

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, January 22, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: James Fleming.

Town Officials: Town Administrator Shane O’Keefe; Town Treasurer Tina Labeau; Town Clerk Kelly Pajala; Mountain Towns Recreation Director Liam Elio (via phone); Planning Commissioners Sharon Crossman, Larry Gubb and Heather Stephenson; Development Review Board member Bob Maisey; Housing Commission member Bill Sinsigalli and Town Moderator Doug Friant.

Others in Attendance: Dufresne Group engineer Chrissy Haskins; residents Steve Swinburne and Kim Ray and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:05 PM.

2. Additions or deletions to the agenda

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

Taylor Prouty moved to remove from the Town Officials section of the agenda, the year-to-date budget review, seconded by Melissa Brown. The motion passed unanimously.

Taylor Prouty moved to add to the Town Officials section of the agenda, as new item 7.c, consideration of a VT Cannabis Control Board permit S.000005677, for a Mixed Cultivator Tier 1 Small Cultivator operation on parcel #051017.000, seconded by Martha Dale. The motion passed unanimously.

Melissa Brown moved to add to the Old Business section of the agenda, as new item 10.g, an update on Short Term Rentals, seconded by Martha Dale. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 1/8/2024

Martha Dale moved to approve the minutes of the Selectboard meeting of 1/8/2024, 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 Melissa Brown. The motion passed unanimously.

5. Announcements/Correspondence

a. Announcements

1. O’Keefe announced the Town Hall renovations will commence again this week, beginning Thursday, with the start of some siding being removed and truss support work.
2. We received notice that the Annual Windham County Meeting of the voters presenting the proposed budget for the county for the ensuing year will be held on Wednesday, January 24, 4:00 PM at the Windham County Sheriff’s Office. A hand-out was distributed at this meeting.
3. O’Keefe said his deposition for the Vermont Woodchips Notice of Zoning Violation case is scheduled for this Wednesday morning.
4. Pajala spoke about the Presidential Primary and the party of choice. Absentee Ballots are available at the Town Clerk’s Office.

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

1. The Chester Telegraph has published article on 1/17/2024 “North, South Village wastewater plans proposed for Londonderry”.
2. The Vermont Public Utility Commission has sent notice that the alleged violation of the certificate of public good with regard to timely completion of the aesthetic mitigation plan at the solar array on the Town-owned former septage fields has been closed.
3. On 1/18/2024 O’Keefe sent a letter requesting an extension from VTrans structures grant award of \$175,000 for another year. This grant covers engineering and other project “soft costs”, and he noted that the extension was granted that day.
4. Notice of filing of an application submitted by Landgrove Road property owner Adam Walsh to the Vermont Public Utility Commission seeking approval for a 50-kw ground mounted net-metered group solar array. The application includes information about changes to the project that have occurred since the initial 45-day notice of advance submission. Both the Selectboard and Planning Commission are statutory parties that can request intervenor status. If the Board would like to seek this status this matter should be placed on the next regular Board meeting agenda.
5. The November and December 2023 monthly reports from the Windham County Sheriff’s Office.

6. Visitors and Concerned Citizens

None

7. Town Officials Business

a. Planning Commission – Monthly update

Planning Commission Chair Sharon Crossman gave an update on the Commission meeting held earlier that day where they unanimously voted in favor of the By-laws and Conservation Map.

She noted that Stevens and Associates is working on the contract's scope of services for the South Londonderry Wastewater Study and expects it to be done soon.

b. Mountain Towns Recreation Director – Authorize Town website access

Mountain Towns Recreation Director; Liam Elio explained that he needs access to the Town website for parks director purposes. Prouty asked how much information and how often he would need to make updates. Elio said the parks director webpage needs a fair amount of work and the Mountain Town Recreation website needs are to be determined. He would like to combine both to have its own site as it will be used for student registrations as well. He has designed a 14-page mockup trial. The concept is very simple and accessible. The Advisory Committee is helping Elio with the design. Pajala encouraged the Board to have Elio move forward sooner than later.

Marsha Dale moved to authorize the Mountain Towns Recreation Director to have access to the Town website to create content and make changes regarding parks and recreational matters, and to explore creating a new website specific to parks and recreation matters, seconded by Melissa Brown. The motion passed unanimously.

c. Local Cannabis Control Commission – Consider VT Cannabis Control Board permit S-000005677, for a Mixed Cultivator Tier 1 Small Cultivator operation on parcel #051017.000.

This is a renewal of the previous Cannabis Control Board approval from last year prior to establishment of the Local Cannabis Control Commission.

Marsha Dale moved to grant a local control license to Skyler, Meghan, and Forrest Clark to operate a Mixed Cultivator Tier 1 Small Cultivator operation on property located at parcel #051017.000, subject to compliance with and adherence to all Town of Londonderry ordinances, regulations and bylaws at all times, seconded Taylor Brown. The motion passed unanimously.

d. Local Cannabis Control Commission - Consider VT Cannabis Control Board permit S-000001187 for a retail cannabis establishment on parcel #1002007.000.

This is a new retail Cannabis Control Board approval request.

Melissa Brown moved to grant a local control license to Kellie D'Elia Laskin to operate Retail operation on property located at parcel #102007.000, subject to compliance with and adherence to all Town of Londonderry ordinances, regulations, and bylaws at all times, seconded by Taylor Prouty. The motion passed unanimously.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh said rats have chewed through the compactor wires again. The Board discussed increasing rat trap bating systems. The electrician is going to add metal sheathing around the wiring connection to prevent future happenings.

9. Roads and Bridges

a. Updates

Prouty reported that there was a truck fire in the garage due to a faulty alternator wire. The fire was quickly extinguished. Repairs were made with the new hydraulic hose maker.

b. Annual VTrans Certificate of Highway Mileage [19 VSA 305(b)]

O’Keefe noted that VTrans made a change to Rest Haven Road mapping.

Taylor Prouty moved to approve the annual VTrans certificate of highway mileage, indicating VTrans-initiated changes involving Town Highway 33 (Rest Haven Road), and authorize the Selectboard Chair to execute it on behalf of the Board, seconded by Martha Dale. The motion passed unanimously.

c. Discuss special weight limits for highways and bridges [23 VSA 1400b & 1400c]

O’Keefe noted that we do not have special weight limits on roads or bridges, but the Board has the right to do so. The State gives the Town until February if it wants to establish some weight limits. Prouty explained that the excess vehicle weight permit applications will be coming in soon. Therefore, we work with those people individually on vehicle weights as needed. This system seems to work fine.

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

There was discussion on whether to require vehicles to be covered with tarps and if this should be tied to the excess weight permit.

Taylor Prouty moved to approve the excess weight permit(s) for: Newport Sand & Gravel Co., Inc./Carroll Concrete Co., Inc. And authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Martha Dale.

Brown raised the issue of large vehicles travelling on Town roads without tarps covering their loads, and whether this can be addressed through the excess vehicle weight permitting conditions. There was extended discussion on this, and it was agreed that this matter would be discussed at the next meeting with Road Foreman Josh Dryden.

Prouty withdrew his motion.

e. Approve rustproofing Release and Hold Harmless Agreement

Cavanagh noted this agreement is voted on each year.

Taylor Prouty moved to approve the rustproofing release and hold harmless agreement with Carrara’s Rustproofing and authorize the Town Administrator to execute it on behalf of the Board, seconded by Melissa Brown. The motion passed unanimously.

10. Old Business

a. Village Wastewater Project – Declaration of Official Intent for bond vote

O’Keefe gave an overview of the discussion from the previous Selectboard meeting. Dufrene Group engineer Chrissy Haskins has developed and reviewed with the Board spreadsheets

that were included in the meeting packet. There are two alternatives for the North Village and one for the South Village.

Haskins gave an overview of the latest versions of the North Village. Alternative one is \$3,385,000 for 6,490 gallons per day (gpd). The contingency increased from 30% to 35%. There is 10% per local share for construction and 0% for other costs. This serves all the current users of North Main Street. The local share equals \$282, 000 for the Bond.

Alternative two is \$4,765,000 for 8,000 gpd, two 4,000-gallon systems with pre-treatment. This is a high cost of pre-treatment is \$500,000, a lot of dollars for not much increase of coverage. This exceeds the ARPA grant. The local share equals \$755,000 for the Bond.

Serves all users on the north and south side of North Main Street. Cluster systems are possible on the north side of the street. There was discussion on processing the design for expansion. The Board general support is for 6,490 gpd option.

The South Village alternative is \$4,525,000 for 6,200 gpd on the Prouty land. The lower field is entirely in the flood plain so not eligible. The \$4,525,000 cost with \$515,669 local match. The collection system can be designed for 12,000 gpd and possibly increase.

Martha Dale moved to adopt, with regard to the Village Wastewater project, the Declaration of Official Intent of the Town of Londonderry to Reimburse Certain Expenditures from Proceeds of Indebtedness, and to request that the Town Clerk certify the Selectboard's adoption, and to attach said certified Declaration to the minutes of this meeting of the Selectboard, seconded by Melissa Brown. The motion passed unanimously.

b. Village Wastewater Project – Declaration of Necessity for bond vote

Martha Dale moved to approve the following declaration of necessity and resolution:

RESOLVED, that the public interest and necessity demand certain public wastewater system improvements, namely, construction of two new separate community wastewater systems, one in the north village area and one in the south village area, with an estimated cost of Three Million Three Hundred Eighty-Five Thousand Dollars (\$3,385,000) and Four Million Five Hundred Twenty-Five Thousand Dollars (\$4,525,000), respectively; and

BE IT FURTHER RESOLVED, that funds granted to the Town through the American Rescue Plan Act (ARPA) will cover Ninety percent (90%) of the construction cost of each community wastewater system; and

BE IT FURTHER RESOLVED, that the cost of constructing such improvements, after application of available state and federal grants-in-aid, and available reserves, will be too great to be paid out of the annual revenue of the Town; and

BE IT FURTHER RESOLVED, that a proposal for the issuance of general obligation bonds or notes of the Town in the aggregate amount not to exceed Two Hundred Eighty-Two Thousand Dollars (\$282,000) for the north village area, and Five Hundred Fifteen Thousand Seven Hundred Dollars (\$515,700) for the south village area (for a total of Seven Hundred Ninety-Seven Thousand Seven Hundred Dollars (\$797,700) to pay for its local share of the cost of the same, subject to reduction through the receipt of any state or federal grants-in-aid and other financial assistance, should be submitted to the legal voters of the Town at a special meeting thereof to be duly called and held for that purpose on March 5, 2024; and

BE IT FURTHER RESOLVED, that all acts relating to the proposition of incurring bonded indebtedness and the issuance of general obligation bonds or notes of the Town of Londonderry for the purpose of acquiring and operating said improvements within the corporate limits of the Town be in accordance with the provisions of Chapters 53, 95 and 97 of Title 24 of the Vermont Statutes Annotated; and

BE IT FURTHER RESOLVED, that the attached Warning and form of Ballot be adopted for use in connection with consideration of the above-stated proposition of making said public improvements and incurring bonded indebtedness therefore.

And furthermore to request that the Town Clerk certify and attest same, seconded by Melissa Brown. The motion passed unanimously.

c. Review and approve Special Town Meeting Warning for Village Wastewater Project bond votes

O’Keefe noted that the Informational Meeting will be held on Thursday, February 29, 2024 at 6:00 PM.

Martha Dale moved to approve and sign the Warning for the Special Town Meeting for the Village Wastewater project bond vote, scheduled for March 5, 2024, seconded by Taylor Prouty. The motion passed unanimously.

d. Review and approve Annual Town Meeting Warning

O’Keefe went over the changes to the previous draft version of the Warning. The Selectboard reviewed and discussed the Short-Term Rental administration position.

Melissa Brown moved to approve and sign the Warning for the Annual Town Meeting, scheduled for March 5, 2024, seconded by Taylor Prouty. The motion passed unanimously.

e. Review and approve proposed FY2025 Budget

Labeau went over the proposed budget with the Board, noting that she had included revenue from the local options tax for rooms in the revenues.

Martha Dale moved to approve the proposed Fiscal Year 2025 budget in the amount of \$2,697,517, subject to Town Meeting approval, seconded by Melissa Brown. The motion passed unanimously.

f. Consider amendments to the Personnel Policy

O’Keefe went over changes that had been previously reviewed. In general there were no issues with Sections 1–5, 7-9 and addendums A and B, but the Board suggested further discussion on Section 6, Conflicts of Interest, further at the next meeting.

g. Update on short-term rentals

Brown spoke on behalf of the Housing Committee. They are working on new language for consideration by the Planning Commission to include in the new Zoning Bylaw. She mentioned she would send out the proposed new language for people to review.

Crossman mentioned that the Bylaw draft is done and this new STR language would create some delay.

11. New Business

None.

12. Adjourn

Martha Dale moved to adjourn the meeting, seconded by Taylor Prouty. The motion passed unanimously.

The meeting adjourned at 8:17 PM. The next regular meeting of the Selectboard is scheduled for 2/5/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved February 5, 2024.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

ATTACHMENTS:

- Attachment A – Declaration of Intent to Reimburse Expenditures from Indebtedness
- Attachment B – Special Town Meeting Warning
- Attachment C – Form of Ballot

Attachment A

Declaration of official intent of the Town of Londonderry to Reimburse Certain Expenditures from Proceeds of Indebtedness

WHEREAS, the Town of Londonderry, Vermont (the "Issuer") intends to construct two separate community wastewater systems, one in the north village area and one in the south village area, to be considered by the Issuer at the annual meeting thereof to be held on March 5, 2024 (the "Projects"); and

WHEREAS, the Issuer expects to pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Projects prior to the issuance of indebtedness for the purpose of financing costs associated with the Projects on a long-term basis;

WHEREAS, the Issuer reasonably expects that for that part of the Projects consisting of design, permitting, acquisition, contract administration, fiscal and construction costs, debt obligations in an amount not expected to exceed a total of \$797,700 for both systems (\$282,000 for the north village area, and \$515,7000 for the south village area) will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the Issuer declares its reasonable official intent to reimburse prior expenditures for the above-described part of the Projects with proceeds of a subsequent borrowing:

NOW THEREFORE, the Issuer declares:

Section 1. The Issuer finds and determines that the foregoing recitals are true and correct, and that all of the capital expenditures covered by this Resolution were or will be made no earlier than 60 days prior to the date of this Resolution.

Section 2. This declaration is made solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Projects.

Section 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, within 18 months of either the date of the first expenditure of funds by Issuer for such Projects or the date that such Projects are placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of Issuer funds for such Projects), and to allocate an amount not to exceed \$282,000 of the proceeds thereof for the north village area wastewater project and \$515,700 for the south village area wastewater system (for a total of \$797,700) to reimburse itself for its expenditures in connection with the Projects.

Section 4. The Issuer's debt obligations for the aforementioned purposes will not be "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986.

Section 5. All prior actions of the officials and agents of Issuer that are in conformity with the purpose and intent of this Resolution and in furtherance of the Projects shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 6. All other resolutions of the legislative body of the Issuer, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. It is hereby found that all discussions and deliberations of the legislative body of the Issuer leading to the adoption of this Resolution occurred at one or more meetings of the legislative body conducted pursuant to public notice and open to public attendance.

Section 8. This declaration shall take effect from and after its adoption.

Attachment B – Special Town Meeting Warning

WARNING

The legal voters of the Town of Londonderry, Vermont, are hereby notified and warned to meet at the Town Hall, 139 Middletown Road, South Londonderry in Londonderry on Tuesday, March 5, 2024, between the hours of seven o'clock (7:00) in the forenoon (a.m.), at which time the polls will open, and seven o'clock (7:00) in the afternoon (p.m.), at which time the polls will close, to vote by Australian ballot upon the following Articles of business:

ARTICLE I

Shall general obligation bonds or notes in an amount not to exceed Two Hundred Eighty-Two Thousand Dollars (\$282,000), subject to reduction by the application of federal and state grants-in-aid, and reserve funds for the purpose of financing the cost of the Town's local share obligations for a new community wastewater system in the north village area, the estimated cost of such improvements being Three Million Three Hundred Eighty-Five Thousand Dollars (\$3,385,000)?

ARTICLE II

Shall general obligation bonds or notes in an amount not to exceed Five Hundred Fifteen Thousand Seven Hundred Dollars (\$515,700), subject to reduction by the application of federal and state grants-in-aid, and reserve funds for the purpose of financing the cost of the Town's local share obligations for a new community wastewater system in the south village area, the estimated cost of such improvements being Four Million Five Hundred Twenty-Five Thousand Dollars (\$4,525,000)?

The legal voters of the Town of Londonderry are further notified that voter qualification, registration and absentee voting relative to said meeting shall be as provided in Chapters 43, 51 and 55 of Title 17, Vermont Statutes Annotated.

The legal voters of the Town of Londonderry are further notified that an informational meeting will be held on February 29, 2024, at six o'clock (6:00) in the evening at the Londonderry Town Office, 100 Old School Street, South Londonderry, for the purpose of discussing the propositions.

Adopted and approved at a regular meeting of the Selectboard of the Town of Londonderry duly called, noticed and held on January 22, 2024. Received for record and recorded in the records of the Town of Londonderry on January 22, 2024.

Attachment C – Form of Ballot

OFFICIAL BALLOT
TOWN OF LONDONDERRY
SPECIAL MEETING MARCH 5, 2024

ARTICLE I

Shall general obligation bonds or notes in an amount not to exceed Two Hundred Eighty-Two Thousand Dollars (\$282,000), subject to reduction by the application of federal and state grants-in-aid, and reserve funds for the purpose of financing the cost of the Town’s local share obligations for a new community wastewater system in the north village area, the estimated cost of such improvements being Three Million Three Hundred Eighty-Five Thousand Dollars (\$3,385,000)?

If in favor of the proposition,
make a cross (x) in this square:

If opposed to the proposition,
make a cross (x) in this square:

ARTICLE II

Shall general obligation bonds or notes in an amount not to exceed Five Hundred Fifteen Thousand Seven Hundred Dollars (\$515,700), subject to reduction by the application of federal and state grants-in-aid, and reserve funds for the purpose of financing the cost of the Town’s local share obligations for a new community wastewater system in the south village area, the estimated cost of such improvements being Four Million Five Hundred Twenty-Five Thousand Dollars (\$4,525,000)?

If in favor of the proposition,
make a cross (x) in this square:

If opposed to the proposition,
make a cross (x) in this square:

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