

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

June 3, 2019

**BOARD MEMBERS PRESENT:**

Bruce Schmidt, Chairman  
John Neal

Brett Sanderson  
Heather Tucker

Justin Hyjeck (phone)

**STAFF PRESENT:**

Scott Murphy

Chief Jeff Billings

**OTHERS PRESENT:**

Sharon Huntley  
Ralph Pace  
Patti Potter

Bob Thompson  
Jill Tofferi  
Joann Wilson

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 advised that no changes were necessary.

**3. Approve Minutes of Previous Meetings**

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of May 6, 2019.
- B. **MOTION by Brett Sanderson and seconded by John Neal to approve the minutes of the regular meeting of May 6, 2019 as presented. Motion passed unanimously.**

**4. Comments from Citizens**

- A. Truck Traffic on Pleasant Street Extension
  - i. Bruce Schmidt noted that a letter had been received from a person voicing concern over the truck traffic on Pleasant Street Extension. Trucks are going to and from Route 100 and Route 103 on Pleasant Street and Pleasant Street Extension instead of using 100/103.
  - ii. Scott Murphy said it picked up when they did the Walker Bridge construction. He added that GPS routes traffic that way.
  - iii. Bruce Schmidt asked if Chief Billings had any comments.
  - iv. Scott Murphy said no. Ron Tarbell said that the corner of Pleasant and Andover is a problem. It is narrow and the stop sign has been knocked over several times. They will be doing paving there in the summer.
  - v. John Neal agreed that corner is narrow and unsafe.

- vi. Brett Sanderson said that trucks are following their GPS. They should post NO TRUCK signs.
- vii. Bruce Schmidt asked Scott Murphy to check into it and report back to the board next month. He also asked him to respond to the letter.

5. **Bob Thompson/USDA-NRCC Conservation Engineer RE: Funding for Dam Planning**

- A. Scott Murphy introduced Bob Thompson and thanked him for coming to this meeting.
- B. Bob Thompson said that Ludlow has 4 flood control dams that were built in the late 1960s and are at the end of their design life. The agency designed and built them and Ludlow paid 35% toward the cost of the project. In 2015, we did a quick assessment of the dams and found no major problems. They do not meet current standards, but are performing well. The agency has a commitment to invest in dams. The next step will be an Environmental Assessment of the dams and the agency will pay 100% of the assessment costs. They are in the process of writing a contract to hire an engineer to do the assessment. That will take about 2 years. The design phase will follow that and we will hire an engineer. We are moving along. If we get the appropriation, then we will hire the engineer for the assessment. If we get to construction, the agency will pay 65% of those costs. Any land rights or permitting costs will be the responsibility of the town. At the time these dams were designed, it was for 50 years, now they are designed to 100 year.
- C. Bruce Schmidt asked a ballpark figure.
- D. Bob Thompson said at the time of the assessment, 2 years ago, it was about \$1,300,000. That was way low.
- E. Bruce Schmidt asked about \$2,500,000 to \$3,000,000.
- F. Bob Thompson said that may even be low. He said that dams 2, 3 and 5 meet the design requirements for storage. Dam 1 needs to be raised or have the spillway widened.
- G. Bruce Schmidt asked, even if it were \$5 million, we would only pay 35%. Would we do a bond?
- H. Scott Murphy asked when this would all happen,
- I. Bob Thompson said 8 to 10 years out. We can put it on the shelf until the town has the funds.
- J. Bruce Schmidt said the dams are very important to Ludlow and even 10 years is a long time.
- K. Bob Thompson said the Ludlow maintains the dams very well. The town has a true commitment to the dams – that is why the damages from Irene were as low as they were. He said he will keep the town abreast of the status of the assessments. He said there will be people working around the dams.
- L. Bruce Schmidt said we need to find out if there will be private properties involved.
- M. Bob Thompson said the study will provide 3 to 4 alternates for each dam.

6. **Consider Killington Sports Car Club Request June 14 – 16, 2019**

- A. Scott Murphy said this is an annual event and they will hold it on June 14 to June 16, 2019. They will do the same route as in the past. There have not been any issues with the event.
- B. **MOTION by John Neal and seconded by Heather Tucker to approve the request from the Killington Sports Car Club. Motion passed unanimously.**

7. **Review & Possibly Approve Ludlow Enterprise Fund Requests**

- A. Scott Murphy advised that at their last meeting there was an application from the Chamber of Commerce. There is about \$11,800 in the fund and the committee has died and cannot be reactivated. The board decided to review these requests quarterly. We have since received applications from the library and the independent school committee.
- B. Justin Hyjeck said that he is on the board of the Chamber, and will recuse himself from the vote.
- C. John Neal said that he would support the request from the library for \$3,878 and giving the remainder to the school committee. Both are local and in the community.
- D. Brett Sanderson said the original intent for the use of the Enterprise funds was for direct support to the community.
- E. Heather Tucker agreed.
- F. Bruce Schmidt asked what if the school doesn't happen. Would we be able to get the money back?
- G. John Neal said they are a 501(3)(c) and the money would be held.
- H. Brett Sanderson said they could hold the money for the school contingent upon if it goes.
- I. Bruce Schmidt said we need to protect the funds.
- J. Heather Tucker asked some of the past fundings.
- K. John Neal said the Public Safety building was one.
- L. Jill Tofferi said the library has also received money in the past. The parking lot was repaved, the rear entrance was done.
- M. John Neal asked if the school committee sent in their application to the state Agency of Education.
- N. Scott Murphy said no, they first have to show the agency their fundraising footwork.
- O. Joann Wilson wants to make sure that the project is viable. The school must also have a physical location in order to apply.
- P. **MOTION by John Neal and seconded by Brett Sanderson to grant \$3,878 to the library and to give the remaining funds to BRISC to proceed with the process of the independent school. Motion passed 4 to 0, with one recusal.**
- Q. Bruce Schmidt asked Scott Murphy to send a letter to the Chamber thanking them for their good work and explaining that they want to keep the money for direct support of the town.

8. **Review & Possibly Consider Setting New Solid Waste Rates at the Transfer Station for 2019/2020**

- A. Scott Murphy advised that they have been charging for e-waste.
- B. Patti Potter said that they did charge until they started gaining revenue, and then went free. She said that electronic equipment is worthless. The haulers do take older TVs. She suggested charging \$5 for small items, \$10 for medium sized items and \$20 for larger items such as copier/faxes.
- C. Scott Murphy said this would be to offset our costs.
- D. Patti Potter said they started charging for microwaves last year.
- E. Bruce Schmidt said that they have to maintain a balance. How much can we charge before people start throwing it in the river? \$300 to \$400 /year is not much and this is a service to people.
- F. Scott Murphy said they can review this next year.
- G. Patti Potter said that the \$400 is only for 6 months.
- H. Bruce Schmidt said even \$800 is not much?
- I. Brett Sanderson said he would like to see it charged in a different way.
- J. Patti Potter said that the commercial rates used to cover the costs, but trash is changing continually. She is concerned about the future.
- K. Scott Murphy said that some of the expenses are up and some of the revenue is down.

- L. Bruce Schmidt said that for the 10 month period, some of the expenses are down.
- M. Patti Potter said that we took on Okemo's cardboard, but she heard that Okemo may start shredding it and we'll lose that money.
- N. Bruce Schmidt said that we raised permit rates in 2018.
- O. Justin Hyjeck asked what the commercial permit cost before the increase was.
- P. Patti Potter said \$100.
- Q. **MOTION by Brett Sanderson and seconded John Neal to increase the rate \$.10/pound. Motion passed unanimously.**
- R. Scott Murphy said he will come back to talk about purple bag issues.
- S. Bruce Schmidt said that they have asked Patti Potter to bring ideas and suggestions for budget time. He complimented that staff does a great job up there.
- T. Scott Murphy said they would like to see some cameras (security) up there.

9. **Report on Emerald Ash Borer Infested Area from Tree Warden, Ralph Pace**

- A. Ralph Pace advised that the infestation began in 2000 to 2004 in Michigan and Ontario. He said that there is an estimated 160,000 ash trees in Vermont. It takes about 5 to 10 years for the effects of the borer to become visible. The borer eats around the circumference of the trees, effectively killing the tree's ability to perform photosynthesis. Saving the trees is very expensive and not very successful. The bug can survive Vermont winters. They are in Bennington, Burlington, St. Johnsbury/Montpelier and Windham and will hit Ludlow. They may even be here now. Ash is good for firewood and there are no controls over firewood being distributed throughout the state. The states are trying to get localities involved, with very little progress. Rutland is considering cutting down all of their ash trees. There is very little money in the way of grants – Ludlow may possibly get \$2,000 in 2020. Dealing with this may involve cutting down all of the ash trees, selective cutting, prevention efforts or to wait and react. He recommends formation of a committee to analyze the situation in Ludlow, including taking an inventory of how many ash trees there are in Ludlow and if they are on private, public or state-owned properties. We need to make the public aware. He said there is only one chemical for it.
- B. Bruce Schmidt said the first step will be to ask department heads to look around and inventory our properties. He is not inclined to put any money into this at this time. He asked Scott Murphy to get the department heads' reports to Ralph Pace.

10. **Possible Dedication of the Town Hall Conference Room**

- A. Bruce Schmidt advised that he asked for this to be put on the agenda. He would like to dedicate the conference room to Howard Barton, Jr. in recognition and appreciation for Howard's years of service to Ludlow. It would be a good way to remember him. He said we will discuss this again in July.

11. **Review & Possibly Award Emergency Medical Consulting Services Contract**

- A. Scott Murphy advised that they received one bid, from Municipal Resources for the consulting contract. They are a highly respected company. He said that the Ambulance Service is struggling with membership, staffing, management and reimbursement for Medicare and Medicaid. The scope of work of the contract would include:
  - i. Identify the level of services expected by the community

- ii. Determine what level of staffing is needed (paid, on-call, volunteer)
  - iii. Operational set-up and ideal management structure
  - iv. Emergency Medical staffing needs
  - v. Equipment evaluation
  - vi. Financial analysis
  - vii. Determine if regionalization is a viable option
  - viii. Summary and Recommendations.
- B. Jeff Billings said he thinks that the Ambulance Service is doing a tremendous job, but they are struggling with membership and it is hard to get people and the training requirements are hard. We currently have 3 full time people and volunteers and part-time staff makes up the rest. We need direction. He said that staying as we are is not viable. He said that they need ideas to go forward.
  - C. Scott Murphy said that Ulla Cook found funds in the PILOT program of about \$39,900 and he suggests we use part of this to fund this study.
  - D. Brett Sanderson said that we need to do something. We are already covering other towns and we are footing the bill.
  - E. Scott Murphy said that he hope that Municipal Resources will be able to help with this. They did work with Manchester and Dorset. He said that we would have hard information. This also may include connecting the fire and ambulance departments.
  - F. Bruce Schmidt said we are a community and provide this service. We can raise our rates to Cavendish and Plymouth.
  - G. Brett Sanderson said we are also providing mutual aid to Chester and Mount Holly.
  - H. Bruce Schmidt said that Cavendish and Plymouth could not afford to have individual community services.
  - I. Jeff Billings said we need direction. He said that he has some ideas, but is limited with regard to the EMT side. He said that Ludlow has an aging population and the ambulance service is straight out all the time. We can't do this with our current staff. He also doesn't think they should piggy back with the Fire Department. We need this study for guidance.
  - J. Brett Sanderson agreed that they should do this. He said that the longer we put this off, the more burn-out we will have.
  - K. Bruce Schmidt noted that with extras such as travel and administrative fees, the total would be about \$23,997. He asked about a pending resignation.
  - L. Scott Murphy said that Carl Mattson will stay on to do some billing.
  - M. Bruce Schmidt asked about getting a replacement.
  - N. Scott Murphy said that he and Jeff Billings are discussing it.
  - O. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve awarding the contract for the Emergency Medical Consulting Services Contract to Municipal Resources. Motion passed unanimously.**

## 12. **Possibly & Possibly Approve Conflict of Interest Policy**

- A. Scott Murphy advised that at their September meeting, the board decided to table this until later. The state had mandated that towns adopt a Conflict of Interest Policy by July 1, 2019. This is not meant to govern behavior. There is no penalty is you don't adopt it, but you may be open to liability.
- B. Bruce Schmidt said this is ridiculous.
- C. Heather Tucker said the members of this board are good about recusing themselves.
- D. Bruce Schmidt said that even if a Select Board is convicted of a felony, he would not have to resign. He said that he has refused to put this on the agenda for the last few months. We need to

decide whether to table, pass or self-regulate. People who are elected to public office know what they need to do.

- E. Brett Sanderson suggested tabling it.
- F. Heather Tucker asked if all towns in Vermont have this.
- G. Scott Murphy said this is a scaled down version.
- H. Bruce Schmidt tabled the discussion.

13. **Execute FY2020 Equipment Note Renewals**

- A. Scott Murphy advised that there three notes to approve and sign tonight.
  - i. Transit Bus
  - ii. Fire Station Improvements
  - iii. Buildings and Grounds 2500 truck
- B. **MOTION by John Neal and seconded by Heather Tucker to approve and execute the FY2020 Equipment Note Renewals. Motion passed unanimously.**

14. **Department Head Reports**

- A. Bruce Schmidt advised that all reports are in. He asked how the town is with regard to the budget.
- B. Scott Murphy said OK, not great. He said that he does not like the accounting set up as it doesn't show off-sets with expenses. He said they are working on it. He said that we are in decent shape, but that cash flow is a little tight because Okemo is late on taxes, but it is forthcoming. He added that they just sent out the \$8,000,000 check to the state for education taxes.
- C. Bruce Schmidt noted that Highway is up.
- D. Scott Murphy said it was a rough winter.

15. **Municipal Manager Updates**

- A. **Lake Rescue Association**
  - i. Scott Murphy advised that the Lake Rescue Association had met with Ron Tarbell regarding sediment and culverts. They will meet with the state. We are trying to help where we can.
- B. **Love Joy Brook Bridge**
  - i. Scott Murphy advised that the town received a \$151,000 Highway Structures grant for work on the Love Joy Brook Bridge. The total project is \$168,500.
- C. **Okemo Access Road**
  - 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 the machine that the town owns is undersized and it is hard to do the multiple colors. They will start painting the parking spaces.
- E. **West Hill Improvements**
  - i. Scott Murphy advised that the improvements at West Hill will improve replacement of building windows, the front door, work on both bathrooms, painting, ceiling repairs, replacement of the hot water tank, culvert and driveway work. He said they are working

with the Recreation Department, the Afterschool Program and EPIC. They will start using the site on June 24<sup>th</sup>.

- F. Independent School Committee
  - i. Scott Murphy advised that the committee had its first meeting and will meet again on Thursday. They will present their summary to the Select Board at our September meeting. This will give the academy time to apply to the state.
- G. Ludlow Ambulance Service
  - i. Scott Murphy advised that the ambulance service was named a “Heart Safe Community” and a special award will be presented at the end of October.
- H. Wastewater Treatment Facility
  - i. Scott Murphy advised that wastewater facility and staff are being awarded “The Facility Excellence Award for Wastewater Outstanding Facility” by the Green Mountain Environment Association. This award is for facilities exceeding operational requirements.

#### 16. Other Business

- A. Painting of Street Lines
  - i. Bruce Schmidt said why we bought a sprayer and then hired a contractor to paint the streets. He said this is the same as the sweeper. He said this board has been supportive of the departments equipment needs. But, they haven’t tried to do anything. The roads need to look sharp.
  - ii. Scott Murphy said that the staff said there is a problem doing more than one color with their machine.
- B. La Mere Square Footbridge
  - i. Scott Murphy said they received an estimate from Daniels for the repairs of the bridge, amounting to \$19,000. The bridge belongs to the town (Parks.) He suggested they use the balance of the PILOT Program funds to pay for this. A new bridge would be about \$45,000. He said the repairs are expected to last 50 years.
  - ii. Bruce Schmidt asked if they would use the bid process.
  - iii. Scott Murphy said this is an emergency and they may not get many bids. If they do this, they may not get the work done this year and won’t be able to use the bridge this summer.
  - iv. Bruce Schmidt said he does not think this is an emergency and would prefer to put it out to bid. He thinks Daniels will understand.
  - v. Scott Murphy said he is also more comfortable putting it out to bid.
- C. West Hill
  - i. Bruce Schmidt asked about the signage at West Hill. He said it should be put back up.
  - ii. Scott Murphy said he will look into it. He said there will be signs with the doggie clean-up bags as well as a kiosk with trail maps.
- D. Bridge Street Paving
  - i. Bruce Schmidt asked when this would be done.
  - ii. Scott Murphy said this month.

#### 17. Set Date for Next Meeting

- A. Bruce Schmidt that the next regular meeting would be July 1, 2019 at 7:00 p.m.

#### 18. Sign Warrant Orders

- A. Warrant orders have been signed.

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

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

20. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Heather Tucker to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Lisha Klaiber

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Bruce Schmidt, Chairman

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Brett Sanderson

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Justin Hyjeck

\_\_\_\_\_  
Heather Tucker

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John Neal