

Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, May 6, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT

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

Absent Board Members: None.

Town Officials: Town Administrator Shane O’Keefe, Town Treasurer Tina Labeau, Short-Term Rental Administrator Andy Dahlstrom and Planning Commissioner Dick Dale.

Others in Attendance: Ruck Up, Inc. representative Pamela Spaulding; West River Farmers Market representative Sarah Greenfield; Parkrun representative Robbie Collins; resident Paul Hendler; and 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)]

Taylor Prouty moved to add to the agenda, to follow the liquor permits under the New Business, consideration of a subrecipient grant agreement with the State of Vermont Department of Public Safety related to FEMA Public Assistance Program, seconded by Martha Dale. The motion passed unanimously.

Tom Cavanagh moved to add to the New Business part of the agenda the consideration of an itinerant vendor permit for Mountain Fresh Bowl, seconded by Melissa Brown. The motion passed unanimously.

The Board agreed to move the executive session scheduled for the beginning of the meeting to the end of the meeting.

3. Minutes Approval – Meeting(s) of 4/15/2024 & 4/29/2024

Melissa Brown moved to approve the minutes of the Selectboard meetings of 4/15/2024 and 4/29/2024, seconded by Martha Dale. The motion passed unanimously.

4. Selectboard Pay Orders

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

5. Announcements/Correspondence

Shane O’Keefe noted the following:

- There has been particularly good progress with FEMA reimbursement process over the past few weeks now that there is new FEMA staff working with FEMA Recovery Assistant Bill Kearns and we’ll be able to commence with the first drawdowns in the 3 next week.

- He will be on vacation beginning 5/16 for a week or so and will miss the next regular Board meeting.

And he mentioned the correspondence included in the Board’s meeting packet was as follows:

- A letter of 4/26/2024 to Treasurer Tina Labeau from the Vermont Department of Taxes indicating that the education tax due to the Town would be reduced by \$19,094.50 due to flood-related property abatements.
- Letters dated 4/19/2024 from the Town’s bond counsel to the Vermont Bond Bank attesting to the legality of the Village Wastewater Project’s bond votes.
- A letter of thanks to the Board from the Mountain Towns Housing Project Steering Committee for the Town’s support of the Bob Perry Lane affordable housing project.
- Windham County Sheriff’s monthly report for March 2024.

Bruce Frauman noted that the Vermont Film and Folklore Festival is scheduled for 5/23-26 in Manchester, VT, and features 4 venues and 42 films.

6. Visitors and Concerns

None.

7. Town Officials Business

a. Town Clerk - Approval of Annual and Special Town Meeting Minutes of March 5, 2024

Labeau mentioned that the special Town meeting minutes were not available.

Martha Dale moved to approve the minutes of the Annual Town Meeting of March 5, 2024, seconded by Jim Fleming. The motion passed unanimously.

b. Planning Commission – Accept submission of proposed Zoning Bylaw amendment

Dick Dale spoke to the Board on behalf of the Planning Commission on the comprehensive review and rewrite of the Town’s Zoning Bylaw, including new maps, that it has submitted to the Selectboard, and thanked the many participants in the project since its beginning in March of 2018. He noted that there was extensive public outreach that helped shape the Bylaw, which seeks to establish Unified Development Regulations, and the Commission considered a significant amount of testimony over at least 8 public meetings to create a detailed legally binding document that is consistent with the Town Plan. He referenced the required report prepared by the Commission that accompanies the bylaw and describes in detail its provisions.

He mentioned that the Commission believes that the proposed Zoning Bylaw makes sense and is complete, but that there may be some unintended consequences or minor mistakes in the drafting of the document, that can be addressed through subsequent amendments.

Dale stated that the Commission held a public hearing on the proposed Zoning Bylaw on 4/17/2024, after which the Commission formally approved the document. He explained that it was found that clarifying language regarding housing density was needed, and the Commission on 4/28/2024 rescinded the approval, amended the Bylaw to comply with the statutory change, and then voted to approve the document that was now being presented to the

Board. He stated he was thankful that the Commission is able to hand over the proposed Zoning Bylaw to the Board for adoption.

There was brief discussion on some provisions, and Dale noted that any use or building that is presently legal will be “grandfathered”.

O’Keefe clarified that once accepted, the Board must hold a public hearing within 120 days [24 V.S.A. 4442(a)], and once public notice is posted for the first Selectboard hearing the Zoning Administrator must review any new application for compliance with both the proposed Bylaw and existing Bylaw [24 V.S.A. 4449(d)].

Cavanagh noted that the final version was just presented to the Board and needed further review. Brown spoke about the Planning Commission efforts to get the Bylaw drafted as well as possible, but that not everyone will be happy with the results.

It was noted that the soonest possible date for the Board to hold a first public hearing if accepted that evening would be 6/3/2024.

Melissa Brown moved to accept the submission of a proposed Zoning Bylaw Amendment and associated report from the Planning Commission, which seeks to establish Unified Development Regulations, as provided for under 24 V.S.A. section 4441(g), seconded by Martha Dale. The motion passed unanimously.

c. Planning Commission – Set date for public hearing on Zoning Bylaw amendment

Cavanagh stated that he was not comfortable setting a public hearing without first going over the final proposal, noting that it had not been received until the day before the meeting. Brown suggested that the Bylaw has been vetted by the Commission and the community

O’Keefe handed out a copy of the statute regarding the Zoning Bylaw adoption process [24 V.S.A. 4442] and read the portion on the Selectboard amendment process: “(t)he legislative body may make minor changes to the proposed bylaw, amendment, or repeal, but shall not do so less than 14 days prior to the final public hearing”.

Dick Dale explained some of the changes to the Bylaw that were made over the past few months. Martha Dale spoke to the momentum of the process and the need to proceed without delay. Cavanagh reiterated his interest in reviewing the document before setting the public hearing date.

Melissa Brown moved, with regard to the proposed Zoning Bylaw amendment establishing Unified Development Regulations, filed by the Planning Commission along with the associated report in keeping with 24 V.S.A. section 4441(g), to hold a public hearing, as required under 24 V.S.A. section 4442(a), on June 3, 2024 at or about 6:00 PM, and direct the Town Administrator to ensure proper public notice of the hearing, seconded by Martha Dale. The motion did not pass, with Brown and Dale voting aye, and Cavanagh, Fleming and Prouty voting nay.

It was agreed to hold a special meeting the following week to further consider the matter of setting a hearing.

d. STR Administrator – Update on progress and discussion on procedures

Andy Dahlstrom spoke to a number of issues with regard to short-term rentals, including a case involving the State of Hawaii, life safety matters, and housing stock issues. He presented a copy of the State of Vermont form that must be posted in all STRs.

Dahlstrom stated that he hopes to have an application finalized in the next two weeks. There was discussion about the enforcement process. Fleming suggested requiring floor plans to ensure adequate egress so that site visits might not be necessary.

Dahlstrom also raised the matter of occupancy was of concern, and the interplay of State regulations and septic limitations. And he pointed out some provisions of the ordinance that need to be amended, which can be addressed at the next regular meeting. State fire alarm regulations were discussed, and Cavanagh noted that a meeting with the State Fire Marshal for the area brought up the reality that there would be no mandatory inspections of smaller STRs conducted by the State, which led to the recent amendment to the Ordinance. Brown suggested that the local fire departments can assist with inspections. Martha Dale suggested random inspections to address fire safety concerns.

Brown referred to the STR Working Group, which can take up some of these issues. She also suggested that Dahlstrom should provide a report to the Board each month. Cavanagh suggested that Dahlstrom should concentrate on rolling out the STR registration process before the Working Group meets for the first time.

e. Town Treasurer – Year-to-date budget review

Labeau provided an update on the FY2024 budget through March. She remarked that the finances are doing well except for large outlay for storm recovery efforts, but that cost reimbursement from FEMA should begin soon. She noted that the Highway Department equipment repair budget is likely to be overspent.

8. Transfer Station/Solid Waste Management

a. Updates

Cavanagh noted that the electronics collection day is scheduled for 5/18/2024 from 9:00 AM to 1:00 PM, and Labeau mentioned that hazardous waste collection day is 6/1/2024, also from 9:00 AM to 1:00 PM.

Dale spoke about recent Green Up Day efforts, noting that there was not much emphasis or visibility for the annual event, and there appeared to be no accounting of collected materials. Brown recalled past Green Up Days in the community having greater participation and access to Town trucks. Labeau mentioned that there was no Green Up Day coordinator this year. The difficulty of sorting of collected materials was discussed and Cavanagh mentioned that Town trucks are now too big to be effective for people to use for waste drop off. Brown recommended that the Town begin work on Green Up Day earlier next year to ensure its success.

9. Roads and Bridges

a. Updates

Taylor Prouty spoke about the Road Crew members' vacation and work schedules.

There was discussion about the recruitment effort for the new full-time Road Crew member, and O'Keefe how the position was being advertised and noted that he had not yet received any applications. Prouty recommended that the Board entertain the one application received for a part-time person if they were still interested. The need for this position was discussed.

It was agreed that Cavanagh would contact the individual and inquire about their interest, and invite them to the special meeting the following week.

b. Access Permit 2024-03 – 2904 Thompsonburg Road, Parcel 035040.000

Taylor Prouty spoke to this proposal, which called for a new driveway to replace one elsewhere on the site. The home at the location was destroyed by fire and a new home is being constructed elsewhere on the property, prompting the need for a new access location and abandoning the one no longer needed.

Jim Fleming moved to approve access permit application No. 2024-03, submitted by Daniel Gehring on behalf of property owners Mila and Veli Etropolski, for replacement of an existing access to parcel #035040.000, located at 2904 Thompsonburg Road, and authorize the Chair to sign the permit on behalf of the Board, subject to all written requirements of the Road Foreman as specified in the access permit, and with the condition that the existing access shall be abandoned to the satisfaction of the Town Road Commissioner once the new access is serving the proposed new structure on the property once the new structure is in active use, seconded by Taylor Prouty. The motion passed unanimously.

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

The Board reviewed an overweight permit application, and it was noted that the applicable fee was paid, and insurance certificate received.

Martha Dale moved to approve the excess weight permit(s) for Cardinal Logistics Management Corporation, and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

10. Old Business

a. Consider amendments to the Personnel Policy

O'Keefe reviewed with the Board proposed changes to the Personnel Policy specific to employee benefits, including various forms of leave. He spoke about the employee health insurance buyout benefit that a VLCT representative reviewing the policy noted was greater than other communities. It was explained that the Town would reimburse an employee 50% of the eligible premium cost if they would use a viable insurance different than the Town's, such as with a spouse's plan or Medicare. The Board expressed support for this program.

There was discussion on continuation of limited medical benefits for retirees, and O'Keefe was asked to look into this further.

O’Keefe recommended additional vacation day benefits to stay competitive with other municipalities. It was agreed that he would review benefits comparisons generated by VLCT and report back to the Board.

Labeau suggested considering a Paid Time Off (PTO) program whereby all holiday, vacation and sick leaves are rolled into one leave allotment. She mentioned that some of the sick leave provisions are State-mandated. O’Keefe and Labeau will explore this further and report back to the Board.

Carry-forward of some leave benefits was discussed.

b. Town Office Renovation Project – Consider award of construction and asbestos remediation contracts

O’Keefe noted that the project architect is still working with the project bidders on their proposals to get better clarity on price and timing, and hopes to have information for the Board at the meeting the following week.

The Board reviewed a revised proposal from Catamount Environmental, Inc. for asbestos abatement work. O’Keefe explained that the work would take place in August, would take about a week, and the cost almost doubled since the 2019 proposal.

Fleming inquired about other costs to be added on to the project.

Martha Dale moved to waive the Bid Process provisions of the Town’s Purchasing Policy and accept the sole source proposal from Catamount Environmental, Inc. for asbestos remediation and abatement of the Town Offices in the amount of \$16,250, to be paid for from the Town Buildings Reserve Fund, and to authorize the Town Administrator to execute any documents necessary to employ the vendor for this service, including a contract agreement, on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

c. Ratify 4/15/2024 decision to award contract for storm damage and related excavation services for Memorial Park

Because the Board voted on 4/15/2024 to accept the bid for Memorial Park excavation services when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Taylor Prouty moved to ratify the Board’s 4/15/2024 decision to accept the bid from Boulder Excavating in the lump sum in the amount of \$17,025 for storm-related and other repairs to Memorial Park, which was submitted in response to the Town’s March 22, 2024 Invitation to Bid, and to authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to provide the necessary services on behalf of the Town, seconded by Jim Fleming. The motion passed unanimously.

11. New Business

a. Itinerant Vendor Permit Application – West River Farmers Market

Sarah Greenfield, Secretary of the West River Farmers Market Board, thank the Selectboard and Parks representatives for their support last year when the market was displaced by the

July flooding. She spoke briefly about the excitement for the upcoming season. Martha Dale noted that the market was a signature event for Londonderry that puts it on the map.

Jim Fleming moved to approve Itinerant Vendor Permit #2024-01 submitted by the West River Farmers Market of Londonderry, Inc. for 2024, and allow for the use of Williams Park for this purpose, subject to the permittee 1) maintaining insurance coverage throughout the period of use of the Town property, to include Commercial General Liability Insurance with a limit of not less than \$1,000,000 per each occurrence and General Aggregate coverage of at least \$2,000,000, and 2) providing an acceptable certificate of insurance that names the Town as an additional insured, seconded by Taylor Prouty. The motion passed unanimously.

b. Consider request for coin drop – Ruck Up, Inc. [23 VSA 1056]

Pamela Spaulding spoke on behalf of Ruck-Up, Inc., which is a not-for-profit organization based in Keene, NH that provides assistance to Veterans in need that are not easily available elsewhere. The organization receives no federal or state funding, and are wholly funded through donations she stated, with all of its work done by volunteers. Spaulding spoke of the many services that the organization provides. She requested authority from the Board to hold a coin drop fundraiser once again, this time on 9/14/2024, with a rain date of 9/15/2024, on VT Route 11 near Hells Peak Road, and acknowledged that State authorization is also required, and she needs a letter of approval from the Town. Board members expressed their thanks for the good work of the organization, and Spaulding thanked the Board for its support over the years.

Melissa Brown moved to approve the request from Ruck Up, Inc. to hold a coin drop fundraiser on VT Route 11 in the vicinity of Hell's Peak Road on September 14, 2024, with a rain date of September 15, 2024, subject to provision prior to the event of acceptable written proof of adequate liability insurance and written proof of authority to conduct the event from the State of Vermont Agency of Transportation, seconded by Jim Fleming. The motion passed unanimously.

c. Consider One Londonderry Parkrun proposal

Robbie Collins presented the plans for an inaugural parkrun event, which is a weekly community 5K run/walk, with a planned route involving Billy Peele's land off of Brooks Lane and then down Edge Hill Road to the West River Farmers Market. Parking would be at the Plaza, the event would begin at the Peele property at 8:30 AM, is free of charge and is based on a model used internationally. The route includes crossing Brooks Lane, and that location will be monitored for safety.

Collins said the event would take place on Saturdays from Memorial Day to Columbus Day/Indigenous Peoples Day. Martha Dale spoke about the effort to have Londonderry's event accepted as part of the official parkrun organization, but that this may not happen before the first planned event. So it will be considered a One Londonderry Ways and Trails event until the community's application is accepted. She added that a letter of support from the Selectboard was needed for this effort.

There was general enthusiastic support from the Board members.

Martha Dale moved to support the One Londonderry Parkrun 5K event this summer in Londonderry, and authorize the use of Town highways and properties for the event without cost, seconded by Melissa Brown. The motion passed unanimously.

Bruce Frauman spoke about the “Walk with Ease” program sponsored by Neighborhood Connections, which has small community walking program on Monday and Friday mornings.

d. Consider amendment to Town Office cleaning services contract

Labeau spoke to the cleaning contract which expired a year or so ago, and paid the vendor \$120 per visit. The proposal now is to increase the fee to \$140/week. And with the upcoming closure of the Town Hall during renovations, O’Keefe wanted to build in flexibility to halt or amend the services, to include cleaning at the Town Hall if used for office space during construction.

Jim Fleming moved to amend the Town’s contract with Renata Sawyer for Town Office Cleaning Services to 1) increase the weekly fee to \$140, 2) extend the contract term to 6/30/2025, 3) make reasonable provision for alternate services at the Town Hall during the upcoming Town Office renovation process, and further to authorize the Town Administrator to draft and execute the amended contract on behalf of the Town, seconded by Taylor Prouty. The motion passed unanimously.

e. 1st Class Liquor License – Manzana, Inc. (SoLo Farm & Table)

Martha Dale moved to approve a 1st Class Liquor License for Manzana Inc., Inc., also known as SoLo Farm & Table, related to property located at 95 Middletown Road, seconded by Taylor Prouty. The motion passed unanimously.

f. 1st Class Liquor License & Outside Consumption Permit – Smith Foodservice Hospitality & Entertainment, LLC (Revival Kitchen)

Jim Fleming moved to approve 1st Class Liquor License and Outside Consumption Permit for Smith Foodservice Hospitality & Entertainment, LLC., also known as Revival Kitchen, related to property located at 3928 VT Route 11, seconded by Martha Dale. The motion passed unanimously.

g. 1st Class Liquor License & Outside Consumption Permit – Upper Tamarack, Inc. (The Upper Pass Lodge)

Taylor Prouty moved to approve 1st Class Liquor License and Outside Consumption Permit for Upper Tamarack, Inc., also known as The Upper Pass Lodge, related to property located at 420 Magic Mountain Access Road, seconded by Jim Fleming. The motion passed unanimously.

h. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Turner Enterprises, LLC (The New American Grill)

Martha Dale moved to approve 1st and 3rd Class Liquor Licenses and an outside consumption permit for Turner Enterprises, LLC, also known as The New American Grill, related to property located at 5700 VT Route 100, seconded by Jim Fleming. The motion passed unanimously.

i. Consider subrecipient grant agreement with the State of Vermont Department of Public Safety related to FEMA Public Assistance Program.

O’Keefe explained that the Town was required to execute a subrecipient agreement with the Vermont Department of Public Safety to enable the Town to get reimbursed from FEMA for July 2023 storm recovery efforts. He noted that the work will be eligible for reimbursement anywhere from 75% to 100% of cost depending on timing and the type of project,

Taylor Prouty moved to accept the subrecipient grant agreement with the State of Vermont Department of Public Safety related to the FEMA Public Assistance Program and its provisions for reimbursement of Town funds expended on flood recovery efforts stemming from the July 2023 flooding events, and authorize the Town Administrator to execute this and all related documents necessary to secure Public Assistance and other FEMA and/or State of Vermont funding, seconded by Martha Dale. The motion passed unanimously.

j. Itinerant Vendor permit Application – Mountain Fresh Bowl

Cavanagh spoke of this proposal for a food truck on Saturdays at the location of Green Mountain Therapeutics at 2022 North Main Street.

Tom Cavanagh moved to approve Itinerant Vendor Permit #2024-02 for Mountain Fresh Bowls, seconded by Melissa Brown. The motion passed unanimously.

k. 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 appointment, employment or evaluation of a Town employee, 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 Fleming. The motion passed unanimously.

The Selectboard entered Executive Session at 8:17 PM and came out at 8:19 PM.

a. 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 appointment, employment or evaluation of a Town employee, 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 Fleming. The motion passed unanimously.

The Selectboard entered Executive Session at 8:20 PM and came out at 8:23 PM.

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 appointment, employment or evaluation of a Town employee, 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 Fleming. The motion passed unanimously.

The Selectboard entered Executive Session at 8:20 PM, and O’Keefe left the Executive Session at 8:28 PM. The came out of Executive Session at 8:55 PM.

Melissa Brown moved to grant a \$50.00 per month stipend for cell phone usage to the Mountain Towns Recreation Director Liam Elio effective with the current pay period, seconded by Jim Fleming. The motion passed unanimously.

Martha Dale moved to extend the probationary period for part-time Minutes Taker Debbie Carleton by 3 months, and authorize the Selectboard Chair to sign an agreement to this effect with the employee, seconded by Melissa Brown. The motion passed unanimously.

Jim Fleming moved to amend the employment contract for Town Administrator Shane O'Keefe by increasing the Town's contribution to his retirement by 5%, effective with the current pay period, and to authorize the Selectboard Chair to execute the contract amendment on behalf of the Board, seconded by Melissa Brown. The motion passed unanimously.

12. Adjourn

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

The meeting adjourned at 8:56 PM. The next regular meeting of the Selectboard is scheduled for 5/20/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved May 20, 2024.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair