

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, March 4, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Board Members Absent: Jim Fleming.

Town Officials: Town Administrator Shane O’Keefe, Village Wastewater Committee Chair Sharon Crossman, Planning Commission Chair Heather Stephenson, Road Foreman Josh Dryden, and Town Treasurer Tina Labeau and Town Clerk Kelly Pajala

Others in Attendance: GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:18 PM.

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

Taylor Prouty moved to add to the end of the New Business part of the agenda, consideration of both a Second-Class Liquor License and a Tobacco License for AGS Vermont, Inc., also known as the Londonderry Village Market, seconded by Martha Dale. The motion passed unanimously.

3. Minutes Approval – Meeting(s) of 2/19/2024

Martha Dale moved to approve the minutes of the Selectboard meeting of 2/19/2024, seconded by Taylor Prouty. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

a. Announcements

1. O’Keefe mentioned that the mold in the Town Hall basement has been remediated and the floor steam-cleaned in preparation for Town Meeting and elections scheduled for the following day. And a big thank you goes out to the Champion Fire Company for helping the Town Hall Renovation Committee to move the balcony seats to the backstage area to accommodate the Town Meeting.
2. He added that following Town Meeting, the Selectboard will hold its organizational meeting, right now scheduled for 3/18/2024, and in addition to annual appointments of the Road Commissioner, Emergency Management Director, Windham Regional Commission representatives, Tree Warden, E911 Coordinator, Animal Control Officer, and Communications Union District representatives, this year the Board will be making an appointment for the First Constable, and if needed, a Second Constable. This appointment is a result of last year’s Town Meeting vote to authorize the Selectboard to make these appointments.

3. Regarding the annual appointments, O’Keefe stated that the incumbents will be contacted to see if they’re interested in continuing to serve in these positions, but anyone is invited to submit a request for appointment.
4. Labeau said the polls would be open the following day from 7:00 AM to 7:00 PM at the Town Hall on 139 Middletown Road.
5. Crossman said the Village Wastewater Committee wants to encourage people to vote on the bond and to look for an information sheet that they put together with 3 basic points; the need for the project; the value of the project; and touch points for the residents.

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

1. A 2/15/2024 letter of thanks to the residents of Londonderry from the My Community Nurse Project for the Town’s annual contribution.
2. The January 2024 monthly report from the Windham County Sheriff’s Office.

6. Visitors and Concerned Citizens

None.

7. Town Officials Business

a. Discuss upcoming annual Town Meeting – Tuesday March 5th at Town Hall

Frauman spoke for the GNAT appropriation. On a personal level, he has been taping for GNAT for at least 20 years. He keeps engaged in the community. It is a public service, and he gets paid.

GNAT is now streaming Selectboard and other local meetings thanks to a new camera, he added. Go to Facebook or YouTube and search for G-N-A-T. Scroll down to find the meeting. YouTube might be a little problematic. You can call GNAT. 802-362-7070 for help. Also, on gnat-tv.org there is a new very complete regional calendar. You can search for events or post your own.

O’Keefe suggested that the Board assign members specific articles to answer questions if necessary. Labeau said the new road crew position is expected to be a topic for much discussion. Prouty volunteered to answer these questions.

Cavanagh said he would cover any questions regarding the Short-Term Rental (STR) administrator.

O’Keefe referred to Article 19 and Article 20 on local option taxes. He discussed the dollars and cents of the proposed local option taxes. He asked that the spreadsheet he put together be run on the projector during the meeting.

On the village wastewater bond votes, O’Keefe asked the Board to assume the question of “how is the bond going to be paid for”. Cavanaugh said the answer should be that “the Selectboard did not receive the information soon enough to make that decision”. Prouty agrees with the Village Wastewater Committee on the bond payment methodology. Stephenson said the Committee should make a formal voted recommendation to the Board.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanaugh said there are no updates at this time.

9. Roads and Bridges

a. Updates

Dryden reported materials used:

February 2024	Salt- 102 tons	Sand- 461 yards
	Fuel (gallons): Equipment - 991	Transfer Station – 70 gal.

He reported that the new truck was at Reed's and ready to go to the body shop. They have purchased a new trailer for \$5,000 which will be used to move culverts, hay bales, and more.

Martha requested the previous year material data, statistics, and a year-to-date budget be provided to the Board. Dryden noted there was less sand used this year.

Prouty also reported that tree contractor TTS has been working in the area for ~~Consolidated Communications~~ [Green Mountain Power](#). He is monitoring them to ensure that no damage is done to the Town roads.

b. Discuss VTrans FY2025 Municipal Highway Grant application

Dryden and the Selectboard reviewed the projects for the program and determined that the failing culvert on Windy Rise Lane West is the best option.

Taylor Prouty moved to authorize the Town Administrator to submit an application for funding under the VTrans Municipal Highway Grant program for Windy Rise Lane West culvert, seconded by Martha. The motion passed unanimously.

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

The Board reviewed an excess vehicle weight permit that was submitted.

Taylor Prouty moved to approve the excess weight permit(s) for Fabian Earth Moving, Inc., and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Martha. The motion passed unanimously.

10. Old Business

a. Short-Term Rental Ordinance – Establish registration fees

O'Keefe provided hand outs to the Board that included the following comments from Town Attorney Bob Fisher:

1. **Can registration fees be used for unrelated to administration Short-Term Rental (STR) Ordinance.** No. There is a difference between fees and taxes. Fees are charged to cover the expenses of implementing a program. Taxes are imposed to raise revenue for governmental services or projects. Here, the Housing Commission's proposal would be challenged in court, due to the "fee" being so high as to be beyond that which is needed to implement the STR registration program and to pay for the administration and ordinance. It would be considered a tax if the purpose was to raise funds for housing, that would be problematic because the State legislature has not provided express authority for the Town to impose a local tax for the purpose of raising funds for housing.
2. **Can registration fees be different for different types of STR.** Yes. Based on the difference between the size of the STR and/or the hosting or non-hosting of the STR, the enforcement and administration requirements may be different, and likely a greater burden for the large non-hosted STR. Thus, the registrations fees can be different, but they should reflect a nexus between the cost to administer the ordinance for the different types of STR.

3. **Do these answers change if the board issues a license as opposed to a registration.** No. The license is still a regulatory permission to perform a certain act or type of business. The license or registration is still a fee as compared to a tax, so there is little difference between the registration and the license.

Also handed out was information from Brown on the City of Winooski's new STR fees, and a letter from Attorney Nicholas Low to the Selectboard written on behalf of Ben Sargent to comment on the STR registration fee schedule proposed by the Londonderry Housing Commission.

Cavanagh said \$450 is a good registration fee, then we can determine how many homesteads there are, and we can reassess next year and change the fees if necessary.

Prouty spoke about the larger STRs. For example, if there is an 8 bedroom that would service 16 people and 8 cars, could the price be adjusted based on size? Cavanagh said the registration would confirm the quantity of people then next year we will have the data to make an informed decision. O'Keefe said he didn't know if the administrative effort would change if the STR Administrator had to review State wastewater permits for larger STRs. Brown said there are several ways to do a fee schedule and the Board just needs to decide on which one we want to select. She does not agree on setting the fees after getting the data in the first year. Prouty said the most limiting factor is the amount of money we can make. The Board discussed single flat fee versus hosted or unhosted scenarios.

Martha Dale moved to establish the following Short-Term Rental registration application fee(s) in keeping with Article 5 of the Town of Londonderry Ordinance to Regulate the Operation of Short-Term Rentals, with such fee(s) being applicable on the effective date of the Ordinance:

- *\$150 per year (July 1 to June 30) for Hosted short-term rentals and*
- *\$500 per year (July 1 to June 30) for Unhosted short-term rentals,*

seconded by Taylor Prouty. The motion passed unanimously.

b. Consider amendments to the Personnel Policy

O'Keefe reported that he has been in contact with Attorney Fisher regarding Conflicts of Interest and Nepotism. He will make Conflicts of Interest consistent with Nepotism in the Personnel Policy.

Dryden inquired about when the changes would be implemented. O'Keefe responded possibly 4 more meetings.

Prouty asked if there is a change to a new employee after they have been hired, how do we handle this? O'Keefe explained that the revised Personnel Policy would be provided to the employee(s) and they would sign an acknowledgement of receipt.

11. New Business

a. 2nd Class Liquor License – Jelley's Auto Care Center (DBA Jelley Enterprises, Inc.)

Taylor Prouty moved to approve a 2nd Class Liquor License for Jelley's Auto Care Center, also known as Jelley Enterprises, Inc., related to property located at 2102 North Main Street, seconded by Martha Dale. The motion passed unanimously.

b. Tobacco License – Jelley’s Auto Care Center (DBA Jelley Enterprises, Inc.)

Taylor Prouty moved to approve a Tobacco License for Jelley’s Auto Care Center, also known as Jelley Enterprises, Inc., related to property located at 2102 North Main Street, seconded by Martha Dale. The motion passed unanimously.

c. Consider property/equipment auction contract with Auctions International, Inc.

Martha Dale moved to accept the online auction contract with Auctions International, Inc., and authorize the Town Administrator to execute the contract on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

d. 2nd Class Liquor License – ASG Vermont, Inc. (DBA The Londonderry Village Market)

Martha Dale moved to approve a 2nd Class Liquor License for AGS Vermont, Inc., also known as The Londonderry Village Market, related to property located at 5700 VT Route 100, Suite A-10, seconded by Taylor Prouty. The motion passed unanimously.

e. Tobacco License – AGS Vermont, Inc. (DBA The Londonderry Village Market)

Martha Dale moved to approve a Tobacco License for AGS Vermont, Inc., also known as The Londonderry Village Market, related to property located at 5700 VT Route 100, Suite A-10, seconded by Taylor Prouty. The motion passed unanimously.

12. Adjourn

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

The meeting adjourned at 7:49 PM. The next regular meeting of the Selectboard is scheduled for 3/18/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved March 18, 2024.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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