

Town of Londonderry, Vermont

Selectboard Meeting Agenda

Monday, November 20, 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 11/6/2023
4. Selectboard Pay Orders
- 4A. Executive Session – Discussion on a contract, per 1 V.S.A. 313(a)(1)(A)
5. Announcements/Correspondence
6. Visitors and Concerned Citizens
7. Town Officials Business
8. Transfer Station/Solid Waste Management
 - a. Updates
 - b. Review bids and award contract for Transfer Station winter maintenance
9. Roads and Bridges
 - a. Updates/storm damage and recovery
 - b. Access Permit 2023-04 – Middletown Road, Parcel 062001.000
10. Old Business
 - a. Discuss regulation of short-term rentals
 - b. Consider job description for Mountain Towns Recreation Director position
 - c. Discuss governmental operations/structure audit study
 - d. Discuss participation in the Vermont 250th Anniversary Commission celebration of the American Revolution
11. New Business
 - a. Consider appointment to the Londonderry Housing Commission to fill vacancy
 - b. Itinerant Vendor Permit Application – Michael Roy (2170 North Main Street)
 - ~~c. Executive session – Discussion on a contract, per 1 V.S.A. 313 (a)(1)(A)~~
 - c. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Londonderry Café and Tavern, LLC, DBA Jake’s Restaurant and Tavern
 - d. 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, November 20, 2023
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Town Officials: Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk Kelly Pajala; Recycling Coordinator Esther Fishman; and Williams Dam Advisory Committee member Paul Hendler.

Others in Attendance: Ben Sargeant; Steve Ankuda, Esq.; Dan McKenna; Nancy Jensen; Christine Falango; Bill Sinsigalli and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:01 PM.

2. Additions or deletions to the agenda **[1 VSA 312(d)(3)(A)]**

Taylor Prouty moved to add to the agenda, as New Business item 11.c. “Consideration of 1st and 3rd class Liquor Licenses and Outside Consumption Permit for Londonderry Café and Tavern, LLC, DBA Jakes”, seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to adjust the agenda by addressing the Executive Session – Discussion on a contract, per 1 V.S.A. 313 (a)(1)(A)” immediately after the consideration of Selectboard Pay Orders seconded by Jim Fleming. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 11/6/2023

Martha Dale moved to approve the minutes of the Selectboard meeting of 11/6/2023, seconded by Melissa Brown. The motion passed unanimously.

4. Selectboard Pay Orders

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

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

Tom Cavanagh moved to go into Executive Session to discuss a contract, per 1 V.S.A. 313 (a)(1)(A) seconded by Taylor Prouty. The motion passed unanimously.

Taylor Prouty moved to find that premature general public knowledge of contract matters related to the Interlocal agreement on the Mountain Towns Recreation Director will clearly place the Town of Londonderry at a substantial disadvantage Orders seconded by Jim Fleming. The motion passed unanimously.

Taylor Prouty moved to enter executive session to discuss the Interlocal agreement on the Mountain Towns Recreation Director, pursuant to Title 1, V.S.A. Section 313(a)(1)(A), and

invite Kelly Pajala; Christina Falango; and Tina Labeau to attend seconded by Martha Dale. The motion passed unanimously.

The Selectboard entered executive session at 6:05 pm and came out at 6:53 pm. No decisions were made.

6. Announcements/Correspondence

a. Announcements

- Tina Labeau reminded everyone that the Town Office would be closed on Thursday, 11/23/23 and Friday, 11/24/23.
- The Transfer Station Permits for 2024 are now available.
- Our new Selectboard minutes-taker Debbie Carleton will begin taking the minutes as of this evening, and she'll be doing it remotely via video.
- Scott Denkman has moved away from Londonderry so his seat on the Development Review Board (DRB) has been vacated. His term extends to 9/30/2024. The DRB will likely interview one new candidate and Andy Rackear, the recently appointed alternate, has expressed an interest in the regular appointment.
- O'Keefe received a very nice letter from Donna Carpenter about the recent historic sign dedication, which accompanied a book about the life and times of Jake Burton Carpenter. We'll keep the book in the vault for safekeeping, he noted.

b. Correspondence

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

- A notice from Adam Walsh of 532 Landgrove Road that he will be filing an application to the Vermont Public Utility Commission for a 50kW ground-mounted solar array on his property.
- A letter of thanks from the Windham County Humane Society for the Town's annual appropriation.
- The October monthly report from the Windham County Sheriff's Office.

7. Visitors and Concerned Citizens

None

8. Town Officials Business

None

9. Transfer Station/Solid Waste Management

a. Updates

Esther Fishman mentioned that she contacted Vermont Pest Control and asked if every other month maintenance would be effective, and they said yes. That would be a savings of \$1200.00 therefore this is what they are going to do.

Tom Cavanaugh added the compactor was not working today due to vermin damage so it will be good to have pest control maintenance place.

b. Review bids and award contract for Transfer Station winter maintenance

Cavanaugh said there were three bids submitted, which were as follows:

Bidder	Primary Bid	Alternate Bid	
	Winter 2023-24	Winter 2024-05	Winter 2025-06
Torrey Lawn & Land Services	\$6,000	\$6,200	\$6,400
Alberti Landscape & Construction	\$9,100	\$9,400	\$9,800
Hunter Excavating	\$30,000	No Bid	No Bid

Tina added that one bidder that submitted the first time around did not submit a new bid. Discussion ensued about the various bidders and past vendor costs and the Town’s budgeted finds for this service.

Jim Fleming moved to accept the bid from Torrey. There was no second to the motion.

Melissa Brown moved to accept the bid from Alberti Landscape and Construction for Transfer Station winter maintenance for this winter and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary materials and services, with the option to do the next two seasons at the prices offered if the Board is satisfied, seconded by Martha Dale. The motion passed unanimously.

10. Roads and Bridges

a. Updates/storm damage and recovery

Cavanaugh noticed the stone boulders were missing on Edge Hill Road. Taylor responded that there should have been an RFP to replace them. Not sure if it should be replaced with stones or guard rails. Was not included in RFP. Taylor will talk with Road Foreman Josh Dryden.

Tom mentioned his concern about the fencing on the new café site not weathering the winter. He has also received complaints. Most of the projects are complete.

Shane said FEMA still has much to complete. We are still working with the State on the Cobble Ridge Road Bridge and Spring Hill Road culverts.

Tom thanked the road crew for all the hard work they have done.

b. Access Permit 2023-04 – Middletown Road, Parcel 062001.000

Taylor emailed the property owners Andrew and Elizabeth Cooper but didn’t receive a response. The Board discussed the size of the culvert that was replaced was too small and was installed without a permit.

The Board agreed to move the permit application approval passed over to the next regular meeting.

11. Old Business

a. Discuss regulation of short-term rentals

The Board reviewed the most recent draft of the proposed Short-term Rental (STR) ordinance which was included in the board packet. Housing Commission member Nancy

Jensen attended the Vermont Short Term Rental Alliance (VTSTRA) meeting via Zoom and provided the Board members with a handout from the meeting.

Melissa Brown stated that she feels the current ordinance is cumbersome and that the homestead language is not in the current ordinance.

Bill Sinsigalli said the City of Montpelier ordinance simplifies the language and is very clear and simple. Yet it is very restrictive. The language complexity here is hard to digest. He suggests using the Montpelier language but added that it does not have provisions for second homeowners. Cavanaugh said we must include both ordinance and second homeowners.

Brown said the Town needs to know how many and where they are, that is why an STR registration is necessary. And registrations will help the Town to see how many comply to see where we stand before starting with regulations. With a simplified version people will be more willing to comply, she added. Cavanaugh said Town Attorney Bob Fisher recommends they take out the nuisance ordinance information. Steve Ankuda said that once the City of Burlington lawsuit on STRs is complete the rules will become clear as they are based on the case law.

Cavanaugh said the proposed ordinance is not intended to eliminate short-term residences; it's intended to modulate and limit them within reason. He said it's a two-step process; Zoning (STR restrictions) and Ordinance (regulations and fines)

Brown read the email submitted to the board from Attorney Fisher regarding elimination of proposed limitations. Regarding Zoning Bylaws, the Planning Commission is the one that makes the recommendation. Then a hearing is scheduled before it makes its way to the Selectboard for adoption.

Cavanaugh recommends making changes discussed and bring back to the table. Shane O'Keefe will make the recommended changes.

b. Consider job description for Mountain Town Recreation Director position

The Board reviewed the proposed job description and agreed that it should include the position reports to the Advisory Committee.

Martha Dale moved to approve the new job description for the position of Mountain Towns Recreation Director seconded by Melissa Brown. The motion passed unanimously.

c. Discuss governmental operations/structure audit study

O'Keefe, Labeau and the Board members reviewed the governmental operations study received at the previous meeting, and discussed the several recommendations and considered assigned responsibilities and timelines. Dale volunteered to work with O'Keefe on continuity plans.

O'Keefe added that the Personnel Policy is scheduled for discussion at the next meeting. The Town website logo, vision/mission statement, shared Grant Writer, and IT Specialist will be part of upcoming efforts.

Brown suggested further discussion on a shared grant writer, and Cavanaugh mentioned that there is State funding for grant writing needs.

Dale suggested revisiting this in 6 months to take a look back at implementation efforts.

d. Discussion participation in the Vermont 250th Anniversary Commission celebration of the American Revolution

The Board discussed Town participation on the Vermont 250th Anniversary, and it was noted that the Londonderry Arts and Historical Society was considering whether to be the Town's liaison to the Commission.

Jim Fleming moved to 1) approve and execute the Vermont 250th Anniversary Resolution, and 2) establish the Londonderry Arts and Historical Society as the Town's liaison to the Vermont 250th Anniversary Commission. Seconded by Taylor Prouty. The motion passed unanimously.

12. New Business

a. Consider appointment to the Londonderry Housing Commission to fill vacancy

Jim Fleming moved to appoint Bill Sinsigalli to the Londonderry Housing Commission for a term extending to June 30, 2024. Melissa Brown seconded the motion. The motion passed unanimously.

b. Itinerant Vendor Permit Application – Michael Roy (2170 North Main Street)

The Board reviewed and discussed an itinerant vendor permit application to allow for temporary sale of Christmas decorations in the parking lot adjacent to the Maple Leaf Diner.

Melissa Brown moved to approve Itinerant Vendor Permit #2023-04, submitted by David Howald and Michael Roy, to allow for the weekend sale of Christmas wreaths and decorations on property located at 2170 North Main Street for a period of 4 weeks. Jim Fleming seconded the motion. Motion passed unanimously.

c. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Londonderry Café and Tavern, LLC, DBA Jake's Restaurant and Tavern

The Board reviewed and discussed State liquor permit applications for Jakes' Restaurant and Tavern.

Taylor Prouty moved to approve 1st and 3rd Class Liquor Licenses and an Outdoor Consumption Permit for Londonderry Café and Tavern, LLC, doing business as Jake's Restaurant and Tavern, related to property located at Mountain Marketplace, 5800 VT Route 100. Jim Fleming seconded the motion. Motion passed unanimously.

The Board's decision will be considered for ratification at the next regular meeting.

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

Martha Dale moved to find that premature general public knowledge of probable litigation in the matter of alleged road salt contamination will clearly place the Town of Londonderry at a substantial disadvantage. Jim Fleming seconded the motion. The motion passed unanimously.

Taylor Prouty moved to enter executive session to discuss probable litigation regarding alleged road salt contamination of a drinking water well, to which the Board is a party,

pursuant to Title 1, V.S.A. Section 313(a)(1)(E), and invite Town Administrator Shane O'Keefe to attend. Martha Dale seconded the motion. Motion passed unanimously.

The Board entered executive session at 8:55 PM and came out at 9:02 PM.

Melissa Brown moved to authorize the Town Administrator to sign a settlement agreement with property owners of 929 Middletown Road regarding salt contaminations to the extent of the Towns liability coverage. Seconded by Martha Dale. Motion passed unanimously.

The Board's decision will be considered for ratification at the next regular meeting.

13. Adjourn

Melissa Brown moved to adjourn the meeting, seconded by Martha Dale. The motion passed unanimously.

The meeting adjourned at 9:03 PM. The next regular meeting of the Selectboard is scheduled for 12/04/2023.

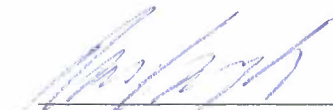
Respectfully Submitted,

Deborah Carleton

Deborah Carleton
Minutes Taker

Approved December 4, 2023.

LONDONDERRY SELECTBOARD



Thomas Cavanagh, Chair

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