

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, May 18, 2020
Meeting held remotely via online video with no physical presence

Board Members Present: Georgianne Mora, Thomas Cavanagh, Taylor Prouty, Vincent Annunziata, and James Fleming (via telephone, 6:12 PM).

Board Members Absent: None.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Emergency Management Director Kevin Beattie, Others – Sharon Crossman, Gary Langley, Nick DeLauri, Doug Friant, Bruce Frauman (GNAT), and VTrans representatives Matthew Bogaczyk, Natalie Boyle and Katelyn Panaggio.

1. Call meeting to order

Selectboard Chair George Mora called the meeting to order at 6:04 PM.

She noted that in response the Governor Scott’s January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his “Stay Home, Stay Safe” executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, that the meeting was being held entirely remotely with no physical presence.

She added that the meeting was being conducted entirely on Zoom meeting software and that the Board members and staff were participating by video except for Board member Jim Fleming, who was participating via telephone. She noted that the public was permitted to participate via video or telephone. And that the agenda posted on May 15, 2020, and still available on the Town’s website, provided information on how the public could participate in the meeting. She noted a few matters of meeting process, including the requirement that all non-unanimous votes by the Board must be taken by roll call vote, with each member stating their name and vote.

Mora provided some technical guidance for participation by both phone and video. Each of the Board members than vocally identified themselves. Mora asked that all Board members and participant to be concise so as not to prolong the length of the meeting.

2. Additions or deletions to the agenda

None.

3. Minutes Approval – Meeting of May 4, 2020

Taylor Prouty moved to approve the minutes of the Selectboard meeting of May 4, 2020, seconded by Vincent Annunziata, passed unanimously.

4. Selectboard Pay Orders

Pay orders were reviewed by the Board members. There would be single-source signing by the Board members.

Tom Cavanagh moved to approve the pay orders for payroll and accounts payable, seconded by Taylor Prouty, passed unanimously.

5. Announcements/Correspondence

O’Keefe reported that on the VTrans sign installation grants on Thompsonburg and Middletown Roads, no contractors responded to the first bid solicitation likely due to the pandemic. VTrans staff is optimistic that the project will be advertised in June with construction over the summer/fall.

Related to this, he noted that the amendment to the Town’s Traffic & Parking Ordinance, passed by the Board on 3/16/2020, which establishing speed limits on Middletown Road – 30 mph on either end, with 40 mph for the balance of the roadway, went into effect on last Friday, May 15th. The State Police have been informed, and O’Keefe recommended installing speed limit signs until the VTrans installs new ones.

O’Keefe also gave an update on the VTrans Better Roads Program grant for \$60,000 for the Derry Woods Road culvert project to match the \$175,000 VTrans Structures grant. Due to the COVID-19 emergency and related budget uncertainty the awards are being delayed.

Correspondence included in the Board’s meeting packet was as follows:

- O’Keefe’s letter to the Town of Weston regarding use of the stump dump, dated May 5, 2020.
- The Vermont Shopper advertisement for open positions, including the Constable and Town Health Officer position. It was noted that Kevin Beattie has expressed interest on the Constable position, but no one yet has applied for the Health Officer position.

6. Visitors and Concerned Citizens

Garry Longley spoke to the Board about his concern about speeding and increased truck traffic on Thompsonburg Road and Main Street in South Londonderry. It was noted that it is likely that the truck traffic is coming from the gravel pits on Rows Road. Langley stated that the trucks have degraded peaceful life in the village.

Taylor Prouty noted that the zoning permits for one of the pits is set to expire in January 2022 and, unless extended, there will be an end to the major work there except for reclamation. Mora confirmed that the permit was subject to renewal, and spoke to limits on truck round trips, extraction yardage and crushing/hammering operations specified in the Town zoning permits. And O’Keefe noted that such trucking operations are subject to an annual overweight vehicle permit issued by the Selectboard.

There was discussion about long-standing conflicts between pedestrians and bicyclists and vehicular traffic on Thompsonburg Road. Mora suggested that this should be discussed in greater depth at the next meeting.

Mora recommended that the Zoning Administrator request operational logs from Mad King Quarry, which must be kept and made available to the Town on request. O’Keefe stated that he’d send to the property owner a letter that includes the permit requirements and a request for the operational information.

7. Town Officials Business

a. Emergency Management Director – COVID-19 response updates

Emergency Management Director (EMD) Kevin Beattie briefed the Board on the COVID-19 pandemic and the declared state of emergency. He noted that the mountain towns virtual Emergency Operations Center (EOC) is still activated. He said he has given thought to criteria on when to close it, but the time for closure is not near. Such a decision would depend on when the state of emergency is lifted state-wide and/or when the State EOC closes active operations; but it is not clear at this time and could go on longer from a recovery standpoint.

He stated that we are still in the response phase, and will likely be more active soon with the Memorial Day holiday and summer visitors arriving. State-wide the infection figures are looking good, but the Governor is stressing that it is not time to let up on taking protective measures. He said he has noticed behavior changes lately, such as parties and non-use of protective masks, and echoed the Governor’s call to continue safe practices. The two-week quarantine period for visitors is still in place.

The town-wide mailing went out to residents, and those in Landgrove as well, he reported. On food distribution Beattie noted that this was scheduled for the following day and these have been well-attended throughout the state. He noted that there will be less food than had been anticipated. And he will be picking up food for a local housing facility.

It was noted that there is no certainty as to when things will open up again, as it depends on circumstances with the pandemic. Retail is opening slowly Beattie mentioned, and lodging will soon. He noted that State parks would be opening up no sooner than June 25th, though he’s had no updates on federal facilities. Mora noted that she saw a notice that campgrounds are slated to open on June 15th.

Kelly Pajala said that the Parks Board has voted to not open Memorial Park at all this season, and that there would be no bathroom facilities at Pingree Park for the season. Emergency management signs are posted at all facilities, she reported, and at some locations there are VT Department of Health signs as well. The Parks Board is only promoting low-risk activities at facilities, following recommendations from the Governor. She noted that the Parks Board voted that it would like to require mask wearing at parks.

Doug Friant recommended that the Board vote on a resolution requiring wearing of facemasks at stores, so that stores can point to this to encourage visitors to wear masks to promote both employee and customer safety, and help avoid conflicts. He provided a proposed resolution based on one being considered by the City of Burlington, and noted that it would not have the force of law.

EMD Beattie stated that he supports such a formal statement of opinion. Friant noted that towns have statutory authority to enact emergency orders.

There was a lengthy discussion on this matter. Various opinions on whether wearing of masks in retail stores should be mandatory or voluntary were debated.

Friant added that it is in everyone's interest that everyone to wear protective masks at this time. He said that a suggestion to wear a mask does not have the force of law and can create controversial circumstances, while an ordinance or health order can provide certainty to the public. He added that it's a public health matter and that a person's right not to be breathed on and contaminated is equal to a person's right to not wear a mask.

Mora suggested reducing the resolution to a simple statement whereby the Board can agree to support an expectation that the public should wear masks in retail establishments out of a concern for the people who work there who may not have any options other than to be at work serving the public. She said that a more formal resolution from the Board is not going to make a significant difference to people.

Pajala noted that such a statement would help people change behaviors and assist those on the front line to ask people to wear masks. There was sentiment by Board members to request mask wearing but not to necessarily require it.

George Mora moved that the Londonderry Selectboard, in keeping with current recommendations from the Centers for Disease Control and Prevention, and for the safety of its residents and its business establishments' employees, request that you wear a mask, seconded by Taylor Prouty, passed unanimously.

Mora said she would work with O'Keefe on final language to release to the public.

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

Tina Labeau noted that the year-to-date budget figures had been distributed to the Board members prior to the meeting, and stated that she was still doing an analysis of where the Town will be at the end of the fiscal year that she hoped to provide to the Board at the next meeting.

It was noted that the large difference between the budget vs actual figures for the Planning Commission were due to the Zoning Bylaw planning grant.

8. Transfer Station/Solid Waste Management

a. Updates

Tom Cavanagh mentioned that the new part-time employee had his first day the day before, and all is working out well.

b. Electronics collection event – May 30

Mora noted that a flyer has been posted and distributed for this event, which will be held at the Flood Brook School from 9:00 AM to 1:00 PM. She mentioned that all items must be in the trunk of the car or bed of a truck, and that those dropping off items must stay in their vehicle and wear a protective mask. The event is for residents and charities, and businesses can make arrangements by calling.

c. Consider reopening the take-it-or-leave-it service and acceptance of returnables

Cavanagh reported that Esther Fishman believes that we should not open up the take-it-or-leave-it services yet, which is consistent with other solid waste districts. On returnables, he noted that staff is comfortable returning to acceptance of cans and bottles.

Prouty stated that when services come back that that they should come back in a new and improved way, and spoke to some suggested improvements.

Beattie recommended not opening the take it or leave it facility at this time and spoke to some operational limitations. Mora suggested that Cavanagh come back to the next meeting with some formalized recommendations for reopening both operations. Beattie agreed to work with Cavanagh on this.

9. Roads and Bridges

a. Updates

Prouty mentioned that the chloride equipment has been delivered to the Town Garage and is being set up for use.

He added that paving on Landgrove Road is complete, with shouldering to begin shortly. There was some additional paving that was included due to the extra funds available.

The Town pickup truck has arrived and is in use, and the new mowing machine is in operation as well. He spoke about how the Road Crew intends to use the mower for its operations. Brush chipping operations are ongoing and working well.

Prouty noted that he sent out an email about scheduling a meeting on Road Crew performance reviews. How to track time for an off-hours meetings for staff was briefly discussed.

b. Discuss VT Route 11 paving project and long-term traffic safety

Mora opened up the discussion regarding the proposed VT Route 11 paving project, for which concerns have been raised regarding impacts on local businesses in the village area. VTrans representative Matthew Bogaczyk gave an overview of the project and introduced project public relations consultants Natalie Boyle and Katelyn Panaggio

He noted that drainage work is being done now and there is not a set date for the milling operations work. Scheduling depends on COVID-19 restrictions, so scheduling is unpredictable. Milling is proposed to begin in Windham and work toward the village area.

Business owner Nick DeLauri expressed concerns on how the project will accommodate entries to businesses during operations. Bogaczyk stated that work would be determined in the field for the most part on a daily basis, and there would be a 3-hour maximum access restriction. DeLauri reiterated his concerns, discussed the specific constraints of his property, and asked about specific plans for adequately maintaining access to his business. It was suggested that he could contact the public relations contractors if he has issues during the project.

DeLauri suggested that night work could help eliminate business interruptions. Bogaczyk noted that project cost, project completion timeframes and worker safety are negatively affected by night work. Mora suggested that DeLauri raise additional concerns directly with VTrans representatives, and it was mentioned that Panaggio would be that point of contact.

Beattie raised concerns about one-way traffic and the provision of unimpeded access for emergency vehicles, and the blocking of access to VT Route 100 to the rescue squad and the fire department. Bogaczyk noted that there are professional flagging contractors on the job that are in good communication and provide priority for emergency vehicles. On blocking the intersection, Bogaczyk noted that the only blockage would be during actual paving operations at that location that would be very temporary, and there was no prolonged closure foreseen. Beattie asked to be contacted when there would be any intersection blockage at VT Route 100, and Panaggio stated that she would take care of this.

Bogaczyk suggested that the public look up this project on the VTrans “vtransparency” website for a project description and contact information for public relations contractor Boyle.

Bogaczyk, Boyle, Panaggio and DeLauri left the meeting at 7:48 PM.

c. Review proposed scope of work for FY2021 paving

The Board reviewed a draft invitation to bid for paving based on the previous year’s version, with only the road segments proposed for paving needing to be added. It included Middletown Road, which was deleted the previous year due to cost. Prouty suggested adding

some smaller roads as well, including Mansfield Lane and finishing the cul-de-sacs at Adams Drive and Eves Drive in case the budget can accommodate them

Taylor Prouty moved to approve the Invitation to Bid for FY2021 road paving and authorize the Town Administrator to take all necessary steps to solicit bids for review by the Board, seconded by Vincent Annunziata, passed unanimously.

d. Consider application(s) for excess vehicle weight permits [23 V.S.A. §1400a]

The Board reviewed applications for overweight vehicle permits.

Tom Cavanagh moved to approve excess weight permits for the following companies and authorize the Town Administrator to sign the application forms on behalf of the Town: Ameden Construction, LLC & Cardinal Logistics Management Corporation, seconded by Taylor Prouty, passed unanimously.

10. Old Business

a. PUBLIC HEARING - Zoning Bylaw amendment – Section 402 [24 V.S.A. §§ 4444 & 4442(a)]

Taylor Prouty moved to move to open the public hearing on the proposed Zoning Bylaw amendment specific to Bylaw Section 402, as received from the Planning Commission on March 16, 2020, seconded by Tom Cavanagh, passed unanimously.

O’Keefe noted that the proposed Zoning Bylaw amendment, which the Board received from the Planning Commission on 3/16/2020, pertains only to land development on private roads and public roads not maintained by the Town or State. It allows for administrative review of projects below a certain threshold so as not create a significant burden on those doing minor projects. The existing Section 402 requires Development Review Board hearings on even the smallest projects, such as decks, on properties on private roads or class 4 Town Highways.

He added that after the required public hearing the Board can vote to approve it, amend it or decide not to act on the proposal. In his role as Zoning Administrator, O’Keefe recommended that the Board vote to approve it as presented.

Mora asked if there was anyone from the public in attendance who wanted to make comments on the proposed Zoning Bylaw amendment. There were no comments from the public.

Taylor Prouty moved to close the public hearing, seconded by Vincent Annunziata, passed unanimously.

b. Adopt Zoning Bylaw amendment – Section 402 [24 V.S.A. § 4442(c)(1)]

Taylor Prouty moved to adopt the amendment to the Londonderry Zoning Bylaw specific to Bylaw Section 402, as submitted by the Planning Commission, such amendment to take effect 21 days from today, as provided for under 24 V.S.A. § 4442(c)(1), and to include the

text of the amendment in the minutes of this meeting, seconded by Vincent Annunziata, passed unanimously.

c. Discuss Town Office Planning Project

Mora reminded the Board that the original plan for the Town Office Planning Project was to develop plans and cost estimates in preparation for an August bond vote. She added that she and other members of the project working group have discussed the project and she has recommended that now is not a good time to seek bond approval.

O’Keefe presented an estimated budget for the project prepared by the Town’s engineer and architect, indicating a construction-only cost of \$825,000. With architectural costs, potential septic system upgrades, and asbestos remediation the project is projected to cost over \$900,000. He agreed that the bond vote should be delayed, but suggested that some work can be done ahead of time such as the asbestos remediation (approximately \$9,000) and septic system inspection as recommended some years ago.

Vincent Annunziata moved to hold off on a bond vote for the Town Office renovations until the March 2021 Town Meeting, seconded by Jim Fleming, passed unanimously.

d. Appoint Town Constable [17 V.S.A. §2646(7) & 24 V.S.A. §963(a)]

Kevin Beattie has offered to serve in this position to fill the vacancy caused by the resignation of Roger Sheehan.

Taylor Prouty moved, pursuant to the authority granted under 24 V.S.A. §963(a), to appoint Kevin Beattie to fill the vacancy in the position of First Constable for the Town, until an election is had, and to authorize the Selectboard Chair to file notice of this appointment with the Town Clerk on behalf of the Board, seconded by Tom Cavanagh, passed 4-0-1, with Vincent Annunziata abstaining.

O’Keefe recommended that at the next Town Meeting the Voters consider whether to make the Constable position an appointed position. He noted that to do so requires an Australian ballot vote.

11. New Business

a. Itinerant Vendor Permit Application – West River Farmers market

The Board reviewed the application from the West River Farmers Market for an itinerant vendor permit, which includes a special operations plan for the COVID-19 situation. Beattie in his role of Emergency Management Director, suggested careful consideration due to the pandemic for this important annual market so that it works well for all involved. He noted that there are strict requirements for farmers markets established by the State of Vermont. On the proposed operating plan, he stated that it was good but had some shortcomings that he described to the Board.

The Board discussed a number of concerns, such as table and customer spacing, on-scene health and safety monitoring, provision of hand sanitizer, and the availability of portable toilets to the public.

It was agreed that Beattie would meet directly with the WRFM to report on matters raised at the meeting, and he stated that an amended operation plan will be provided to the Board

Taylor Prouty moved to approve Itinerant Vendor Permit #2020-01 submitted by the West River Farmers Market for 2020, with the condition that the permittee and its on-site vendors shall strictly comply throughout the term of the permit with the most recent COVID-19 executive orders from the Governor and all applicable workplace safety guidance from the Vermont Agency of Commerce and Community Development, and also final approval of the operating plan by the Town's Emergency Management Director, seconded by Vincent Annunziata, passed unanimously.

12. Adjourn

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

The meeting adjourned at 8:22 PM. The next regular meeting of the Selectboard is scheduled for June 1, 2020.

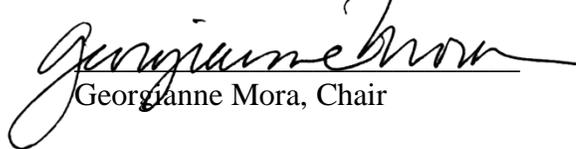
Respectfully Submitted,



Shane P. O'Keefe
Town Administrator

Approved June 1, 2020.

LONDONDERRY SELECTBOARD



Georgianne Mora, Chair

ADDENDUM

Zoning Bylaw Amendment Adopted May 18, 2020, effective June 8, 2020

NOTE: Language to be added is underlined. Language to be deleted is in ~~strikethrough~~.

Section 402. Access and Frontage Requirements

(A) In accordance with the Act [Section 4412(3)], except as provided below, no land development may be permitted on lots which do not have either frontage on a maintained

public road [Class I, II, III, state] or public waters, or ~~with the approval of the Development Review Board~~, access to such a road or waters by a permanent easement or right-of-way at least fifty (50) feet in width.

1. The Development Review Board may allow land development subject to Conditional Use Review procedures as set forth in Zoning Bylaw Section 503.
2. Exceptions to the foregoing are:
 - a. The Administrative Officer may allow for enlargements and renovations to existing structures, and/or construction of new structures accessory to existing legal uses on a lot, regardless of the width of the permanent easement or right-of-way providing access, provided such enlargements, renovations or new accessory structures contain less than 40% of total floor area of the existing primary structure.
 - b. The Administrative Officer may allow for land disturbance (though not mining, pond excavation or landfilling) on a lot, regardless of the width of the permanent easement or right-of-way providing access, provided such land disturbance is less than one-quarter acre in size.

An access road or driveway may serve a maximum of three (3) lots including frontage lots. Roads serving more than three lots must meet the Town of Londonderry Road Ordinance as adopted by the Select-board.

Access onto public roads shall also be subject to the approval of the Londonderry Select-board, and for sState highways (Vermont Routes 11 and 100), the Vermont Agency of Transportation. As a condition to such permits, compliance ~~to~~with all local ordinances and regulations pertaining to highways and land use shall be required. The Select**b**-Board and/or Agency may, as a condition of the permit, provide for the elimination of accesses previously permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot [19 V.S.A., 1111(f)].

For access subject to Development Review approval, the Development Review Board may consider intended use, safety, traffic, lot configuration and road and site conditions in granting or denying approval. Lots created after the effective date of this Bylaw are subject to all access and/or frontage requirements contained herein, as well as applicable provisions under Subdivisions (Section 314), and Site Plan Review (Section 504).

(B) No lot shall be served by more than one (1) access road or driveway unless otherwise permitted under Subdivision (Section 314) and Site Plan Review (Section 504). Accesses (curb cuts) are to be installed in accordance with ~~municipal~~Town and/or sState regulations, and shall not be permitted to extend along the length of road frontage. Driveways are to be located at least one hundred (100) feet from a street or highway right-of-way intersection for all uses, except one-and two-family residential uses, which shall be at least fifty (50) feet from the same.

* * *