

Town of Londonderry, Vermont
Selectboard
Regular Meeting Minutes
Monday, March 18, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Town Officials: Town Administrator Shane O’Keefe, Village Wastewater Committee members Sharon Crossman, Tom Metcalf and Larry Gubb, Williams Dam Advisory Committee member Paul Hendler, 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 6:00 PM.

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

Melissa Brown moved to make an addition to 11. Old Business, after item a., on the Short-Term Rental (STR) Ordinance, seconded by Jim Fleming. The motion passed unanimously.

Melissa Brown moved to make an addition to 11 Old Business adding item f. for the discussion of formation of the South Londonderry Master Task Plan Force, seconded by, Martha Dale. The motion passed unanimously.

3. Organization

a. Elect a Selectboard Chair and Vice-Chair [24 VSA 871(a)]

Taylor Prouty moved to elect Tom Cavanagh as Selectboard Chair, seconded by Jim Fleming. The motion passed unanimously.

Melissa Brown moved to elect Martha Dale as Selectboard Vice Chair, seconded by Jim Fleming. The motion passed unanimously.

b. Set Regular Meeting Schedule & Location [1 VSA 312(c)(1)]

The Board discussed adding additional meetings as necessary. O’Keefe informed the Board that the State law authority to hold remote-only meetings expires in July.

Martha Dale moved to hold regular meetings of the Selectboard on the first and third Mondays of the month at 6:00 PM at the Town Office building at 100 Old School Street in South Londonderry, or at the discretion of the Selectboard Chair and as permitted by applicable law, meetings may be held without a physical presence using publicly available remote meeting software, seconded by Melissa Brown. The motion passed unanimously.

c. Designate newspaper of record [17 VSA 2641(b)]

Jim Fleming moved to designate the Vermont Journal as the Town’s newspaper of record, seconded by Melissa Brown. The motion passed unanimously.

d. Designate location of posting of notices

[1 VSA 312(d)(1)]

Jim Fleming moved to designate the Londonderry Town Office (Twitchell Building), the Londonderry Post Office and the South Londonderry Post Office as the physical locations for posting agendas of the meetings of public bodies and other required public notices, seconded by Martha Dale. The motion passed unanimously.

e. Designate member with authority to sign warrants & pay orders [24 VSA 1623(a)(1)]

Taylor Prouty moved to appoint Tom Cavanagh as the designated Selectboard member with authority to sign warrants and pay orders, pursuant to 24 VSA Section 1623(a)(1), seconded by Jim Fleming. The motion passed unanimously.

f. Adopt Rules of Procedure

Taylor Prouty moved to adopt and execute the Selectboard Rules of Procedure, as amended, seconded by Martha Dale. The motion passed unanimously.

4. Minutes Approval – Meeting(s) of 2/29/2024 and 3/5/2024

Jim Fleming moved to approve the minutes of the Selectboard meeting of 2/29/2024 and 3/5/2024, seconded by Taylor Prouty. The motion passed unanimously.

5. Selectboard Pay Orders

Martha Dale 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. Pajala announced it is dog registration time.
2. O’Keefe informed the Board that he will be at a conference on 4/1 and 4/2/2024 so he will not attend the next regular meeting.
3. Labeau said she will have year-to-date financials next month.

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

1. The grant agreement for the Class II roadway edge striping in the amount of \$35,000, which has to take place in 2024.
2. The February 2024 monthly report from the Windham County Sheriff’s Office.

7. Visitors and Concerned Citizens

None.

8. Town Officials Business

a. Village Wastewater Committee – Discuss next steps for project

Gubb and Metcalf presented the next steps for the village wastewater project. Gubb said they are between the preliminary engineering and the design contract which is needed very quickly. The South Londonderry Village will be in 2 phases and needs to proceed first.

The appraisal and topographical survey work is needed. Archeological work is critical and could cause design and/or schedule changes. The South Londonderry Village engineering work needs to be done by June 2024 and North Londonderry Village by September 2024.

It is critical currently to get a contract with the Dufresne Group for final engineering services.

Prouty asked if the committee would be making a recommendation for the Selectboard to appoint a Project Manager. Gubb said it is okay to hire the Windham Recreation Commission (WRC) for this service. Brown noted that it is important to hire a project manager soon to keep things on schedule. O’Keefe will email Emily Hackett of the Vermont Agency of Natural Resources (ANR) for a determination on available funds for this and whether the WRC can provide the service on a sole-source basis. It was agreed that, if possible, the Board would agree on contract awards for property appraisals, project engineering and project management.

Prouty noted that the \$1,260 per year per user in South Londonderry is determined by the operating costs divided by the number of 24 hookups. Gubb said if qualified users do not want to hookup, the option to connect extends out others beyond the initial target area who may be on the waiting list.

The Board reviewed a request from the Planning Commission to no longer have the Village Wastewater Committee report to the Commission.

Taylor Prouty moved to amend the Board’s 9/22/2022 vote establishing the Village Wastewater Committee by removing the need to report to the Planning Commission, seconded by Jim Fleming. The motion passed unanimously.

b. Mountain Towns Recreation Director – Discuss proposal for concert fundraiser at Pingree Park

Pajala has met with the Mountain Towns Recreation Director Liam Elio and Jed Hughes to begin the planning of the proposed Mountain Towns Recreation Fundraiser. The concert fundraiser will be on 6/8/2024 at Pingree Park from 4:30 PM to 9:00 PM. They have chosen the East Bound Jesus, Malette Brothers, and Saints and Liars bands to provide entertainment and there will be a silent auction. This year they will be doing ticket prices along with b.y.o.b. They wanted to get the approval from the Selectboard before moving forward with advertising. They would be asking the Windham County Sheriff for traffic control as they did last year. The fundraiser is to support the Mountain Towns Recreation programming. They need to raise \$8,300 for the bands, the lighting and the sound systems. There was no opposition.

c. Appoint Road Commissioner

[17VSA2646(16) & 2651(a)]

Jim Fleming moved to appoint Taylor Prouty as the Town’s Road Commissioner, seconded by Melissa Brown. The motion passed unanimously.

d. Appoint Emergency Management Director [20VSA6(a)]

Martha Dale moved to appoint Richard Phelan as the Town's Emergency Management Director, seconded by Taylor Prouty. The motion passed unanimously.

e. Appoint Windham Regional Commission Representatives [24VSA4343(a)]

Martha Dale moved to appoint Georgianne Mora as the Town's representative to the Windham Regional Commission, seconded by Jim Fleming. The motion passed unanimously.

It was noted that WRC representative Denis Pinkernell had declined to request reappointment, and that there is a vacancy needing to be filled.

f. Appoint Tree Warden [24VSA871(b)]

Taylor Prouty moved to appoint Kevin Beattie as the Town's Tree Warden, seconded by Melissa Brown. The motion passed unanimously.

g. Appoint 911 Coordinator [30VSA7056(a)]

Jim Flemming moved to appoint Will Goodwin as the Town's E911 Coordinator, seconded by Taylor Prouty. The motion passed unanimously.

h. Appoint Animal Control Officer [20VSA3549]

O'Keefe informed the Board that there is an alternative option this year to be part of a contract with the Windham County Sheriff's Office with other municipalities that would provide animal control services. The overall costs would likely be less than \$3,000 per year. The Board opted to wait on the proposal that is specific to Londonderry.

Melissa Brown moved to appoint Pat Salo as the Town's Animal Control Officer, seconded by Jim Fleming. The motion passed unanimously.

i. Appoint First Constable [17VSA2651a & 24 1936a]

O'Keefe reminded the Board that, due to the 2023 Town meeting vote, this is the first time they have had the option to appoint a first and second constable, if needed. He said he also contacted the sheriff's office regarding the constable and this position already fits into the existing contract with the Town. Fleming said he would prefer to have these local positions.

Jim Fleming moved to appoint Kevin Beattie as the Town's First Constable, seconded by Melissa Brown. The motion passed unanimously.

j. Appoint Second Constable [17VSA2651a & 24 1936a]

Jim Fleming moved to appoint Steve Twitchell as the Town's Second Constable, seconded by Tom Cavanagh. The motion passed unanimously.

9. Transfer Station/Solid Waste Management

a. Updates

Labeau said that the Electronics Waste date is set for 6/1/2024.

10. Roads and Bridges

a. Updates

Prouty said we are starting to see some headway with mud season. He said they can get on the roads and start grading and add more materials. Hopefully, the roads will continue to dry out.

Labeau said that in anticipation of future flooding, Josh Dryden is going to either take pictures or film (using a go-pro camera) the dirt roads before and after damage. There were no issues with purchasing a go-pro camera.

b. Annual Town Highway Financial Plan certification [19V.S.A. §306(j)]

O’Keefe informed the Board that each year after the Town Meeting, a VTrans representative comes to the office to review the Annual Financial Plan for Town Highways. A copy of the plan was included in the Board packet. The representative looks at the budget and maintenance to come up with the non-winter maintenance figure. This is the figure that 10% is received for State funding for road damage due to disasters.

Taylor Prouty moved to adopt and execute the annual financial plan for Town highways pursuant to 10 V.S.A. Section 306(j), seconded by Jim Fleming. The motion passed unanimously

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

The Board reviewed the excess vehicle weight permits that were submitted.

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

- *St. Pierre, Inc.,*
- *Consolidated Communications, Inc.,*
- *David Chaves Excavating, Inc.,*
- *R.K. Miles, Inc.,*
- *Gurney Brothers Construction, Inc., and*
- *Bazin Brothers Trucking, Inc.,*

and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Martha Dale. The motion passed unanimously.

11. Old Business

a. Discuss hiring of a part-time Short-Term Rental Administrator (2024 Town Meeting Art.9)

O’Keefe reported that there have been 3 applications received. The Board discussed the interview process and decided to have the Board Chair, Vice Chair and Town Administrator interview and report back to the Board at the next meeting on 4/1/2024.

a.1. Short-Term Rental Discussion

Brown informed the Board that the Short-Term Rental (STR) Ordinance is going to require some work to align with the Zoning By-Laws. She asked the Board if they would consider a working committee combined of 2 members of the Planning Commission, 2 members of the

Londonderry Housing Commission, 2 members from the Selectboard and the new STR Administrator to review the ordinance language and develop a strategic plan that will accomplish the goals of the ordinance. The purpose of the ordinance is covered very well. She read the purpose to the Board.

Melissa Brown moved to make a working committee consisting of 2 members of the Planning Commission, 2 members of the Londonderry Housing Commission, 2 members from the Selectboard, and the STR Administrator to review the ordinance language and develop a strategic plan to accomplish the goals of the ordinance, seconded by Jim Fleming. The motion passed unanimously.

a.2. Short-Term Rentals Fire Safety

O’Keefe referred to a letter in the Board packet from the Division of Fire Safety. He said that he and Cavanagh would be meeting with someone from that office on 3/19/2024 to discuss their views on STR and report back to the Selectboard on 4/1/2024.

b. Consider amendments to the Personnel Policy

Dale referred to the drug testing section of the policy, she noted that she would prefer that they cut out the blood testing piece. Prouty said the blood testing puts a lot of pressure on the Town. The Board agreed to remove blood testing from the random drug testing section. Discussion ensued.

c. Consider projects for funding through the Municipal Technical Assistance Program

O’Keefe referred to the email in the Board packet that he sent Chris Company from the Windham Regional Commission (WRC). He is anticipating a conversation with him regarding the Vermont Agency of Administration (AOA) and the Municipal Technical Assistance Program (MTAP) funding program.

Cavanagh wants to review the remaining flood damage and figure out where the funding is going to come from because there is no telling what FEMA is going to do. O’Keefe said that FEMA is cleaning house; the Town is losing its project manager and the head of Vermont Public Assistance Program is out. Hopefully, this is a good thing as working with FEMA has been extremely confusing. Discussion ensued about projects involving structures such as bridges and culverts. O’Keefe encouraged the Board to get these projects designed so that they are ready and don’t miss any funding deadlines. Cavanagh said we can’t come up with a list if we don’t have the money yet.

d. Ratify 3/4/2024 decision to approve 2nd Class Liquor License – AGS Vermont, Inc. (DBA The Londonderry Village Market)

Taylor Prouty moved to ratify the Board’s 3/4/2024 decision 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 Jim Fleming. The motion passed unanimously.

e. Ratify 3/4/2024 decision to approve Tobacco License – AGS Vermont, Inc. (DBA The Londonderry Village Market)

Jim Flemming moved to ratify the Board's 3/4/2024 decision 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.

f. South Londonderry Village Master Plan Task Force

Brown said the task force is needed for the proper management of the village plan. There is a group of interested community members she mentioned, and their first meeting is 3//21/2024 from 1:00 PM to 2:00 PM. She asked the Board to approve the establishment of task force. Dale asked how the North Londonderry Village task force was formed. Brown said the Planning Commission is taking on both North and South Villages. Crossman explained that the South Londonderry Village is different because it's a smaller village, and there will be a shorter process in terms in the way that it's being put together. Because of the timing and for other reasons it seemed like it made sense to be a compressed timeframe and it's a different process that we're going through. The same outcome is expected and it is proposed to be completed before summer. Several people are willing to walk around with our consultant it was noted. Brown suggested having the vote now and ratify at the next meeting so that the force can warn the meeting properly. Cavanagh encouraged the Planning Commission to come to the Board next time in a timelier manner.

Melissa Brown moved to form a South ~~Londonderry Village~~Derry Master Planning Task Force, and -Sub-Committee. ~~The Planning Commission will bring the applications to the Selectboard meeting on 4/1/2024. The Task Force to include Bruce Frauman, Elsie Smith, Jamie Foley, Emmet Dunbar, Mimi Lines, Paul Hendler, and alternate Sharon Crossman,~~ seconded by Jim Fleming. The motion passed unanimously.

12. New Business

a. Follow-up discussion on 2024 Town Meeting

Pajala said there were 173 attendees. Brown said it was nice to have the young people from the schools back. Pajala said there was some feedback on the downstairs voting. It worked well space-wise but not great for people with mobility issues. The back door had issues as well. In general, building something to go between levels would be ideal and more user friendly for everyone. There was also feedback on the bathrooms not being ADA compliant. Better signage would also be very helpful. All access points really need improvement.

O'Keefe said notice has been given to the Vermont Department of Taxes regarding the vote on meals and alcohol coming into effect on 7/1/2024.

b. Town Office Renovation Project – Discuss bidding process

O'Keefe said starting 3/20/2024 the advertisement bids will go into the newspaper for the Town Office renovation project. The deadline to submit bids electronically is 2:00 PM on 4/17/2024.

Martha Dale moved to adjust the Town’s approved Bid Process as follows:

- *Bid documents will only be made available digitally, with no hard copies of bid documents.*
- *Bid documents will only be provided by the project architect to ensure that any bid addenda are distributed equally.*
- *There will be a mandatory prebid meeting.*
- *A bid security of 5% of the bid amount will be required.*
- *Bids will be opened publicly by staff and a bid tabulation will be provided afterward to the Selectboard for its consideration and contract award.*

Seconded by Taylor Prouty. The motion passed unanimously.

c. Annual Appointments – Planning Commission

O’Keefe said Maryann Morris and Sharon Crossman have expressed interest in these positions.

Martha Dale moved to appoint Maryann Morris and Sharon Crossman to the Planning Commission, each for a three-year term ending 3/31/2027.

13. Adjourn

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

The meeting adjourned at 8:18 PM. The next regular meeting of the Selectboard is scheduled for 4/1/2024.

Respectfully Submitted,

Deborah Carleton
Minutes Taker

Approved April 1, 2024.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair

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