

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

**SPECIAL MEETING
January 20, 2020**

BOARD MEMBERS PRESENT:

Bruce Schmidt, Chairman	John Neal	Heather Tucker
Justin Hyjeck	Brett Sanderson	

STAFF PRESENT:

Scott Murphy	Ulla Cook	Pam Cruickshank
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OTHERS PRESENT:

Craig Huttvater	Fred Marin (Okemo Valley-TV)
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1. Call to Order

- A. Bruce Schmidt called the meeting to order at 6:00 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 said none are needed.

3. Comments from Citizens

- A. There were none.

4. Review Busing Situation for LMHUUSD & the Changes to FY2021 Budget

- A. Scott Murphy advised that he worked together with Craig Huttvater, Cheryl Hammond, Ron Tarbell, Meg Powden and Pam Cruickshank to come up with a plan for the busing situation. The suggestion is
 - i. The town of Ludlow will lease a bus to the school for \$1.00 for one year. The town will also include housing for the bus, general maintenance, bus certifications and registration fees and the town will pay for the conversion of the bus to bring it to school bus standards. The estimated costs will be \$15,000 for the bus conversion, \$5,000 in fees and maintenance and \$1,000 for miscellaneous items. At the end of the year, the school may purchase the bus.
 - ii. The school board will pay for the part time driver, fuel, driver certifications, reports to the IFTA and supplies.
- B. Craig Huttvater said that there was some resistance in Mount Holly to mixing students with the general public on the buses. If they keep it as a school bus in Mount Holly, they may secure about \$28,000 in state aid and that would benefit all of the students. They were also able to lease the bus at a lower rate from Green Mountain, giving about another \$7,000 in revenue. The board initially

thought that the Mount Holly Select Board would contribute \$15,000, but they later voted against it. At present, all he has is \$35,000. There is a possibility of more revenue if they apply, in April, for Municipal Transit money.

- C. Justin Hyjeck asked what the school board's plan is for next year.
- D. Craig Huttvater said they need to see how much revenue they can gain and if the Mount Holly Select Board, with more education, will reconsider.
- E. Bruce Schmidt asked Scott Murphy if the additional costs are now included in the FY2021 budget.
- F. Scott Murphy said yes.
- G. Bruce Schmidt asked Craig Huttvater if Mount Holly will provide transportation for its students.
- H. Craig Huttvater said yes.
- I. Bruce Schmidt asked if the transportation is paid for by the school district.
- J. Craig Huttvater said yes.
- K. Bruce Schmidt said basically, Ludlow is gifting \$21,000 that the town of Mount Holly does not have to worry about paying anything for.
- L. John Neal said this board will be asked, at town meeting, what is the benefit to Ludlow students.
- M. Justin Hyjeck said they get bus service.
- N. Bruce Schmidt said it goes a little bit about the leadership from the school board that no one is here tonight. He said they would probably take it out and then decide how to handle the busing situation based on what the parents do. He is disappointed that no one from Ludlow is here.
- O. Craig Huttvater said it is a credit to Scott Murphy how much work he put in on this plan and it will benefit all of the students. He said he shares this board's disappointment. He said that the board did cut about \$500,000.00 from the budget between the 2 elementary schools and central office.
- P. Bruce Schmidt asked where they now stand with the penalty.
- Q. Craig Huttvater said \$.28 under. He added that they could have done better.
- R. Bruce Schmidt asked about the cost for the buses.
- S. Craig Huttvater said we were \$30,000 short, but the leasing of the gets us under.
- T. Bruce Schmidt said if Ludlow just leased the bus, the tax implication would be about \$42,000 or less that ½ penny. He suggested leasing the bus as Ludlow's contribution and not including the retrofit or costs.
- U. Justin Hyjek asked why the town was going to pay for the conversion.
- V. Bruce Schmidt said to help out. If not, we can try to sell the bus. He said if Ludlow does nothing, other than lease the bus, it outs us over. We could say no to paying for the conversion and then leave it to the voters.
- W. Craig Huttvater said he would take the \$12,000 from the Mount Holly kids.
- X. John Neal said to lease the bus, but not the pay for the conversion.
- Y. Bruce Schmidt said he would support that. He added that the school board has to stand on its own.
- Z. Scott Murphy said he would have a final budget after Thursday.
- AA. Craig Huttvater said he can go back to the Mount Holly Select Board and asked them to call and emergency meeting. Do they want to go over the threshold or cut from the school?
- BB. Bruce Schmidt said that Ludlow would be contributing the bus and that is a significant part. At the end of the day, we have to be fair to the Ludlow taxpayers and this hasn't been fair for the past several years. If the voters decide to do something different at town meeting, they can. He said the take out the conversion costs and to be sure we can lease the bus. He thanked Craig Huttvater for all of his help. He also thanked Scott Murphy for all the work he put in and thinking outside of the box.

5. **Discuss & Review Upcoming Voting Process for Town Meeting**

- A. Scott Murphy said he asked Steve Ankuda about this issue. All of the votes are supposed to be on the floor. He asked what votes should and should not be by Australian ballot. In 1989, the town voted to have all public votes on the floor, unless mandated by the state. If all votes were by Australian ballot, it would basically eliminate town meeting day. He said that elections are mandated by the state to be by Australian ballot.
- B. Bruce Schmidt asked if voters could petition items to be by Australian ballot.
- C. Scott Murphy said they could do that. They would vote on the floor to have an Australian ballot on that particular item, and then wait 30 days to see if another petition were filed. It would have to be warned.
- D. Bruce Schmidt said we have not been voting correctly for some time. He said that at some point, it changed to have some votes done by Australian ballot, when there should have been floor votes.
- E. John Neal said that some people are skeptical about voting from the floor, particularly on issues where there may be challenges and Australian ballots are more private. He pointed out that only about 100 to 125 people come to town meeting, while 300 people come at election time.
- F. Heather Tucker asked about absentee ballots.
- G. Bruce Schmidt said they would not be allowed. He said this is about time, peoples' schedules and floor votes are visible when someone is for or against a divisive issue.
- H. John Neal asked when, between 1989 and 2019 did we start using Australian ballots at town meeting.
- I. Scott Murphy said the vote prior to the 1989 vote was in the 1930s.
- J. Bruce Schmidt asked how this came up. What was the last big vote that drove the Australian ballot?
- K. Scott Murphy said with the 1% tax. It started with the school building. We wanted to see how to present it to the voters. Ulla Cook found this in the records about floor votes. We then went to the VLCT and asked how to do the vote and can it be done by Australian ballot. They said to look back at the last time the voters said how they wanted to vote. That was 1989.
- L. John Neal asked if there have been any changes since 1989.
- M. Scott Murphy said that Ulla Cook looked through the minutes of the town meeting and has certified that 1989 was the last vote on voting.
- N. Bruce Schmidt said he does not ever recall floor votes that weren't at town meeting.
- O. John Neal said he doesn't remember anything different.
- P. Bruce Schmidt said around 2001 – 2002, there were changes to the zoning regarding Jackson Gore.
- Q. John Neal said there were special meetings.
- R. Bruce Schmidt asked if someone went back through all the town meeting minutes.
- S. Scott Murphy said Ulla Cook did and 1989 was the last vote taken on floor votes and Australian ballot.
- T. Bruce Schmidt said he thinks it may have been changed around 2000 when there were some pretty contentious issues about Jackson Gore. We did Australian ballots and it became the norm.
- U. John Neal agreed.
- V. Scott Murphy said he can only go by what Ulla Cook found and by what the town attorney and the VLCT attorneys say. We have to go by the last public record. We now have a petition to change this and it will come up on the floor at town meeting.
- W. Bruce Schmidt said it changes the whole concept of town meeting.
- X. John Neal said it would basically eliminate town meeting.
- Y. Bruce Schmidt said that if they change to Australian ballot, the voters would not be able to change anything in the proposed budgets. They would have to come to the Select Board budget workshops to get information and have input.

- Z. John Neal said there is a petition out there and it will be decided at town meeting.
- AA. Bruce Schmidt asked the board if they want to put the 1% tax on the floor when all of this is going on. He is concerned about confusion about the tax. Do we want to put it on the agenda and see what the voters want or do we want to wait and see what happens with the petition and put the tax on the vote in November. He said that his concern is that it is not a good time to put it out there.
- BB. John Neal agreed that they should wait on the 1% tax. He said it is not fully vetted. It is a great idea, but we need the business owners to sit down and discuss how it will affect them.
- CC. Bruce Schmidt said this board discussed voting on the tax by separate item.
- DD. John Neal said that is like ala carte. We need to vet it so people really understand it.
- EE. Justin Hyjeck said the town voted this down in 2016 and asked if it was properly vetted at the time. He said that he has voiced his concerns, but it is up to the voters.
- FF. Bruce Schmidt said this board has to decide. We have to have all votes on the floor, except for elections.
- GG. Justin Hyjeck said the local options tax would be better as an Australian ballot. The voters will decide when and how they want to vote. They won't expect the options tax to be on the floor.
- HH. John Neal said everything will be on the floor. He asked how many people really understand about the tax and can vote on it from the floor. How do we get the information out to the voters so that they can come in and make decisions on things that affect the tax rate?
- II. Bruce Schmidt said it won't be much different unless we to the local options tax. If we take that off the warning, there won't be an issue. He suggested we table it and if the voters say they want to continue with floor votes, they we can present it when we are prepared. At the last board meeting, we were all comfortable with voting on the 4 tax categories separately. He suggested waiting until November.
- JJ. Justin Hyjeck said to leave it until November.
- KK. Scott Murphy said that Bob Gilmore called and said if the Select Board takes the tax off the warning, he would like to be called to make comments.
- LL. Bruce Schmidt said that personally, he does not like the idea of calling a constituent and allowing them to make comments. It is different if a board member calls in. This is a slippery slope and then we'd have to ask the question, why not everyone. He is not in favor of making the call. He said that he respects that Bob Gilmore is the chairman of the Trustees, but he is still a taxpayer.
- MM. Brett Sanderson agreed with putting the vote off on the local options tax until November. We need to do more work on it before we present it. We need people to understand what will be done with the money.
- NN. Justin Hyjeck said if we separate the 4 categories of taxes, we still have to let people know where the funds will be going. We need more structure.
- OO. Heather Tucker agreed. She said that there are people in the know and people working on Air B and Bs. We need a better plan. She said we have a shrinking year round population and the extra money would be great, but it needs to be presented the right way.
- PP. John Neal said it is important that we make it very clear how the taxes will be applied and where the money will go. He thought it better to wait until November.
- QQ. Heather Tucker said this board needs to create a plan for the best way to present this.
- RR. Justin Hyjeck said the community pays taxes year round, but they need to know where the money is going.
- SS. Bruce Schmidt referred back to the petition and said he thought that all petitions had to come to the Select Board and we decide if they should go forward.
- TT. Scott Murphy said yes – we have to decide if it is germane to town operations. The state says that the question “Shall the voters of Ludlow vote by Australian ballot” is a germane question to the voters.
- UU. Bruce Schmidt said this situation would be subject to legal challenges. He asked Scott Murphy why it is listed first on the agenda.

- VV. Scott Murphy said he thought it might be a long discussion.
- WW. Bruce Schmidt said to put it to the end and let people see what voting on the floor looks like and what they would be missing. He understands the challenges to voting on big items on the floor.
- XX. John Neal said he still does not understand when things went off the rails (regarding voting by Australian ballot at town meeting.)
- YY. Scott Murphy said he will ask Ulla Cook to do more research.
- ZZ. Brett Sanderson said he thinks it started when there was low turnout at town meetings

6. **Review Warning for Town Meeting**

- A. Bruce Schmidt said that they have discussed the warning and given Scott Murphy direction.

7. **Set Date to Sign FY2021 Town Meeting Warning**

- A. Scott Murphy said they can do it as early as Thursday or within 10 days of Thursday. He was hoping for Friday.
- B. Board agreed to meet at 8:00 a.m. on Friday, January 24, 2020 to sign the warning for town meeting.

8. **Adjourn**

- A. **MOTION by Heather Tucker and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 6:53 p.m.

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt, Chairman

Brett Sanderson

Justin Hyjeck

Heather Tucker

John Neal