,000. He also stated that the feedback from the Agency of Natural Resources is that there will have to be additional physical wetlands protections in the area of the Town Garage. Board members expressed concern with this cost. O’Keefe noted that the permitting would include the existing generator connection to the Town Office, which was run through the wetlands. Alternatives to running the connection below ground was discussed, but it was agreed that underground was the best alternative.

*Taylor Prouty moved to authorize the hiring of Arrowwood Environmental, LLC to prepare and submit wetlands permit application documents on behalf of the Town related to the connection of the Town Garage to the Town Office generator, the cost of which shall not exceed \$2,000, including application fees, which shall be evenly divided between the Highway Fund and the General Fund, seconded by George Mora, passed unanimously.*

**b. Platt Elevation Project – Consider revised Memorandum of Understanding**

O’Keefe reminded the Board that property owner Tom Platt was the low bidder for the FEMA-funded building elevation project at 2152 Main Street, which had an increased cost requiring both State of Vermont and FEMA approval at an amount beyond that established in the previous Memorandum of Understanding from May 2019. He wanted to make sure that the property owner was willing to commit to pay the new funding share before moving forward with providing requested information from FEMA.

*Tom Cavanagh moved to approve an amendment to the May 7, 2019 Memorandum of Understanding between the Town and Thomas and Judith Platt related to the Platt’s property at 2152 Main Street, and to authorize the Selectboard Chair to execute the document on behalf of the Town, seconded by George Mora, passed unanimously.*

**c. Executive Session – Confidential attorney-client communications for the purpose of providing professional legal services to the Board, per 1 V.S.A. 313 (a)(1)(F)**

It was decided by the Chair to address this matter at the end of the meeting.

**11. New Business**

**a. Town Meeting preparation**

There was general discussion about staff and Board preparations for the Town Meeting. It was noted that the Transfer Station would be closed. O’Keefe provided a draft of a handout on the proposed Local Option Tax, and discussed it with the Board. He also mentioned he would be prepared to speak about the Derry Woods Road Culvert Project during the budget discussion.

Bruce Frauman spoke about State and local emergency preparedness matters regarding the spread of the coronavirus COVID-19.

- b. 1st Class Liquor License – Turner Enterprises, LLC, DBA The New American Grill**
- c. 3rd Class Liquor License – Turner Enterprises, LLC, DBA The New American Grill**

The Board reviewed and discussed applications for a liquor licenses.

*George Mora moved to approve the 1st and 3rd Class Liquor Licenses for Turner Enterprises, LLC, doing business as The New American Grill, related to property located at 5700 VT Route 100, seconded by Tom Cavanagh, passed unanimously.*

- d. 2nd Class Liquor License – Jelley Enterprises, Inc., DBA Jelley’s Auto care Center**

The Board reviewed and discussed an application for a liquor license.

*Taylor Prouty moved to approve the 2nd Class Liquor License for Jelley Enterprises, Inc., doing business as Jelley’s Auto Care Center, related to property located at 2102 North Main Street, seconded by Tom Cavanagh, passed unanimously.*

- e. US Census municipal boundary validation**

O’Keefe noted that the Windham Regional Commission was working with the Vermont Center for Geographic Information and the US Census to correct the census maps, as there is a discrepancy between Londonderry and Jamaica, and with several other communities as well. He noted that the Town must respond to the US Census on the Town’s status at this time.

*Taylor Prouty moved to authorize the Selectboard Chair to execute the US Census Boundary Validation Report on behalf of the Town, indicating that boundary corrections are needed, seconded by George Mora, passed unanimously.*

- f. Discuss hiring of sound engineer for zoning compliance matters**

O’Keefe mentioned that as part of the litigation in the two Development Review Board appeals involving Vermont Woodchips Real Estate Holdings, LLC, there is a draft stipulation regarding hiring of a sound engineer to monitor sound at the property at 170 Winhall Station Road, to be paid for by the property owner. He noted that the Zoning Bylaw establishes a maximum sound lever of 70 decibels at the property line as a performance standard.

O’Keefe mentioned that he is aware of two such consultants in the area and the stipulation calls for hiring the consultant by April 1<sup>st</sup>. He suggested either authorizing him to hire the engineer or for the Board to decide on the contractor at the next meeting once proposals are received, and stated the need to select the consultant representing the best overall value. *Bob Forbes moved to authorize the Town Administrator to hire a sound engineering consultant to assist with compliance with conditions of Development Review Board case No. 2019-42, and a related Environmental Court stipulation, pertaining to property at 170 Winhall Station Road owned by Vermont Woodchips Real Estate Holdings LLC, with the property owner paying the cost of the consultant, seconded by Taylor Prouty, passed unanimously.*

## 12. Old Business

- a. **Executive Session – Confidential attorney-client communications for the purpose of providing professional legal services to the Board, per 1 V.S.A. 313 (a)(1)(F)**

*George Mora moved to find that premature general public knowledge of confidential attorney-client communications will clearly place the Selectboard at a substantial disadvantage, seconded by Tom Cavanagh, passed unanimously.*

*George Mora moved that that the Board enter executive session to review and consider confidential attorney-client communications made for the purpose of providing professional legal services to the Board, pursuant to Title 1, Section 313((a)(1)(F), seconded by Taylor Prouty, passed unanimously.*

O’Keefe was invited to attend the executive session The Board entered in executive session at 8:20 PM.

The Board came out of executive session at 8:40 PM.

*George Mora moved that in the matter of Environmental Court dockets 9-1-20 Vtec and 102-9-19 Vtec, the Town agrees to pay 10% of the cost of mediation, but will seek to recover all costs through the pursuit of penalties to ensure that the Town is made whole, seconded by Taylor Prouty, passed unanimously.*

## 13. Adjourn

Prouty offered his thanks to outgoing Board members Forbes and Ameden for their contributions to the community over the years. This sentiment was echoed by all those present.

There was a discussion about the position of Road Commissioner, which is presently held by Ameden who is looking to step down from the position.

Selectboard service and transition was discussed as were other Board matters in general.

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

The meeting adjourned at 9:10 PM. The next regular meeting of the Selectboard is scheduled for March 16, 2020.

Respectfully Submitted,

Shane P. O’Keefe  
Town Administrator

*Approved March 16, 2020.*

**LONDONDERRY SELECTBOARD**

\_\_\_\_\_  
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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