

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

May 6, 2024

**HEALD AUDITORIUM
6:00 P.M.**

Meeting ID: 963 5236 4337

Passcode: 411479

One tap mobile

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Dial by your location

<https://zoom.us/j/abJ1grh212>

BOARD MEMBERS PRESENT:

Brett Sanderson, Chairman
Scott Baitz

Noah Schmidt

George Tucker, Jr.

BOARD MEMBERS ABSENT:

Justin Hyjek

STAFF PRESENT:

Brendan McNamara

Ulla Cook

OTHERS PRESENT:

Scott Baitz

Alan Couch

Kathy Couch

Nick Gilberti

Jennifer Michalke

Jim O'Malley

Lynn O'Malley

Bruce Schmidt

George Tucker, Sr.

Sherry Tucker

Jeff Warfle

Kevin Winter

1. CALL TO ORDER

- A. Brett Sanderson called the meeting to order at 6:00 p.m. He then led the meeting in the Pledge of Allegiance.

2. CONSIDERATION OF ANY CHANGES, ADDITIONS OR REMOVALS TO THE AGENDA

- A. No changes were needed

3. APPROVE MINUTES OF PREVIOUS MEETINGS

- A. Brett Sanderson advised that the minutes to be approved are for the following meeting:

- i. April 1, 2024 – Regular Meeting
- ii. April 17, 2024 – Public Input ARPA Meeting
- B. **MOTION by Scott Baitz and seconded by George Tucker, Jr. to approve the minutes as listed above as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. Jim O'Malley said that he has been watching the Jewel Brook and the rain event on December 17th into December 18th and there was approximately 3.25 inches of rain, and with the existing snow pack it totaled up to about 4.25 to 5.25 inches of liquid. At Site #5, at 9:30 a.m. there was 1 foot and the dam filled quickly, but there was not too much flooding. The established threshold for spillway activation is about 1% of the life of the dam. This has activated twice. The water in the spillway raised to 27 feet vertically in 12 to 16 hours. The spillway is 15 to 16 feet away. There is a phase 2 defect in that spillway. He is concerned about static failure – an 8- inch main with defect may breach. This should be handled as soon as possible. If breached, 509, the structure would be inundated. There would be a 48- foot wave. Dump trucks and backhoes could fix the spillway. The creek upstream is filled with silt - 100 yards, 5 feet high and 20 feet wide and it has now moved down toward the drain tower. He urges the board to take action as soon as possible.
- B. Brendan McNamara said he has a summation of the dam project. (See agenda Item #14 - **JEWELL BROOK DAM PROJECT OVERVIEW**)
- C. Kevin Winter said that a breach could be catastrophic and would destroy the town.
- D. Bruce Schmidt encouraged the board – this is a point of order. Public Comments should not be discussed on the agenda. This should be put as an agenda item because others may want to be present. This should be on the agenda, every month for 6 months and this should not be under Public Comments.

5. **LIQUOR CONTROL BOARD – Outside Consumption Permit**

- A. Brett Sanderson advised that Chief Billings has signed off on them. Brett Sanderson said they will vote as listed below.

<u>Applicant</u>	<u>Business Name</u>	<u>Class</u>
JOC LLC	Tom's Loft Tavern	10792-001-1RST-001 10792-001-OUTC-001 10792-001-3RST-001

- B. **MOTION by Noah Schmidt and seconded Scott Baitz to approve the liquor license renewals as presented above. Motion passed unanimously**

6. **DEPARTMENT HEAD REPORTS**

- A. There were no comments.

7. TOWN AND VILLAGE MERGE PROCESS

- A. Brendan McNamara said that he put this on the agenda to bring it up. This has been previously discussed and we need to look at what is in the best interest in the town and its efficiency. This should be discussed at separate meetings: Pros and Cons, tax implications. How it would affect the Water/ Wastewater plant. The Town and Village have to work together. We need to get the facts out. He proposed setting a meeting, sooner than later. He added that the State has to sign off on this.
- B. Noah Schmidt said that Water/Wastewater and the Electric Department would be involved. He asked if VLCT would have any resources on the process and if there were other towns that may have done this.
- C. Brendan McNamara said we could set a joint meeting with the Trustees, Water Commission and Electric Company. He will contact VLCT. He said that he will see the Trustees and Water Commission tomorrow night and will talk to them about this.
- D. Brett Sanderson asked Brendan McNamara to set a joint meeting.
- E. Brendan McNamara said he would like to set one within the next 2 weeks.

8. OKEMO SEASONAL UP DATE

- A. Bruce Schmidt that he gave an update on the upcoming season in the fall. He started by thanking the Select Board, Town Manager and town employees for their cooperation and assistance. He said that this was the 67th season for Okemo. We opened on November 17th with 42% of the trails open. Due to the weather conditions, we did not have 100% of the trails open until February 8th. With the snows in March and April, we finished strong. We had 133 inches of snow, the average is 150 in. The snowmaking team and the entire team did a great job. He said that the parking team managed well and there were no issues. He thanked the town for the use of the Blue Lot. He has had conversations with Chief Billings there were no major issues. He said that Chief Kolenda did the annual walk-through of the Jackson Gore Inn and there is now a more formal operations process with the Fire Department. He said that Okemo owns the fire hydrants on Lower Cross Road and we have a procedure on how to get water to the hydrants. He said that some of our people already knew the process. He said the Ambulance Service has been a strong partner. There was only one time when they needed to call mutual aid and that was not on the Mountain. Some of the Okemo staff drive the ambulances. The Ambulance Service also helps with training the Okemo staff. Next Wednesday, there will be a training session for No Touch CPR. He then gave a summary of upcoming events:
 - i. They are partnering with Divided Sky for a 5K run on Saturday, May 18th.
 - ii. Friday, June 28, the summer concerts series begins
 - iii. Friday, July 5th will be the Fireworks from the Sugar House
 - iv. Saturday, August 3, Tap Taste
 - v. Indigenous People's Day activity Sunday, October 13th
- B. He said that Okemo has 6 weddings scheduled for the summer and another 10 groups of blocked rooms. He said that they do not have any major projects scheduled for this summer, but will be:
 - i. Small Carpet lift
 - ii. painting
 - iii. pump repairs
- C. He said that next year, they will introduce My Epic Gear subscriptions. This is for loan and use of ski equipment. There will be limited memberships available at the Clock Town and Jackson Gore bases.

- D. He thanked Brendan McNamara, Ron Tarbell, Stephanie Grover and all of the town department heads.
- E. Kevin Winter asked about profit for the season.
- F. Bruce Schmidt said the weather did have an impact and it was not one of our better years.
- G. Jim O'Malley said that they did a phenomenal job with snowmaking.
- H. Bruce Schmidt said that he has been in communication with Brendan McNamara and John Neal along with Ron Tarbell. He said that he met with John Neal this morning, along with Stephanie Grover and Chief Billings and there were no traffic complaints. He said that the partnership between the Ambulance Service and Okemo Ski Patrol is "HUGE." He said that last year, there were 25 mutual aid calls and this year, only one and it was not at Okemo. It was a solid year and we appreciate the partnership.

9. **LUDLOW-MOUNT HOLLY UNIFIED UNION SCHOOL DISTRICT – OPEN SEAT DISCUSSION**

- A. Brendan McNamara advised originally, we had two letters of interest, but Fred Wilson withdrew. Jennifer Michalke is here tonight.
- B. Jennifer Michalke said she lives in Ludlow. She has a child in pre-school and a 2-year old. She is a nurse. She said that both of her parents were in education.
- C. **MOTION by Noah Schmidt and seconded by Scott Baitz to recommend Jennifer Michalke to fill the open seat on the Ludlow-Mount Holly Unified Union School District. Motion passed unanimously.**
- D. Brendan McNamara said he will call Lauren Fierman in the morning and make the recommendation.

10. **FEMA BUYOUT – 21 MEADOW STREET**

- A. Brendan McNamara advised Alan and Kathy Couch have requested approval from the town to start the process for a FEMA buyout. He said that 2 other properties have already started the process.
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to approve the request for the FEMA buyout for 21 Meadow Street by Alan and Kathy Couch. Motion passed unanimously.**
- C. Brendan McNamara said that they will have to provide the damage reports to Brian McMaster at FEMA and he will work with them. He will give the board an update at the next meeting.

11. **CONSIDER APPROVAL OF 5K ALARM ROAD RACE**

- A. Brendan McNamara advised that the Fire Department has requested permission to hold its annual 5K Alarm Road Race fundraiser on August 31, 2024, starting at 9:00 a.m. The route will start at the Community Center/High School up Main to High to Dug Road to Main to town. It will end at the Community Center and there will be a BBQ. They have a grant for this.
- A. **MOTION by George Tucker and seconded by Noah Schmidt to approve the Fire Department 5K Alarm Road Race on August 31, 2024. Motion passed unanimously.**

12. **LOCAL OPTIONS TAX DISCUSSION**

- A. Brendan McNamara said that like the Town and Village Merger, he said that this has been considered in the past and we need to address it with the voters. He said it should have its own meeting. There are a number of implications for the community members and businesses. We need to research the cost rewards. We need to set a date for the public. He thinks that there will be at least 2 meetings. It will be up to the board to approve or not.
- B. Brett Sanderson suggested including it with the Merger meeting and include the other boards.
- C. Noah Schmidt asked if the town and village would be separate.
- D. Brendan McNamara said that this is more of a decision for the Select Board. He said that if the Village did say no, it would cut off a large part of the town. He said he does not know if any other towns/villages have done this. He will check
- E. Noah Schmidt said they should get community input and also the Chamber of Commerce.
- F. Brendan McNamara said he will reach out to Carol Lighthall at the Chamber. He said this will impact everyone.

13. **DISCUSS USE OF LAND – DOG PARK**

- A. Brendan McNamara said they need to look at how and where to locate the Dog Park. He said that the committee has raised about \$9,000 to \$10,000. He said that we can't put it back where it was because of the flooding. He said that last week, he discussed this with Ron Tarbell and Scott Baitz it was suggested that they use West Hill for the dog park – to the left of the office.
- B. Scott Baitz said the area available is a bit smaller – 125' x 185'.
- C. Brendan McNamara said that this is the best idea, the water may go to the fence, but it will not wash out. Also, the area is plowed in the winter and there is plenty of parking. We want to revitalize West Hill. There is fishing, trails, the basketball court and bathrooms. They can bring in food. At the ARPA funds meetings, there was a lot of community support for the Dog Park and Recreation. Fletcher Fields and the Little League Fields may flood again. He said that he has spoken with Recreation and Buildings and Grounds. The money is there.
- D. Noah Schmidt asked the size difference.
- E. Scott Baitz said it there is not a huge difference. He said that the one at Fletcher Fields was one of the biggest in the state. This will be smaller. He said there will be two runs, one for the larger and the other for smaller dogs. He said if we put it back at Fletcher and it floods again, the donations won't be there.
- F. **MOTION by Scott Baitz and seconded by George Tucker, Jr. to relocate the dog park to West Hill. Motion passed unanimously.**

14. **JEWELL BROOK DAM PROJECT OVERVIEW**

- A. Brendan McNamara said the July damages to the dam will be 100% covered by the USDA - \$700,000. The project is currently out to bid and Sites 3 and 5 will – hopefully – be repaired by July. Work to be done be a local contractor. The larger project - the dam rehabilitation is in the engineering phase and that takes about 2 years. The engineering is covered 100%. We have to look at funding options for the construction - \$40,000,000. We may have to come up with \$11,000,000. He asked the USDA and they said that a breach is not very likely. Site #1 comes up on a leech field. We are being proactive, watching weather forecasts. Once we get to the

construction phase, it will be a 10- year process. We will be working on the spillway shortly. We have to keep on top of this.

- B. Scott Baitz said that we must be toward the end of the 2- year engineering phase by now.
- C. Brendan McNamara said that he secured the funding 8 months ago.

15. CAPITAL IMPROVEMENT PLAN – POSSIBLE GRANTS

- A. Brendan McNamara said he is working on a few possible grant sources for a Capital Improvement Plan. This is vital for the next 3 to 5 years. We do have a plan, but it is not up to date and he would like to redo it. There is money in the budget and he would like to have a new plan in place by the fall.

16. DISCUSS NEW FIRE AND POLICE CHIEF POSITIONS

- A. Brendan McNamara said that over the last month, a committee interviewed 6 people for the Fire Chief's position. The candidate chosen is Ben Whalen. He is currently a state fire Marshall and Chester Fire Chief. The committee members were George Tucker, Jr., Justin Hyjek, Jeff Billings, Ron Tarbell, Phil Carter and himself. Mr. Whalen will start on June 10th to work along with Chief Kolenda. He said that Chief Billings will be retiring around the end of September. We will use the same hiring process as we did for the Fire Chief. Once Chief Billings gives us a firm date, we will form a committee and advertise. We hope to have a committee by the end of June.
- B. Scott Baitz asked if we have to follow the same process. Can we hire from within and have current employees move up. This will give employees the sense that promotion from within is possible.
- C. Brendan McNamara said he thinks it is legal.
- D. Scott Baitz said we have some good options currently on staff.
- E. Brendan McNamara said it would be at the pleasure of the board.
- F. Scott Baitz said he would hate to have 5 or 6 candidates when we have qualified people on staff who are willing and able to step up.
- G. Brendan McNamara said that will be a board decision.

17. MUNICIPAL MANAGER UPDATES

- A. Code Red Alert System
 - i. Brendan McNamara said that CODE RED Municipal Alert System is now live and is linked to the website
 - ii. Brett Sanderson said people may subscribe to it.
 - iii. Brendan McNamara said that the system can also pull contact information off public information for emergencies.
- B. Green-Up Day
 - i. Brendan McNamara advised that Green Up day was a huge success with 120 volunteers and they picked up 6400 pounds of trash.
 - ii. Brett Sanderson said the Snow Mobile Club had a big group of volunteers.

- C. Timber Inn
 - i. Brendan McNamara said that the Fire Department has been using the property for training. He said there is an RFP out for demolition bids and the buildings will be demolished within the next 30 days. It will be down by June 10th.
- D. Cemetery
 - i. Brendan McNamara said that the cemetery is open, but the road has not been paved yet. It will closed for a day when the road is paved. It will be open by Memorial Day weekend.
- E. Access Road Paving
 - i. Brendan McNamara said that Fuller will be reclaiming the base, and shimming to level. He said that Crown Point will replace the culvert at the bottom of the Access Road, under Pond Street. We will pave the entire road in the fall. He said that last year, the Village did not get the grants for paving. They may get it this year.
- F. ARPA Funds
 - i. Brendan McNamara said that that the ARPA meetings, they received some good input. It is now up to the Select Board and Trustees to make the decisions on how the funds will be spent. Within the next 2 weeks, he will propose a list of projects to the boards and decide at the June meetings.

18. **OTHER BUSINESS**

- A. None

19. **POSSIBLE AGENDA ITEMS FOR NEXT MEETING (JUNE 3, 2024)**

- A. Brett Sanderson said the next meeting would be June 3, 2024 at 6:00 p.m.
- B. Brendan McNamara said the use of the ARPA funds will be on the agenda
- C. George Tucker, Jr. suggested putting the use of the Timber Inn property on the agenda
 - i. Noah Schmidt asked how the land will be left
 - ii. Brendan McNamara said it will be reclaimed to green; the pavement and pool will be removed.
 - iii. Noah Schmidt said if we use it for a park, can we have a dirt strip left for a parking lot and road.
 - iv. Brendan McNamara said yes and we may be able to have picnic tables – he will look into it.

20. **SIGN WARRANT ORDERS**

- A. Brett Sanderson said that warrant orders have been signed.

21. **POSSIBLE EXECUTIVE SESSION/PERSONNEL/CONTRACTS/LEGAL**

- A. Brett Sanderson advised that an Executive Session is not needed

22. **ADJOURN**

- A. **MOTION by Scott Baitz and seconded by Noah Schmidt. to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 6:56 p.m.

Respectfully submitted,

Lisha Klaiber

Brett Sanderson, Chairman

Noah Schmidt

Scott Baitz

George Tucker, Jr.

Justin Hyjek