

Town of Londonderry, Vermont

Selectboard Meeting Agenda

Monday, October 2, 2023 – 6:00 PM
100 Old School Street, South Londonderry, VT 05155

1. Call Meeting to Order
2. Additions or Deletions to the Agenda [1 VSA 312(d)(3)(A)]
3. Minutes Approval – Meeting(s) of 9/18/2023
4. Selectboard Pay Orders
5. Announcements/Correspondence
6. Visitors and Concerned Citizens
7. Town Officials Business
 - a. Development Review Board – Annual appointments
8. Transfer Station/Solid Waste Management
 - a. Updates
9. Roads and Bridges
 - a. Updates/storm damage and recovery
 - b. Discuss financial responsibility for road name signs for private roads
10. Old Business
 - a. Discuss regulation of short-term rentals
 - b. Consider amendment to summer parks maintenance contract
11. New Business
 - a. Discuss Town website and town-wide communication
 - ~~a~~.b. Executive session – Discussion on a contract, per 1 V.S.A. 313 (a)(1)(A)
 - ~~b~~.c. Executive session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)
12. Adjourn

Meeting documents will be available at <http://www.londonderryvt.org/town/agendasminutes/> approximately 24 hours before the meeting.

As Amended at Meeting

Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday, October 2, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Thomas Cavanagh, Melissa Brown, Taylor Prouty, and James Fleming.

Board Members Absent: Martha Dale.

Others in Attendance: Town Officials – Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Road Foreman Josh Dryden; Road Crew member Nick Doane; Planning Commissioner (and One Londonderry representative) Mimi Lines; and Housing Commission Chair Patty Eisenhaur. Others – Business owner Levy Dryden; Residents Bev & Randy Foster, Trevor Dryden, Jane Hewson, Bill Sinsigalli, and Ben Sargent; and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM.

2. Additions or deletions to the agenda

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

Melissa Brown moved to add to the agenda under New Business a discussion about the Town website and town-wide communication, proposing to move current items 11.a & 11.b to become 11.b & 11.c. as a courtesy to those attending the meeting, seconded by Taylor Prouty. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 8/21/2023 & 9/11/2023

Taylor Prouty moved to approve the minutes of the Selectboard meeting of 9/18/2023, seconded by Melissa Brown. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Shane O’Keefe noted the following:

- Invitations to Bid for roadway repairs due to storm damage for both Landgrove and Thompsonburg Road were issued that day, with a site visit for bidders on 10/9/2023 and bids due 10/12/2023. He mentioned there may be the need for a special Board meeting to award contracts.

And he mentioned the correspondence included in the Board’s meeting packet was as follows:

- The Chester Telegraph article from 9/25/2023 on the Burton Snowboard historic roadside marker and dedication scheduled for the following day and Williams Park.

- An article in The Commons from 9/20/2023 on the Town’s housing and short-term rentals discussions.
- An email of 9/26/2023 expressing thanks from Mimi Lines for the Board’s efforts with the Aiken’s Corner project.
- An announcement for 2023 State and Local Government Municipal Day, scheduled for Friday, 10/20/2023 in Montpelier. Board members should let him know if they’d like him to take care of their registration.
- An announcement for an energy forum to explore transition to renewables scheduled for Thursday, 10/26/2023 in Manchester, sponsored by the Sunderland Energy Committee.

6. Visitors and Concerned Citizens

Trevor Dryden raised the issue of the need to provide better weather protection at the salt shed to protect the salt. Prouty noted that the original use of the shed for both salt and sand has changed to salt only, and the Town is aware of the need to address the open side of the shed and will explore alternatives.

There was discussion of the Spring Hill Road culvert and the need to reopen it for the winter. In response to a question as to why it wasn’t being replaced with a larger 20-foot culvert now, O’Keefe explained the full-width replacement process requires an extended federal review process due to the \$300,000 grant the Town received, and construction is expected in the summer of 2025.

7. Town Officials Business

a. Development Review Board – Annual appointments

The Board reviewed an application for reappointment to the Development Review Board submitted by Paul Abraham. O’Keefe explained that the terms of Abraham and Bob Maisey are up and he hopes to see an application from Maisey, but is advertising the positions as usual.

Melissa Brown moved to reappoint Paul Abraham as a regular member of the Development Review Board, for a 3-year term extending to September 30, 2026, seconded by Jim Fleming. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh mentioned that the forks for the new backhoe, which were back-ordered, were expected later that week.

He stated that the take-it-or-leave-it shed has been closed due to people improperly leaving garbage off there, and a plan to reopen it was scrapped earlier that day when it was found to have happened again while the staff was at lunch. It will remain closed for a few weeks.

There was discussion about the value of the shed to the community and on how to better manage it. Cavanagh noted that even with an attendant there it’s difficult to manage and that people will do almost anything to avoid paying to get rid of their trash. Brown suggested addressing this in the budget process and recommended looking at the Winhall facility for

operational suggestions. She also recommended including this matter on a future meeting agenda for an extended discussion.

9. Roads and Bridges

a. Updates/storm damage and recovery

Josh Dryden noted the following usage for the month of August 2023:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 644, Town Office Generator – 0, Transfer Station – 140

And he noted the following usage for the month of September 2023:

Salt – 0 tons Sand – 0 yards

Fuel (gallons): Vehicles – 827, Town Office Generator – 0, Transfer Station – 0

Josh Dryden mentioned that he had received a quote of \$3,053.29 for a tarp cover installation for one of the trucks from Viking. Details of the tarp and frame structure were discussed, and there was no objection from the Board to making a purchase once a few more calls were made. Levy Dryden suggested tarp material and equipment improvements for consideration. It was noted that while it may not be required by the State of Vermont that Town trucks be covered, certain pit facilities require them and its just a good practice from a safety and liability standpoint.

O’Keefe clarified that the Town Purchasing Policy requires that any purchase between \$2,500 and \$7,500 must obtain prior approval of the Selectboard.

Noting the age of the existing loader, Josh Dryden suggested beginning to look into replacing it. Prouty mentioned that new loaders have features that can make operations much more efficient.

Josh Dryden suggested that the 6-month review of Road Crew member Nick Doane should be scheduled.

On the Cobble Ridge Road Bridge, there was discussion about the very recent finding that there is scouring beneath the westerly abutment that may pose a serious safety threat. Cavanagh mentioned that this was missed by previous inspections and needs further exploration and a solution before the bridge can be formally opened up.

Bev Foster asked about a long-term fix to the problem of access to the neighborhood and having to rely on a neighbor allowing for a temporary road. There was discussion about the long-term need to replace the bridge and the Town’s efforts to work with FEMA on this. O’Keefe mentioned that he, Cavanagh and Emergency Management Director Rich Phelan met with State Vermont Emergency Management and VTrans representatives that day on this and other FEMA projects.

Options for immediate fixes for the bridge abutment were briefly discussed. O’Keefe stated that the Town’s engineer has recommended immediate closure of the bridge until further notice. It was agreed that there should be good communications with the neighborhood on the road and bridge status.

There was discussion on authority to open and close Town roads, and Cavanagh noted that the Selectboard has the authority to do so and can assign it as necessary under given circumstances. He suggested authorizing the Road Foreman. O’Keefe noted that 19 V.S.A.

304(a)(16) allows the Board to assign the Road Commissioner with certain authority, and added that the Fire Department and law enforcement agencies can close roads for public safety purposes. Brown spoke about the need to improve the ability of the Town to provide notice to people on road openings and closings.

Jim Fleming moved to formally close the Cobble Ridge Road Bridge to all vehicular traffic until further notice from the Town, seconded by Taylor Prouty. The motion passed unanimously.

Taylor Prouty moved to authorize the Road Commissioner and Road Foreman, pursuant to 19 VSA 304(a)(16), to open or close Town Highways, trails and bridges as they may deem to be in the best interest of the Town and public safety, seconded by Melissa Brown. The motion passed unanimously.

Josh Dryden mentioned that roadside mowing would begin the following day, and regarding the new truck that it will be delivered by the end of November, if not sooner.

The schedule for paving was briefly discussed, and while it's planned for October some parts of it will be dependent on the Landgrove and Thompsonburg Road repair projects.

b. Discuss financial responsibility for road name signs for private roads

There was discussion on this and Labeau mentioned there was no policy at this time, and Josh Dryden recalled that the unwritten rule was that first sign was installed by the Town but it was up to property owners thereafter to maintain and replace signs. It was mentioned that road signs for certain roads need to be replaced often due to theft.

O'Keefe clarified that that Town's E911 Coordinator, Will Goodwin, has noted that the State E911 policy for road naming has changed such that a road name is required for drives providing access to three or more lots, not just three or more structures.

Cavanagh recommended that the Town should order and install road name signs, but that property owners should reimburse the Town. O'Keefe suggested that the Town should pay the cost of signs to ensure that mutual aid providers are able to locate properties when needed. There was general agreement that property owners should pay for replacement signs, which would be acquired by the Town.

It was agreed that signs should be purchased and installed for Flying Squirrel Lane and Bob Perry Lane, but to wait on Moose Hill as the properties are on the market and new owners may desire another name.

Taylor Prouty moved to determine that the Town shall pay the cost of purchase and installation of the first road sign on any new private road, and the maintenance and replacement of road name signs for private roads that were named by the Town in conformance with State of Vermont E911 regulations shall be assumed by the landowners along the private road. Such signs shall be in conformance with the Manual on Uniform Traffic Control Devices, seconded by Jim Fleming. The motion passed unanimously.

10. Old Business

a. Discuss regulation of short-term rentals

The Board reviewed at length the draft Short-term Rental Ordinance as previously changed by the Board as well as a set of test changes proposed by resident Bill Sinsigalli, and also

amendments to Sinsigalli's draft proposed by Melissa Brown, Patty Eisenhour and Mimi Lines. Brown reviewed with the Board and audience the latter document line-by-line.

Ben Sargent agreed that the proliferation of STRs changing the nature of the town is a fair argument. He then noted that people trying to scuttle his proposal to create STRs themselves run STRs which he contends is unfair. He stated that his proposal, which he noted began in 2012, does not impact the fabric of the town and is being done in order to support and hold on to a family farm.

Brown emphasized that the Board has long recognized that STR's are getting somewhat out of control and through an ordinance the Board is seeking to create a level playing field where all STRs must register and follow same rules. Prouty added that the Board is seeking to create fairness through the ordinance adoption effort.

Sinsigalli expressed concern about STR commercialization of properties in residential neighborhoods.

The Board also reviewed the ordinance from Peru, Vermont.

Specific topics of discussion were:

- Hosted vs. unhosted STRs
- Collection of taxes
- Whether to allow for and/or regulate offline STR registrations
- Fairness of registration fees
- Septic system maintenance
- Compliance with State regulations
- Parking being reflective of unit capacity
- Commercialization of residential neighborhoods due to development with STRs
- Concerns about lawsuits against the Town by virtue of enactment of some STR ordinance provisions
- A set-aside of open space in return for allowance for additional STRs.

Sargent spoke about issues he had with reconstructing a barn some years back, and concerns for zoning permitting going forward based on the proposed ordinance. He explained that he may need to sell his farm due to the proposed ordinance provisions. Brown invited Sargent to propose ordinance language that might address his issues.

Eisenhour spoke to S.100, a new bill passed by the Vermont Legislature that addresses affordable housing as well as STRs, and mentioned.

It was agreed that O'Keefe would make the agreed-upon changes and forward a new draft to Brown and Eisenhour for comment before sending it to the Town Attorney for review and comment.

b. Consider amendment to summer parks maintenance contract

Cavanagh mentioned that with the new plantings at Aiken's Corner, there is more work required for mowing and trimming, and contractor Levy Dryden stated that it would cost an additional \$60 per visit. Levy Dryden also acknowledged that while he has been mowing and trimming this location for a number of years, it was not actually on the contracted list of maintenance locations. Cavanagh suggested amending the contract to add this location and increase pricing by \$60.

Mimi Lines spoke of long-term maintenance costs for the plantings at the Aiken's Corner site involving the Beautification Committee, and grant being sought to cover that for a 10-year period. Lines noted that a tree has fallen into the Mill Pond and suggested that it could cause some real problems if it is dislodged from the shore.

Melissa Brown moved to amend the Town's three-year contract with Dryden's Outdoor, Inc. for periodic mowing and trimming of Town parks, and spring cleanup of Memorial Park, approved by the Board on 5/9/2022, by formally adding the Aiken's Corner parcel to the Williams Park mowing and trimming location, and increasing the cost by \$60.00 each time, and further to authorize the Town Administrator to draft and execute a contract amendment for these services on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

11. New Business

a. Discuss Town website and town-wide communication [Added to Agenda]

Brown stated that she wants to begin the process of revamping the Town website to better communicate with the public. O'Keefe spoke of research he has done on municipal website providers already, and his intention to solicit proposals for consideration by a group of interested individuals to make a recommendation to the Selectboard.

Brown continued by saying that now that there is remote meeting hardware, the Town will need to manage the website so people can tap into meetings, which will likely require getting a person on board to handle this, which itself has budget implications. She said that she wants to start a conversation about this going onto the budget process, and spoke about the value of being able to get the word out to the community through public notice blasts through on the website.

b. Executive session – Discussion on a contract, per 1 V.S.A. 313 (a)(1)(A)

Taylor Prouty moved to find that premature general public knowledge of contract matters related to the Town audit of government structure will clearly place the Town of Londonderry at a substantial disadvantage, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to enter executive session to discuss a contract matter related to the Town audit of government structure, pursuant to Title 1, V.S.A. Section 313(a)(1)(A), and invite Shane O'Keefe to attend, seconded by Melissa Brown. The motion passed unanimously.

The Board entered executive session at 8:30 PM, and came out of executive session at 8:39 PM. No decisions were made.

c. Executive session – Pending or probable civil litigation or a prosecution, to which the public body is or may be a party, per 1 V.S.A. 313 (a)(1)(E)

Jim Fleming moved to find that premature general public knowledge of pending or probable civil litigation to which the Board is or may be a party will clearly place the Town of Londonderry at a substantial disadvantage, seconded by Taylor Prouty. The motion passed unanimously.

Jim Fleming moved to enter executive session to discuss pending or probable civil litigation to which the Board is or may be a party, pursuant to Title 1, V.S.A. Section 313(a)(1)(E), and invite Shane O’Keefe to attend, seconded by Taylor Prouty. The motion passed unanimously.

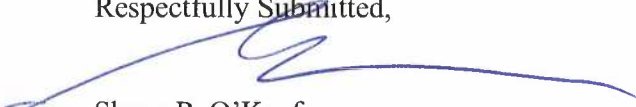
The Board entered executive session at 8:40 PM, and came out of executive session at 8:50 PM. No decisions were made.

12. Adjourn

Jim Fleming moved to adjourn the meeting, seconded by Melissa Brown. The motion passed unanimously.

The meeting adjourned at 8:51 PM. The next regular meeting of the Selectboard is scheduled for 10/16/2023.

Respectfully Submitted,


Shane P. O’Keefe
Town Administrator

Approved October 16, 2023.

LONDONDERRY SELECTBOARD


Thomas Cayanagh, Chair

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