

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

September 2, 2019

BOARD MEMBERS PRESENT:

Bruce Schmidt, Chairman
John Neal

Brett Sanderson
Heather Tucker

Justin Hyjeck

STAFF PRESENT:

Scott Murphy

Pam Cruickshank

OTHERS PRESENT:

John Bannon

Cheryl Gurdak

Pat Pullinen

Howard Barton, Sr.

Frank Heald

Lisa Schmidt

Mary Barton

Alan Isaacson

Marissa Selleck

Sheila Barton

Megan Jenkins

Doug Sheehan

Dan Buckley

Mariel Meringolo

Cindy Tuomisto

Susan Buckley

Julie Nicoll

Mike Tuomisto

Marcia Dockum

Logan Nicoll

Shawn Williams

Summers Eatmon

Paul Orzechowski

Joann Wilson

Kristin Garvey

Chris Perrino

Steve Wilson

Bob Gilmore

Melissa Perrino

Ed McEneaney (Okemo Valley-TV)

1. Call to Order

- A. Bruce Schmidt called the meeting to order at 7:00 p.m. All members present.
- B. Bruce Schmidt led the meeting in the Pledge of Allegiance.

2. Consideration of any Changes, Additions or Removals to the Agenda

- A. Scott Murphy suggested that the board address Agenda Item #7 – Planning Commission Presentation of proposed Municipal Plan ahead of Agenda Item #6 – School Feasibility Committee discussion.
- B. There was general consensus among board members to do this.

3. Dedication of Conference Room to Howard Barton, Jr.

- A. Bruce Schmidt welcomed everyone to the meeting. He advised that the town hall conference room is being dedicated to Howard Barton, Jr. He was a humble man who cared for the town, the residents, the businesses, but most of all, the children of Ludlow. Howard joined the Select Board in 1997 and became chair in 2001.
- B. John Neal said that he grew up with Howard Barton, Jr. and his passing has been hard for all of us. He was very special to all of us.
- C. Bob Gilmore recounted a story of a particular Sunshine Derby. Bob said he was doing well, probably in the top10 finishers. He was feeling pretty good about it. Then he heard footsteps behind him, approaching very fast. It was high school freshman, Howard Barton, Jr. zooming

by him. He said that Howard was quite an athlete. He said as the chairs of 2 boards, they didn't always agree, but as time passed, they grew to meet in the middle.

- D. Bruce Schmidt unveiled the plaque, dedicating the town hall conference room to Howard Barton, Jr. (See photo attached at end of minutes.)

4. **Approve Minutes of Previous Meetings**

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of August 5, 2019.
- B. **MOTION by John Neal and seconded by Brett Sanderson to approve the minutes of the regular meeting of August 5, 2019 as presented. Motion passed unanimously.**

5. **Comments from Citizens**

- A. There were none.

6. **Select Board to Receive the High School Building Feasibility Report from the Committee**

- A. Bruce Schmidt commended the committee for their good work.
- B. Dan Buckley said that the committee explored the pros and cons of the town purchasing the school. According to the new district articles, the school board may offer the property to the town for \$1.00. The board is offering the town the building, the baseball field and the "back 40" for \$1.00. The town already has the Community Center at that location. They expect that the deed to the town would include the building, the baseball field and the "back 40" with the stipulation that the properties can still be used for educational purposes.
- C. John Neal asked about the survey.
- D. Dan Buckley said it had been done, but they with property split down the middle of the parking lot. They have not had a new survey done, but would need to do that prior to the subdivision. This will be done after the high school closes.
- E. Bruce Schmidt asked why the building could not be used for housing.
- F. Scott Murphy said that has not been researched. He said they also need to research what can be done with tenants, if they lease out the vacant portions.
- G. Bruce Schmidt asked if it would be legal.
- H. Scott Murphy said yes, but they would need to work on it. He added that there will still be students there.
- I. Dan Buckley said that the Articles of Agreement state that is the town sells the property within 5 years from the transfer of the property to the town, the town will reimburse the school district for any improvements made. This would include the windows.
- J. Joann Wilson said that the Articles state for "community and public purposes" not "educational purpose."
- K. Bruce Schmidt asked about field expenses.
- L. Scott Murphy said that is already covered in the town budget.
- M. Bruce Schmidt asked about lighting for night games.
- N. Brett Sanderson said it is on one meter, billed to the town.
- O. Marissa Selleck said that the fire marshal said that if the building is used for class rooms, it is okay, but would require major changes if used for housing.
- P. Bruce Schmidt asked about the new school.

- Q. Marissa Selleck said the committee is working on it full time and gaining more members. They have an attorney and are working with various consultants.
- R. Pat Pullinen said it is a hard working committee.
- S. Bruce Schmidt commented that the report was very concise and he was pleased with the work done by the committee on it.
- T. Dan Buckley said the committee would like the Select Board to recommend that the town buy the school and set the date for a public hearing. He would like to have members from the school board as well as the independent school committee present. He said the board would like to have the town vote scheduled for the normal voting day of November 5, 2019.
- U. Paul Orzechowski said the school board would like the town to purchase the property and hopefully have another school use it.
- V. Bruce Schmidt said he is pleased that the school board included the baseball field and “back 40.” He polled the Select Board about how they feel about this. He knows it is a tough decision, but thinks the voters will support this. Do we just take the property on and maintain it.
- W. Scott Murphy said the purchase does require a public vote.
- X. Bruce Schmidt said the Select Board will have to put this in the budget for the next fiscal year.
- Y. Scott Murphy said that, if needed he can prepare budgets, with and without the school property.
- Z. Dan Buckley cautioned that the vote has to be clear and a simple yes or no. Shall the Town of Ludlow buy the Building, Baseball field and “back 40” for \$1.00.
- AA. John Neal said the committee did a great job on the report and he supports the purchase. He asked if this board decides to go forward with the purchase, will the deed and survey be done. This Board needs to know what exactly, it is purchasing.
- BB. Dan Buckley said if the town does not buy the property, the school board will be selling the property .
- CC. Justin Hyjeck said that the town would not get the property until the school closes.
- DD. Dan Buckley said if the school board sells the property to another buyer, he is not sure what would be included.
- EE. Bruce Schmidt said if the property is not sold, the town would have to maintain it.
- FF. Mariel Meringolo asked what triggers a town vote.
- GG. Scott Murphy said purchase of property would. There would be a 30 day waiting period.
- HH. Bruce Schmidt asked what uses the property would have.
- II. Scott Murphy asked what happens if the independent school does not happen.
- JJ. Bruce Schmidt said the town does not want the school board selling the property to just anybody. The town will have to maintain the property.
- KK. **MOTION by John Neal and seconded by Brett Sanderson for the town to proceed with the purchase of the school property and to schedule a public hearing.**
- LL. Cheryl Gurdak said that the building is one of the better educational buildings in the state and does not want to see it go into disrepair.
- MM. Dan Buckley said that the maintenance department has stocked away replacement parts for equipment.
- NN. **Motion passed unanimously.**
- OO. Bruce Schmidt said that as the Select Board starts to put its budget together for FY2021, he would ask the independent school and the Ludlow-Mount Holly School board to advise Scott Murphy of their budget needs. It would be good for this board to know this information.
- PP. Dan Buckley said that he recommends that after school closes in June, the contents be left in the school, possibly for the independent school. He doesn’t want people just going into the building and taking things.
- QQ. Bruce Schmidt said it was a well done report.
- RR. Dan Buckley asked the board to make sure that the warning for the informational meeting would have the correct date.

- SS. Scott Murphy said the meeting would have to be within ten days of the vote. He said it would be warned properly.
- TT. Bruce Schmidt said that Scott Murphy will back track from November 5th for the Special Meeting.
- UU. Scott Murphy explained that the town will hold the meeting, coordinating with the Select Board and School Board.
- VV. Bruce Schmidt suggested that Scott Murphy email all persons of the date of the meeting.
- WW. Joann Wilson asked to be included in that email.

7. **Select Board to Receive Proposed Municipal Plan from the Planning Commission and Possibly Set a Date for a Public Hearing**

- A. Scott Murphy said that, in the past, the Municipal Plan was good for 5 years. It is now good for 8 years. The Planning Commission has been working on the plan and are presenting the proposed plan to the Select Board and asking the Select Board to warn a date for a public hearing on the plan. At the hearing, the Select Board may receive comments from citizens and make minor changes to the plan. If there are no major changes, the document will become effective 21 days after the Select Board's public hearing, unless there is a petition otherwise.
- B. Bruce Schmidt asked what would be considered a minor change.
- C. Scott Murphy said that is undefined.
- D. **MOTION by Brett Sanderson and seconded by Heather Tucker to accept the Proposed Municipal Plan and to warn and schedule a public hearing on October 7, 2019. Motion passed unanimously.**

8. **Possibly Authorize use of the Stearn's Pit for the SCCA Rally cross for Event on September 28, 2019**

- A. Scott Murphy advised that this is an annual event for this group. They would like to schedule the rally cross for September 28th.
- B. Bruce Schmidt said it is a good site for the event and the group cleans up well after the event.
- C. **MOTION by Justin Hyjeck and seconded by Brett Sanderson to authorize the use of Stearn's Pit on September 28, 2019 for the SCCA Rally cross. Motion passed unanimously.**

9. **Possibly Approve Mower Purchase for Buildings & Grounds**

- A. Scott Murphy advised that they have a program to replace the mowers every 3 years. They put it out to bid and the low bidder was Walker Mountain Sales & Service for a net price of \$6,860.00, including trade-in.
- B. Justin Hyjeck asked how many hours they put on the mower per year.
- C. Brett Sanderson said a lot..
- D. **MOTION by John Neal and seconded by Brett Sanderson to accept the bid from Walker Mountain for \$6,860.00, including trade-in. Motion passed unanimously.**

10. Possibly Approve & Award FY2020 Screened Winter Sand Bid

- A. Scott Murphy said they received 4 bids and that Eastman Sand & Gravel was low bidder. They purchased from Eastman last year, splitting the purchase with M&M. The bid is for 2,500 cubic yards of screened sand. We used a lot more last year. Ron Tarbell will mix 1,500 tons with the sand.
- B. Brett Sanderson noted that there was an analysis as part of the bid and if they don't meet it, other vendors complain about it.
- C. Justin Hyjeck asked if the price is delivered.
- D. Scott Murphy said yes.
- E. **MOTION by Justin Hyjeck and seconded by Heather Tucker to award the bid for screened sand to Eastman Sand & Gravel for \$14.50 per cubic yard, delivered. Motion passed unanimously.**

11. Possibly Approve & Award Contract RE: Better Roads Grant for the Slopeside Stabilization Project on Okemo Mountain Access Road

- A. Scott Murphy advised that this was formerly called the Better Back Roads, but is now under VTRANS. It has been going well. Daniels was the lowest of 5 bids. He said that heavy equipment is required. The project is the Slope Stabilization on the Okemo Mountain Access Road. The project they are doing on Godfrey is going well. They are also bidding on the sewer project.
- B. Justin Hyjeck asked when the work would be done.
- C. Scott Murphy said through next year. They probably wouldn't start until November. Most likely they will start in the late spring.
- D. Justin Hyjeck asked how long the project will take.
- E. Brett Sanderson said the project would be very time consuming.
- F. **MOTION by Brett Sanderson and seconded by John Neal to award the bid to Daniels Construction for \$41,525. Motion passed unanimously.**
- G. Justin Hyjeck asked why Daniels' bid was so much lower than the others.
- H. Heather Tucker said sometimes, if a company doesn't want the job, they will bid high.
- I. Bruce Schmidt said Daniels is doing a lot of work in the area, so there would be less mobilization.

12. Re-adopt Tractor-Trailer Ordinance to Allow Use of Lower Pleasant Street Extension to Soapstone Road

- A. Scott Murphy advised that at their meeting last month, the board approved the changes to the ordinance. On that Tuesday night, at the Trustees' meeting, the General Manager of Jeld-Wen asked the board to make an exception for traffic from Route 103 to Soapstone Road.
- B. **MOTION by John Neal and seconded by Heather Tucker to approve the change to the ordinance. Motion passed unanimously.**

13. Department Head Reports

- A. Bruce Schmidt advised that all reports are in.

- B. There were no comments or questions from board members.

14. **Municipal Manager Updates**

- A. VLCT Annual Meeting Voting Delegate
- i. Scott Murphy advised that the board needs to appoint a voting delegate for the VLCT annual meeting.
 - ii. **MOTION by John Neal and seconded by Brett Sanderson to appoint Scott Murphy as voting delegate the VLCT meeting. Motion passed unanimously.**
- B. School Board Vacancy
- i. Scott Murphy advised Chris Garvey had stepped down from his position on the school board. Within 30 days, the Select Board should fill that position. He asked members to think of people who may be interested.
- C. Stone House Rubble
- i. Scott Murphy advised that they received a grant on the amount of \$32,000 from Better Roads for work on the Okemo Access Road.
- D. Line Painting
- i. Scott Murphy advised that he has been dealing with the state on this. The property owner refuses to let the town go on the property or do anything if it will cost him money. The state will put pressure on the situation. The owner has potential buyers, but wants the assessed value, not market value.
 - ii. Bruce Schmidt asked if the town could put a lien on the property.
 - iii. Scott Murphy said the trustees will discuss this tomorrow night. The state has sent a letter saying that fines will be assessed. The town does not own the property. The owner paid for the demolition, but doesn't have money.
 - iv. Bruce Schmidt said this board needs to re-visit the ordinance.
 - v. Scott Murphy said he would add that to the agenda for their October meeting.
- E. 2006 DRB Decision Lawsuit
- i. Scott Murphy advised that a lawsuit that resulted from a 2006 DRB decision has been dismissed. The case was about a well-shield.
- F. Fire Department Trailer
- i. Scott Murphy advised that the fire department has a trailer for sale and the Select Board will have to approve the sale.
- G. Planning Commission
- i. Scott Murphy advised that the Planning Commission has been discussing issues not within their purview, such as crosswalks and speed limits. Rose Goings said the Regional Planning Commission representative, Jason Rasmussen has been using time unrelated to why he is here.
 - ii. Logan Nicoll said that those items have come up in the past. He agreed that Jason Rasmussen's time is very valuable and should be used for the purpose for which he has been hired. He said that the Planning Commission has unclear power. He said when he was on both boards, he tried to convey their meeting information to the Select Board.
 - iii. Bruce Schmidt said the Planning Commission is doing a better job. They do come to our meetings about a lot of topics and have some good thoughts. He suggested that Rose Goings could help them with their focus.. Speed and crosswalks are important to the town.
- H. Town of Ludlow Entrance Signs
- i. Scott Murphy advised that Marcia Dockum has repainted the signs at the entrances to the town. Funds were donated by an anonymous donor.

15. **Other Business**

A. **Paving and Sidewalks.**

- i. Bruce Schmidt said that in the past, when we dug up the street we repaved it. We didn't wait for a contractor. The areas that were dug up should not have been dug up before the Labor Day weekend.
- ii. Scott Murphy said the contractor is coming this week.
- iii. Brett Sanderson agreed with Bruce Schmidt, noting that in the past, dug up areas were never let go unpaved for a week.
- iv. Bruce Schmidt said we need to consider what this looks like. There was also some sidewalk that was dug up and left.
- v. Scott Murphy said we have a contractor working in town this week.
- vi. Bruce Schmidt said that Ro Tarbell can do it. He's done it in the past. He's also done the sidewalk repairs.
- vii. Scott Murphy said the sidewalk will be done in September. They dug up and replaced an old iron main.
- viii. Justin Hyjeck asked how old the main is at the high school.
- ix. Scott Murphy said he would find out.
- x. Justin Hyjeck asked if the sidewalks were part of the village.
- xi. Bruce Schmidt said the water department dug it up. He added that we need to think about what the town looks like and the dirt doesn't look good. He added that some of the trimming that was done at the bottom of Dix Road looks terrible.
- xii. Brett Sanderson said we need to do side trimming.

B. **School Faucets**

- i. Logan Nicoll advised that there is some funding available from the state for lead positive school faucet replacement. He suggested that the town should look at the faucets before the sale. These funds are only available to schools or child care facilities.

C. **Epic Promise Day at West Hill**

- i. Scott Murphy said the date is September 14, 2019. There was a meeting on Friday and they already have a lot of helpers lined up.
- ii. John Neal said there will be 2 teams; one working on the building and the other working on the paths and bridges. He said the day would start at 8:00 a.m. and finish around 1:00 p.m. This is all volunteer effort and all of the materials were purchased by a 501(3)(c) group. This will be at no cost to the town.

D. **After the School Purchase**

- i. Justin Hyjeck asked if, after the school is purchased, would they develop the Back 40 for public hiking.
- ii. Brett Sanderson suggested that they wait on that discussion.
- iii. Bruce Schmidt said they will form a committee to discuss ideas.

E. **Contract for Police Department**

- i. Bruce Schmidt said they should have the contract for the next meeting.

16. **Set Date for Next Meeting**

- A. Bruce Schmidt that the next regular meeting would be October 7, 2019 at 7:00 p.m.

17. **Sign Warrant Orders**

- A. Warrant orders have been signed.

18. **Possible Executive Session/Personnel/Contracts/Legal Issues**

- A. Scott Murphy advised that an Executive Session is not needed.

19. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Heather Tucker to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:09 p.m.

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt, Chairman

Brett Sanderson

Justin Hyjeck

Heather Tucker

John Neal

