

**Town of Londonderry, Vermont  
Selectboard  
Regular Meeting Minutes  
Monday, February 19, 2024  
Twitchell Building - 100 Old School Street, South Londonderry, VT**

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

**Town Officials:** Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Town Assessor Jeremiah Sund, Williams Dam Advisory Committee members Rich Phelan and Paul Hendler, Village Wastewater Committee Chair Sharon Crossman, and Planning Commission Chair Heather Stephenson

**Others in Attendance:** Donald Derby, Dufrene Group Engineer Chrissy Haskins, Architect Jon Saccoccio, and GNAT camera operator Bruce Frauman.

**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)]

None.

**3. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)**

*Taylor Prouty moved to enter executive session to consider the evaluation of a Town employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town administrator Shane O’Keefe, Town Treasurer Tina Labeau and Donald Derby to attend the executive session, seconded by Martha Dale. The motion passed unanimously.*

The Board entered executive session at 6:04 PM and came out at 6:28 PM. No action was taken.

**4. Minutes Approval – Meeting(s) of 2/5/2024**

*Martha Dale moved to approve the minutes of the Selectboard meeting of 2/5/2024, seconded by Jim Fleming. The motion passed unanimously.*

**5. Selectboard Pay Orders**

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

**6. Announcements/Correspondence**

**a. Announcements**

1. Cavanaugh and Fleming are up for re-election this year and each mentioned they were planning to run.

2. Labeau noted that early and absentee ballots can be picked up at the Town Clerk's Office.
3. Pajala said there is a rabies clinic at the Green Mountain Veterinary Hospital on 3/13/2024 from 9:00 AM to 10:00 AM.
4. O'Keefe reported that on 2/12/2024 long-time Planning Commission Chair Sharon Crossman has stepped down as Chair and that her replacement is Heather Stephenson. There was a round of applause to honor Crossman.
5. The Short-Term Rental (STR) Ordinance took effect on 2/17/2024.
6. Brown reminded everyone that 3/5/2024 Town Meeting Day is not only primary voting it is also voting on the school budget. If cannot be present an absentee ballot can be obtained at the Town office.

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

1. The Town of Winhall's Town Plan Public Hearing will take place on 3/6/2024 at 6:30 PM.
2. The most recent accounting from the State of Vermont on Londonderry's 1% Local Option tax on rooms, which was instituted on 7/1/2023.
3. The 2/9/2024 closeout notice from FEMA for the Platt Elevation Project (project # 126-R FEMA-4022-DR-VT).
4. A notice of upcoming vegetation management activities along the power lines from Green Mountain Power.

**7. Visitors and Concerned Citizens**

None.

**8. Town Officials Business**

**a. Board of Listers – Discuss results of the 2023 Equalization Study**

Jeremiah Sund, Town Assessor spoke about the equalization process. The main reason for the Equalization Study is that the State of Vermont raises the education fund primarily through the state education property tax. He noted that the Common Level of Appraisal (CLA) is 75.81% and the Coefficient of Dispersal (COD) is 26.38% reflective of equity. Assessments are 25% under their current market value. This is the listed value on your Homestead Declaration. This determines the Fair Market Value and the current value of the Grand List. This brings the sales in line with the assessments, causing the education rate to change.

The Equalization Study is a three-year sales study that every property owner and municipality go through. The job of the lister is to qualify these sales and make sure the sales included in the sale are accurate. The Town of Londonderry is up for tax assessment in 2028.

Pajala added that the reduction of rates is a statewide trend.

**b. Village Wastewater Committee- Presentation on 90% Project Report**

Dufrene Group engineer Chrissy Haskins gave a brief presentation on the Village Wastewater 90% Project Report. O'Keefe handed out a flyer regarding the informational

meeting for the Bond Vote which will be held on Thursday, 2/29/2024 at 6:00 pm at the Londonderry Town Office as part of a special Selectboard meeting.

*Jim Fleming moved to accept the 90% draft preliminary engineering report for the Village Wastewater Project, dated January 31, 2024, prepared by the Dufresne Group, seconded by Melissa Brown. The motion passed unanimously.*

**c. Williams Dam Advisory Committee – Discuss Committee charge**

Rich Phelan of the Williams Dam Advisory Committee spoke about the process of establishing a contract with the flooding analysis engineer. The committee is asking to have a deadline for recommendation of 30 days past the report or a hard deadline of 7/1/2024.

Before the Committee can give a recommendation, they need to know what happens if the dam is removed with respect to flooding.

*Martha Dale moved to amend the charge given to the Williams Dam Advisory Committee, originally approved by the Selectboard on April 3, 2023, and amended on November 6, 2023, to allow for the deadline for providing a recommended course of action with regard to alternatives for the dam to be extended from April 15, 2024 to July 1 2024, seconded by Jim Fleming. The motion passed unanimously.*

**d. Parks Board – Review job description for parks maintenance Employee**

The Selectboard reviewed the proposed job description for the existing parks maintenance employee position and determined that the employee would now report to the Town Recreation Director. There was discussion about the interplay between the parks maintenance employee and the Highway Department work. Pajala said there would be no new hiring until after Town Meeting Day.

*Melissa Brown moved to approve the new job description for the position of Parks Maintenance Employee, seconded by Jim Fleming. The motion passed unanimously.*

**9. Transfer Station/Solid Waste Management**

**a. Updates**

Cavanaugh said there have been no reports on the compactor, which is still running.

**10. Roads and Bridges**

**a. Updates**

Prouty reported that the new truck has arrived at the facility that attaches the body to the frame of the truck. It could be summer before we receive the truck.

**b. Discuss Radar Speed Feedback Signs**

O'Keefe recommended not using the cloud-based connectivity to access information from the radar feedback signs. He noted that the information can be accessed at the sign location via Bluetooth without paying for the cloud feature, which is approximately \$450 per year for each sign.

*Jim Flemming moved to discontinue cloud connectivity to existing radar speed feedback signs at the end of the one-year service period in March 2024, seconded by Taylor Prouty. The motion passed unanimously.*

**c. Adopt annual VTrans Certification of Compliance with Town Road & Bridge Standards and network Inventory**

O’Keefe noted that the Town standards, previously approved by the Board on 8/5/2019, are in the meeting packet. This is an annual approval required by VTrans.

*Taylor Prouty moved to approve the annual VTrans certification of Town Road and Bridge Standards and Network Inventory and authorize the Chair to sign the certification on behalf of the Board, seconded by Martha Dale. The motion passed unanimously.*

**d. Discuss VTrans FY2025 Municipal Highway Grant application**

O’Keefe discussed the program and town rankings for project funding eligibility. He explained there are two components in the Municipal Highway Grant, one is for structures, and one is for class 2 road paving. Examples for the structures grants include the Derry Woods Road and Springhill Road culverts and a class 2 road paving was approved for Landgrove Road last year. There’s an ongoing list within the district and Londonderry is #19 on the list for paving so it’s highly unlikely we could get new grants this year.

He said we’re #10 on the list for structures grant funding. The State only awards 5 grants per year so it’s not likely to be approved, but a good idea to get something submitted in the case that others are defunded and/or more money becomes available. He recommends we move forward and talk about projects such as the Cobble Ridge Road Bridge and maybe just the engineering costs for that as we don’t seem to be getting far with FEMA on that project. He said we could also consider doing the Reinhardt Road culvert. He suggested having Road Foreman, Josh Dryden come in to discuss this grant opportunity.

**e. Consider application(s) for excess vehicle weight permits [32 VSA1400a]**

The Board reviewed a number of excess vehicle weight permits.

*Jim Flemming moved to approve the excess weight permit(s) for:*

- *Record Concrete, Inc.*
- *Frost Wells and Pumps, Inc.*
- *Renaud Brothers, Inc.*
- *Valley Crane Services, Inc., and*
- *Hunter Excavating, Inc., Hunter Transport, Hunter Timber harvesting, and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.*

**11. Old Business**

**a. Town Hall Renovation Project – Consider project improvement plans, budget, and schedule for bidding**

O’Keefe introduced Project Architect Jon Saccoccio and reminded those present that there was a bond vote last year to fund this project. He said the project is almost ready to go out to bid. Saccoccio gave a presentation and review of major work to be done. The presentation documents were included in the meeting packet. He went over the general scope of work on the two floor levels and pointed out the clear objectives such as putting in an elevator and finishing out the basement for more space.

There will not be many changes made to the meeting room, the clerk's office or the listers office. Off from the first floor hallway they will be adding a small mail room, bathroom, and small storage area.

The front entrance will have a ramp compliant with accessibility requirements and the parking lot will be repaved. There will be added exterior lighting.

On the basement level will be a waiting area, another bathroom, washroom, an IT closet, another meeting room, mechanical room, two offices, and a kitchenette.

O'Keefe stated that the bond voted on was for \$1.3 million but the construction estimate is for \$1.6 million. Saccoccio noted this could be lowered depending on the bids we get, and some items could be removed. O'Keefe said there is also money in the Building Reserve Fund. He is also looking into other funding sources.

The building will need to be shut down for 6 to 8 months while the work is carried out. An alternative space will need to be located for the staff to continue work.

*Martha Dale moved to accept the Town Office renovation plans and preliminary cost estimate as proposed and to proceed with bidding out the project as soon as possible, seconded by Jim Flemming. The motion passed unanimously.*

#### **b. Short-Term Rental Ordinance – Establish registration fees**

O'Keefe reminded the Board that they wanted to discuss the registration fees further with a full Board. And noted that in the interim the Housing Committee has recommended a flat fee schedule that was provided to the Board for review.

Cavanaugh said he has spoken to the Town Attorney Bob Fisher, and he noted that the fees must only cover expenses and not be a revenue raiser. Only the salary and any other administrative expenses can be covered. Cavanaugh proposed at the last meeting that the charge should be a flat fee of \$500 for everybody and there shouldn't be any extra.

Brown said the entire Selectboard previously agreed on the following:

1. That it's reasonable to put limits on Short Term Rentals (STR)
2. That they do not want it to prohibit STR of second homes
3. They want to prevent it for investment purposes

Therefore, she doesn't feel it's unreasonable to charge a higher amount for an investment property. She promotes a tiered fee system to apply greater cost to investment properties. She references the two letters of concern addressed to the Board.

Cavanaugh said there is no legal definition in the ordinance to determine investment property or second home. Dale said the Selectboard should create this. Brown said they need to be clear and fair across the board. O'Keefe added that it is simpler to do a one level fee. Dale suggested using the first year of the program to see how easily it is discerned between second homeowners and investment property owners; make them the same for this year and then determine with the data collected for the following year.

Dale asked if registration fees could be used for expenses unrelated to administration of the STR Ordinance. O'Keefe noted that the monies would go to the General Fund balance unless voted otherwise.

Flemming asked that they talk with Attorney Fisher prior to Town Meeting to get questions answered.

Brown said registration fees could be different for different types of STRs. She asked if any of this would change if it's a license as opposed to a registration. The Board preferred to stay with a registration form.

Heather Stephenson said another question for the attorney is what should the headers be for the fee structure? Along with defining Second Homes and Investment Property.

O'Keefe will send all questions to Attorney Fisher and copy all Board members. He then read aloud an example response letter to a member of the public who had inquired about the status of the STR ordinance registration timeframe.

### **c. Consider amendments to the Personnel Policy**

O'Keefe informed the Board that Attorney Fisher responded that day and handed out the email to the Board members. Attorney Fisher would like the Board to have further discussions in the sections of conflict of interest and anti-nepotism. Also, on the discipline and termination and "employee at will" sections. The Board members reviewed and discussed in great depth.

*Jim Fleming moved to accept the proposed changes to the Town's personnel Policy, for adoption at a later date. The motion was later withdrawn.*

In Section 6: Conflict of Interest, Dale suggested having a form that discloses potential conflict of interest. Labeau added that the Town Clerk has this form and it's on the website. The Board agreed that language should be added regarding the form. O'Keefe will bring this question to Attorney Fisher along with having a nepotism clause or not. It was agreed to remove changes to covered persons under Section 2 and to remove Addendum B.

## **12. New Business**

### **a. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)**

*Taylor Prouty moved to enter executive session to consider the evaluation of a Town officer, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town Administrator; Shane O'Keefe to attend the executive session, seconded by Jim Flemming. The motion passed unanimously.*

The Board entered Executive Session at 8:58 PM and came out at 9:06 PM. No action was taken.

### **b. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)**

*Melissa Brown moved to enter executive session to consider the evaluation of a Town officer, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Town Administrator; Shane O'Keefe to attend the executive session, seconded by Jim Flemming. The motion passed unanimously.*

The Board entered Executive Session at 9:06 PM and came out at 9:30 PM. No action was taken.

**13. Adjourn**

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

The meeting adjourned at 9:31 PM. The next regular meeting of the Selectboard is scheduled for 3/4/2024, with a special meeting scheduled for 2/29/2024.

Respectfully Submitted,

Deborah Carleton  
Minutes Taker

*Approved March 4, 2024.*

**LONDONDERRY SELECTBOARD**

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Thomas Cavanagh, Chair

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