

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 18, 2021
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Vincent Annunziata and Taylor Prouty.

Board Members Absent: Melissa Brown and James Fleming.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Planning Commission Chair Sharon Crossman, Beautification Committee members Helen Hamman and Pam Abraham. Others – One Londonderry Representatives Elsie Smith and Esther Fishman, My Community Nurse Program representatives Regina Downer and Bill Hoyt, Champion Fire Company #5 representative Chris Blackey, Resident Bette Genser, and Bruce Frauman (GNAT).

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:02 PM.

2. Additions or deletions to the agenda

[1 VSA 312(d)(3)(A)]

Vincent Annunziata moved to delete from the Town Officials Business part of the agenda, the Town treasurer’s year-to-date budget review, seconded by Taylor Prouty. The motion passed unanimously.

Vincent Annunziata moved to add to the Town Officials Business part of the agenda, as item 7.a., “Town Clerk – Approval process for Town Zoning Bylaws”, seconded by Taylor Prouty. The motion passed unanimously.

Vincent Annunziata moved to add to the Visitors and Concerned Citizens part of the agenda, as item 6.b., “Discuss Halloween Trunk or Treat”, seconded by Taylor Prouty. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 10/4/2021

Taylor Prouty moved to approve the minutes of the Selectboard meeting of October 4, 2021, seconded by Vincent Annunziata. The motion passed unanimously.

4. Selectboard Pay Orders

Taylor Prouty moved to approve the pay orders for payroll and accounts payable, seconded by Vincent Annunziata. The motion passed unanimously.

5. Announcements/Correspondence

Tina Labeau mentioned that the polls would be open at the Town Office on October 20th from 7:00 AM to 7:00 PM for special Town Meeting voting.

O’Keefe noted that additional handouts included in the Board meeting packet that were not previously distributed were 1) a handout that includes all the vehicles, equipment and materials

proposed for sale under Roads & Bridges agenda item 9.d., and 2) the Windham County Sheriff's report for September.

He noted that the Town received the annual VLCT Municipal Compensation and Benefits Report, and that an office copy is available to review and that he would send out a link to each Board member to an electronic copy.

He also reported that the Town had just received a copy of the application from Londonderry GLC Solar, LLC (Green Lantern Solar) to the Vermont Public Utility Commission for the proposed solar array at the former septage fields behind the Transfer Station.

O'Keefe noted correspondence included in the Board's meeting packet was as follows:

- Advance notice of a solar net metering project at the Anjali Farm at 395 Middletown Road, dated September 30, 2021.
- An October 18, 2021 email from Town Attorney Bob Fisher on the Zoning Bylaw adoption matter to be discussed under Town Officials Business, item 7.a.

6. Visitors and Concerned Citizens

a. Monthly update – One Londonderry

Elsie Smith updated the Board on the activities of One Londonderry (OL). She spoke about the efforts to establish a skating rink at the location of the volleyball courts behind Jake's Restaurant, and spoke about a recent project meeting and the various supporters and donors to the project. She stressed the need for proper management of the facility, and distributed to the Board a fact sheet on the project. She noted that permit applications have been filed, and requested that the Board waive local permitting fees. The Board declined to waive the fees.

She spoke about "Winterfest" activities scheduled for March 2022, and noted that the OL Recreation Group is working on trail mapping for the community and a longer-term plan for trail connectivity.

Members of the OL Housing Group recently attended an affordable housing summit, she stated, and one significant takeaways was the need for a housing needs assessment for the community. She mentioned a single-family affordable housing project being contemplated for Hells Peak Road and they plan to meet with project sponsors.

Smith noted that the OL Economic Vitality Group is participating in a program to create mapping of regional assets focusing on building community and wellness. And a volunteer has been brought on to create Instagram posts promoting local business.

She mentioned that the Community Center Group's new Chair is working with area stakeholders on what a facility could look like, and is researching other communities, and it was noted that there has been some contact with the proposed Manchester recreation center project.

The Main Street Group participated in the recent public meetings on the North Village master planning project, and will continue to be involved through to implementation. And she mentioned OL's the involvement in the holiday season "Light Up Londonderry" projects.

She thanked the Board for opportunity to update the community on OL's efforts.

b. Discuss Halloween Trunk or Treat

Firefighter Chris Blackey requested that the Board allow the South Londonderry fire department to close Main Street from the VT Route 100 Bridge to Old School Street on Halloween from 4:00 PM to 6:30 PM for trunk or treat activities. He added that they would handle traffic control to include closing off one half of Middletown Road up to Crescent Street so people could park at the First Baptist Church and walk to Main Street.

He stated that candy donations could be made to Labeau at the Town Office. Setup begins at 4:00 PM, but children are asked to come at 4:30 PM, he mentioned, and the road would be reopened no later than 6:30 PM.

Vincent Annunziata moved to authorize the closure of Main Street in South Londonderry from 4:00 PM to 6:30 PM on October 31, 2021 for the Champion Fire Company Halloween Trunk or Treat event, seconded by Taylor Prouty. The motion passed unanimously.

Regina Downer spoke to the Board about her organization, My Community Nurse Program, along with Bill Hoyt, one of the program's Board members. She described the organization and its work, and handed out a program fact sheet that included a request for American Rescue Plan Act funds from the Town. Hoyt and Downer spoke about some of the work that Downer has done for residents in the area communities.

7. Town Officials Business

a. Town Clerk – Approval process for Town Zoning Bylaws

Following up on the discussion at the previous Board meeting, O'Keefe noted that Kelly Pajala had put together and forwarded to the Town Attorney a comprehensive timeline of events and decisions on the issue of whether, based on an article approved at the 1968 Town Meeting, all zoning bylaw amendments must be considered by Town Meeting. The Town Attorney has responded in writing, he added, and there is nothing conclusive at this time.

Pajala mentioned that further research of Selectboard minutes from the 1960s and 1970s is still needed, but it will come down to an interpretation of the 1968 Town Meeting article. She added that her research indicates that there was an expectation in the past that zoning bylaws would go to the Voters for adoption.

O'Keefe clarified that even if it is determined by the Town Attorney that there is no requirement for all Zoning Bylaws and amendments to be voted on at Town Meeting, the Selectboard under current law has the option to send all such bylaws to the Voters for their consideration. And if a bylaw amendment is approved solely by the Selectboard, the Voters have the right to petition that it be reconsidered at Town Meeting.

Cavanagh stated that we'll keep working on it and hopefully have an answer by the next regular meeting.

b. Planning Commission – Monthly update

Sharon Crossman provided updates as follows:

- On the North Village Main Street Study and Master Plan project, there were two meetings held on October 7th with the project consultant, one held virtually via Zoom software and the other in-person at the offices on Neighborhood Connections, and the

sense is that it was well-attended, with overall about 80 people, and very constructive. A follow up meeting of a similar nature will take place in early November, she added.

- The Water-Wastewater project is still in process, and there is presently an effort to arrange a meeting with some property owners in the south village to discuss the potential for an in-ground wastewater system near the Town Office and to provide good basic information to help explain it. There is no further progress on finding a site in the north village for a system, she added. The consultant report is expected in December.
- On the proposed zoning bylaw overhaul, it was noted that the Commission is still waiting to hear from the Town's consultant on requested changes to the draft.
- The first phase of the Town Hall restoration project is on schedule, she reported, and it has been determined by a structural engineer that the balcony is unsafe for use but can be repaired in its present configuration of being suspended from the roof structure. She noted that there is an effort at this time to enhance to the look of the façade, and exterior painting was in process. There are still plans to utilize the \$10,000 Preservation Trust of Vermont grant, she mentioned, and accessibility work is in process.
- She mentioned that there are a lot of items stored on the stage in the Town Hall, in particular about 40 mattress-sized pads. Labeau stated that they belong a summer service program for youth, and they may relocate them next year. There are other items to be potentially removed and the Town should some day look to inventory them.

8. Transfer Station/Solid Waste Management

a. Updates

Labeau noted that the bill for the new tires for the loader in the amount of about \$3,800 came in for payment. Cavanagh added that the tires were put on a Wednesday and there was no downtime.

b. Discuss contract for solid waste management (composting) services

Esther Fishman noted that Grow Compost, the company with which the Town has contracted to provide composting services at the Transfer Station has been purchased by Casella Waste Management, Inc. The original bid from Casella for the composting service was a slightly better price, she noted, but Grow Compact was going to provide a better service so the Board authorized the acceptance of the Grow Compost proposal on 8/16/2021. With Casella now holding the composting contract Fishman explained that she had asked the company to honor its original lower bid, which they have done and are seeking a new contract, which she stated could save the Town \$1,500 - \$2,000 per year.

Taylor Prouty moved, with regard to the proposed contract for composting services with Casella Waste Management, Inc., to authorize the Town Administrator to execute all necessary documents to employ the contractor, including a service contract after review by the Town Attorney, seconded by Vincent Annunziata. The motion passed unanimously.

9. Roads and Bridges

a. Updates

Taylor Prouty mentioned that the new tractor with roadside mower has been delivered ahead of schedule but was found to have a hydraulic hose leak, and that that day was the first day of training.

b. Access Permit 2021-07 – Gooddaleville Road, Parcel 051018.000 (Perri)

Prouty spoke briefly on this application, and mentioned that it was originally thought to be a temporary permit for logging, but has since changed to a proposed permanent access for the lot, which has the same parcel number as the property across the road under the same ownership at 1303 Gooddaleville Road.

Taylor Prouty moved to approve access permit application No. 2021-07, submitted by Michele Perri for parcel #051018.000, located on the east side of Gooddaleville Road, seconded by Vincent Annunziata. The motion passed unanimously.

c. Review and adopt amendments to the Traffic & Parking Ordinance

Following up from the previous meeting, Prouty explained that he and O’Keefe had driven all of the paved roads proposed for the establishment speed limits, as follows:

- Landgrove Road
- Winhall Hollow Road
- Hells Peak Road
- Spring Hill Road
- Winhall Station Road
- Gooddaleville Road

He explained that they made some changes based on observations made during the ride around, and O’Keefe added that they decided it made most sense to have any speed limit changes on a single road be no less than a 10 MPH difference. Prouty mentioned that because of the level of business and the uncontrolled accesses along the westerly part of Winhall Station Road the road should have a lower speed limit than the rest of the road.

Taylor Prouty moved to adopt the amendment to the Traffic and Parking Ordinance that provides for changes to Article IV, Speed Regulations, Section 1. Paved Town Highways, that clarify the names of Town Highway #2 (Thompsonburg Road & Main Street) and Town Highway #5 (Middletown Road), and establishes speed limits on Landgrove Road, Winhall Hollow Road, Hells Peak Road, Spring Hill Road, Winhall Station Road and Gooddaleville Road, such amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b), seconded by Vincent Annunziata. The motion passed unanimously.

[A copy of the amendment as adopted is attached to these minutes and incorporated by reference.](#)

d. Discuss disposal of surplus Town vehicles & equipment

The Board reviewed photos and descriptions of the following surplus items stored in the cold storage barn adjacent to the Town Office:

- 1987 Fire truck
- Case 3220 tractor with York rake and sickle bar mower

- 6' York street sweeper
- 6' Kuhn tiller
- Two 6' X 10' hardened steel plates
- 14 sheets of Foam insulation board
- An old and inoperable coca cola cooler

O'Keefe noted that it took roughly \$700 to get the fire truck operable, but it now works, though the pump is uncertain. He recommended that the Town work with a company named Auctions International that he has worked with elsewhere successfully to sell municipal surplus items in an online auction. He explained that there is no out-of-pocket cost to the Town as there is a buyer's premium on all items sold, and the company will come and produce effective photos and item descriptions for \$30 per vehicle and \$5 for non-vehicle items, which comes off the sale in the end. For the insulation and coke machine he explained that it may make more sense to just hold a sealed bid auction.

It was recommended that the Town should advertise the auction locally so that locals are aware of it. The Board reviewed a proposed contract with the company.

Taylor Prouty moved to proceed with the sale of surplus vehicles, equipment and materials in the cold storage building, and authorize the Town Administrator execute an agreement with Auctions International to conduct an online auction on behalf of the Town, and to advertise locally for sealed bid sale any items not for sale under the contract, seconded by Vincent Annunziata. The motion passed unanimously.

10. Old Business

a. Consider request to apply for FEMA buyout of Parcel 102026.002 (Genser)

Property owner Bette Genser explained that there are a number of constraints to the sale or development of the existing building at the subject location, particularly having to do with water and septage issues and it a good option for her to pursue a buyout at this time. She conformed that there are potential buyers, but the constraints appear to standing in the way of a sale. She explained there is a new septic tank but stated that the leach field for the property goes under road.

Crossman stated that according to State of Vermont staff, up until a potential closing on the property through the FEMA buyout program, either party can opt out of the buyout project. Genser stated that she would keep the property on the market, but has lowered the asking price.

There was discussion about the administrative responsibilities that the Town would have to handle. O'Keefe stated that it was his understanding that there was less administrative work for this type of project as opposed to the ongoing building elevation project.

O'Keefe mentioned that he had followed up with VTrans and there are no issues with the buyout proposal. It was explained to him that if the building were to be removed the property could potentially be graded in a way that would allow for the removal of the retaining wall, which apparently is owned by the State, but that the State is not interested in its removal at this time. Crossman stated that she recalls that VTrans has stated that the wall does not serve any purpose.

Crossman added that the application is due in January 2022.

Prouty mentioned that he thought the best case scenario would be that the property is sold to someone who'd like to open us a business. Annunziata added that it made sense to proceed to get the ball rolling on this.

There was discussion on the required 25% local match contribution for the project and it was acknowledged the Town did not want to contribute local taxpayer dollars. O'Keefe mentioned that State of Vermont staff had mentioned that there may be State funds that can handle this.

Taylor Prouty moved to proceed with an application for the FEMA buyout program for property located at 2309 North Main Street (Parcel 102026.002) owned by Walter and Bette Genser, provided that the Town shall not provide local matching funds for the project, and to authorize the Town Administrator to execute any necessary application documents on behalf of the Town, seconded by Vincent Annunziata. The motion passed unanimously.

b. Discussion of use of funds from the American Rescue Plan Act (ARPA)

Annunziata spoke in support of the My Community Nurse Program and of funding the program with ARPA funds soon. O'Keefe inquired about whether the request from the organization would be similar to that made of other communities, or if Londonderry's contribution would be aiding residents of other communities.

There was discussion about establishing a process for reaching out to organizations and evaluating proposals, and it was agreed that there is plenty of time to do this. O'Keefe added that funds must be obligated by the Town by 12/31/2024, and expended by 12/31/2026.

Crossman suggested also using some ARPA funds for business incentives such as workforce training, for travel and tourism and other economic vitality projects, which could be eligible under the funding guidelines.

Prouty spoke about there being Town initiatives, including facilities enhancements, that could also be funded. Elsie Smith suggested that a housing needs assessment would be a good use of ARPA funds.

Pajala mentioned that the Board can establish its own project selection and criteria as long as they fit within the federal criteria under ARPA, and overall implementation of under the program is going to be complicated. The Town is waiting for information to trickle down from the federal government. Cavanagh added that the State of Vermont is receiving ARPA funds above and beyond what the Town is receiving and there will be other opportunities for the Town to benefit from that on projects that do not qualify for local ARPA funds.

Crossman suggested that the Board consider addressing the increasing number of buildings up for sale in the north village center.

Cavanagh mentioned that the fire departments and rescue squad could also be eligible for funding.

Pajala suggested that the Board give itself a deadline to establish rules that others can use for their funding requests, and mentioned that there can be a second round of funding allocations as the ARPA funds themselves come in over time: half this year and half next year. The first status reporting deadline is 4/30/2022.

O’Keefe will inquire of other communities what they may have come up for a process and report back.

There was back and forth discussion about deadlines for requests and decisions, and it was agreed that information on ARPA funding and decisions should be reported at the annual Town Meeting.

It was also agreed that the Board again consider this matter at the next regular meeting.

c. Ratify 10/4/2021 decision to approve 1st & 3rd Class Liquor Licenses – Smith Food Service Hospitality, DBA Revival Kitchen

The matter of issuing specific liquor permits was added to the agenda at the previous regular meeting and therefore required ratification per the Board’s Rules of Procedure.

Vincent Annunziata moved to ratify the Board’s October 4, 2021 decision to approve 1st & 3rd class liquor licenses for Smith Food Service Hospitality, DBA Revival Kitchen, related to property located at 3928 VT Route 11, seconded by Taylor Prouty. The motion passed unanimously.

d. Discuss employee health insurance renewal

O’Keefe reviewed with the Board the employee health insurance renewal rates for calendar year 2022, noting that premium rates were in fact going down and the Town stood to save over \$7,500 year-over-year with the same plan.

Taylor Prouty moved to authorize renewal of the existing employee health insurance plan with Blue Cross and Blue Shield of Vermont for calendar year 2022, seconded by Vincent Annunziata. The motion passed unanimously.

11. New Business

a. Consider request from Beautification Committee to plant tree on Town-owned property

Helen Hamman and Pam Abraham spoke to the Board about the Beautification Committee’s interest planting a permanent live tree at the Town-owned property located at the northeast corner of the intersection of VT Routes 11 and 100 (parcel # 102026.000). Prouty brought up a concern for proximity to the State highway. O’Keefe recommended that the Committee work with the Town Tree Warden on type and location of the tree.

As a buyout property, it was recommended that the deed be reviewed to determine if there are any deed restrictions preventing plantings, but it was assumed there were none.

Pajala suggested flood resistant plantings in addition to a tree, and Abraham suggested a perennial plants and park-like sitting area. Fencing was also discussed, as was parking proposed in a previous “after-the-flood” design, and it was noted that coordination with VTrans on any reuse of the property would be important.

It was agreed that the Committee would work on a more formal proposal. No decisions were made.

b. Consider request from Phoenix Fire Company #6 to refuel vehicles at the Town Garage

Cavanagh mentioned that he had been approached by Chief Ameden of the Phoenix Fire Company # 6 about the possibility of fueling emergency response vehicles at the Town Garage now that Wayne’s garage is now closed. It was suggested that they would keep track of usage and repay the Town, he added.

Concerns about State fuel taxes, liability insurance and off-hours access to the Town Garage taxation were raised, and it was agreed that the tax issue would need to be settled first before other matters would be addressed. This matter should be placed on the agenda for the next regular meeting.

12. Adjourn

Vincent Annunziata moved to adjourn the meeting, seconded by Taylor Prouty. The motion passed unanimously.

The meeting adjourned at 7:59 PM. The next regular meeting of the Selectboard is scheduled for November 1, 2021.

Respectfully Submitted,

Shane P. O’Keefe
Town Administrator

Approved November 1, 2021.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

[ATTACHMENT – Amendment to the Traffic and Parking Ordinance, dated October 18, 2021](#)

**TRAFFIC AND PARKING ORDINANCE
Town of Londonderry, Vermont**

**Amendment
October 18, 2021**

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 Traffic and Parking Ordinance adopted on April 1, 2019, and last amended on March 16, 2020, is hereby amended for the Town of Londonderry, Vermont.

NOTE: Language to be added is <u>underlined</u> . Language to be deleted is in striketrough .
--

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 (Thompsonburg Road & Main Street).

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.

TH #5 (Middletown Road).

A maximum speed of 30 MPH from its intersection of VT Route 100 northerly to a point 1,000 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 northerly to its intersection of VT Route 11.

TH #1 (Landgrove Road).

A maximum of 30 MPH from its intersection with VT Route 11 to a point 900 feet northwesterly of TH #9 (Barker Road), then 40 MPH to the Landgrove Town Line.

TH #6 (Winhall Hollow Road).

A maximum of 30 MPH from its intersection with VT Route 100 for a distance of 2,600 feet, then 40 MPH to the Winhall Town Line.

TH #9 & TH #13 (Hells Peak Road).

A maximum of 30 MPH from its intersection with VT Route 11 to a point 3,600 feet north of Barker Road (TH #9), then 40 MPH to the Weston Town Line.

TH #41 (Spring Hill Road).

A maximum of 35 MPH from its intersection of VT Route 100 to the Winhall Town Line.

TH #46 (Winhall Station Road).

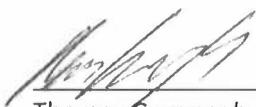
A maximum of 25 MPH from its intersection with VT Route 100 to a point 350 feet south of the intersection of TH#50 (Magoon Road), then 35 MPH to the terminus of the Town Highway.

TH #51 (Goodaleville Road).

A maximum of 35 MPH from its intersection of TH #46 (Winhall Station Road) to the Jamaica Town Line.

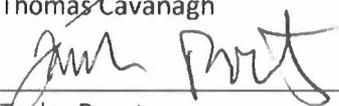
Adopted by the Town of Londonderry Selectboard at its meeting held on the 18th day of October, 2021.

Town of Londonderry, Selectboard



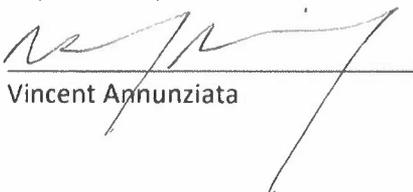
Thomas Cavanagh

Melissa Brown



Taylor Prouty

James Fleming



Vincent Annunziata

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.

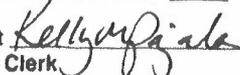
Effective Date

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.

Posted on October 19, 2021 at:
- Town of Londonderry website (www.londonderryvt.org)
- Londonderry Town Office
- Londonderry Transfer Station
- Londonderry Post Office
- South Londonderry Post Office
- Londonderry Village Market



Shane O'Keefe, Town Administrator

Londonderry, VT Town Clerk's Office
Received for Record
October 19th A.D. 2021
at 9 o'clock 55 minutes A M
and Recorded in ~~Book~~ Page
Attest 
Town Clerk