

TOWN OF LUDLOW, VT

SELECT BOARD

REGULAR MEETING

MONDAY, JULY 7, 2025

6:00 P.M.

HEALD AUDITORIUM

[Select Board Meeting – July 7, 2025 ZOOM LINK](#)

Meeting ID: 963 5236 4337

Passcode: 411479

One tap mobile

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<https://zoom.us/j/96352364337>

SELECT BOARD MEMBERS PRESENT:

Brett Sanderson, Chair

Scott Baitz

Justin Hyjek

Noah Schmidt

George Tucker, Jr.

STAFF:

Brendan McNamara

Ulla Cook

Charlotte Galley

Stephanie Grover

Lisha Klaiber

Chief Ben Whalen

Chief Jeff Warfle

OTHERS PRESENT:

George Abraham

Eric Alden

Terry Carter

Alan Couch

Kathy Couch

Frank Ellison

Amy Fisher

Suzanne Garvey

Kaylon Griffith

Kate Hartnett

Ed Kelly

Heather Kelly

Lorien Kelly

Jay Lushinks

Judy Lushinks

Ada Martello

Stephen Messina

Dorsey Montenetourc

Julie Nicoll

Alice Nitka

Bruce Schmidt

Jean Strong

Sherry Tucker

Greg's Ipad

Kristin

AGENDA

I. Call to Order

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

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

- A. Brendan McNamara said that Agenda Item 7C will be tabled until August. Agenda Item 10A Backhoe will be replaced with Emergency Compactor Replacement and for Agenda Item #13, we will add Consider and Vote on Waiver of Late Filing Fees for Homesteaders.

III. Approve Minutes of Previous Meetings

- A. June 2, 2025
B. June 16, 2025
1. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to approve the minutes from June 2, 2025 and June 16, 2025 as presented. Motion passed unanimously.**

IV. Comments from Citizens

- A. Bruce Schmidt said that in 2017, when the Barker Road Solar array was first being discussed, we were told that the company would maintain the property. He said that it is time for this board to look at the area. The company is letting aspects of it look terrible. There is a section with tree damage that has been there over a year. There is a second section that also has damage and doesn't look good. The landscaping on the flat section is good. But, the company should be held accountable for repairing the damaged sections and there should be a time line for completion of repairs.

V. Department Head Reports

- A. Brendan McNamara said that all of the reports have been submitted.

VI. Vermont Emergency Management Elevation Project Approval – 21 Meadow Street

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- A. Brendan McNamara said that this has been discussed in the past. This program is for elevation of flood damaged properties in lieu of FEMA buyouts. He said that Ludlow received \$500,000 for the projects. We had 2 and one has gone through the process and the other is going through the process. Kathy and Alan Couch have gone through the historical process and meet all criteria. We have the funds and will do an MOU between the town and property owners.
 - B. Alan Couch said that this is part of the State Community Resilience Program. We applied, hired a structural engineer to determine if the house is safe enough to be elevated. We will cave in the old foundation and create a new one. We will elevate the house by 4 feet. FEMA requires 1' above BFE and the State requires 2 BFE. There were 5 towns in VT (including Ludlow) that were included in the program. He thanked Brendan McNamara for his assistance in the process. He said that he and Kathy thought it was better to elevate the house rather than do the buy-out. It keeps the property on the tax rolls for the town. We are hiring local workers. He said these funds are for the elevation only. He said the balance is from insurance and their funds.
 - C. Noah Schmidt asked the approximate cost.
 - D. Alan Couch said in the fall of 2023, when they first started the process, the estimate was about \$250,000. He said that the contractors say that material prices have increased, but they will try to keep the total within that range. He said the range in Barre for this is about \$300,000
 - E. Noah Schmidt asked about matching funds for other project costs
 - F. Brendan McNamara said we are only allowed to give up to \$250,000 per project.
 - G. **MOTION by Justin Hyjek and seconded by Scott Baitz to approve this project. Motion passed unanimously.**

VII. Ludlow Fire/Ambulance Discussion

- A. Critical Care Transport
 - 1. Brendan McNamara said that he and Chief Ben Whalen have discussed this. It is to provide transport to other hospitals at a level of critical care. We have the people who are trained and this will generate income for the town. He said that Stephanie Grover and Mary Magsino started the process years ago.
 - 2. Chief Ben Whalen said that 6 months ago we got endorsement to provide ER transport to Springfield and Dartmouth. We are the only service in our area able to provide this service and we receive at least one call a day. He said that we have 2 people who are CCC paramedics and one other working on it. For each transport, we must have one EMP and one medic. This service would not be 24//7 initially. It would be when available. It would be for emergency calls in our town and the towns that we serve (Cavendish, Proctorsville, Mount Holly, and Plymouth.) He said that service calls are on a downturn now and it may be a good time to start to see how it will work. We have to consider OT, wear and tear on the vehicles. He said that he thinks that the revenue would be used to better the community. He doesn't want to send one ambulance away all the time. He said he thinks they would

keep the 3rd ambulance and upgrade it – about \$80,000. The equipment could be purchased at a 0% finance rate for 4 years. He said the cost would be paid off within 1 to 2 years by the funds from the transports. With 3 ambulances it would be: 1st one out the door, second on-call and 3rd for transports.

3. Noah Schmidt asked if the potential revenue would cover the \$80,000
4. Chief Ben Whalen said we have to see what it is – it may be greater or it may be less. We have to do this without burning our staff out. The people who are currently certified want to do this and it will make them better providers, possibly services they don't provide regularly.
5. d if we can use the equipment on staff car
6. Chief Ben Whalen said that we need a 3rd monitor and ventilators
7. Stephanie Grover said we need CPAP for people with congestive heart failure or COPD. We have 4 disposable ones at \$130.00 each. With a ventilator, they would be \$20.00 each
8. There was general consensus to move forward with the Critical Care Transport.

B. Insurance Billing Rates

1. Chief Ben Whalen said it has been 4 – 5 years since they discussed the fee schedule. He went over the all of the fee schedules for other services in Vermont and Ludlow has the lowest rates in all areas. The proposed schedule (see below) is based on the average of all services in the state (that use the same billing company.) The expenses for the Ludlow Ambulance Service are about \$1,100,000 and revenue is \$721, 000. The town of Ludlow has the greatest number of calls in our service area. It will take about 2 years to see the actual impact of the increase. He also asked people to consider joining the Ludlow Ambulance Subscription Program.

Proposed Fee Schedule Changes

	Current Fee	Proposed Fee	Difference	Comstar Top 50 Average
Mileages-Per loaded mile	\$20.00	\$40.00	\$20.00	\$41.00
BLS Emergency	\$725.00	\$1,365.00	\$640.00	\$1,769.00
BLS Non-Emergency	\$725.00	\$1,365.00	\$640.00	\$1,769.00
ALS1 Emergency	\$975.00	\$2,025.00	\$1,050.00	\$2,583.00
ALS2 Emergency	\$1,275.00	\$2,859.00	\$1,584.00	\$3,684.00
ALS Non-Emergency	\$975.00	\$2,044.00	\$1,069.00	\$2,583.00
Critical Care Transport	---	\$4,200.00	\$4,200.00	N/A
No Transport	\$300.00	\$300.00	---	

Proposed fees are based on Vermont agency averages that are using Comstar billing.

2. Noah Schmidt asked if the fees help with insurance and will insurance still have to pay.
3. Chief Ben Whalen said that Blue Cross/Blue Shield will cover a certain amount. Of the amount that they cover, it may be 99%. Private insurance companies may see a difference. A portion will still get put back on the person.
4. Noah Schmidt asked about fee costs for other regional services in our area

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5. Chief Ben Whalen said he threw out the highest and lowest in getting the average. He said he thinks the numbers are in a good place.
 6. Justin Hyjek read from page 3 in Chief Ben Whalen's Department head report about Ludlow's rates being the lowest in the area and said that he is comfortable moving forward with the increase.
 7. Brendan McNamara said they would need a motion.
 8. **MOTION by Justin Hyjek and seconded by Scott Baitz to approve the proposed fee schedule changes.**
 9. Bruce Schmidt said that since this was listed as DISCUSSION, you cannot act on it or you can change the agenda. He asked about bad debts.
 10. **Justin Hyjek rescinded his motion.**
 11. Chief Ben Whalen said for the period 1/1/2024 through 12/31/2024 charges were \$731,553, Medicare/Medicaid allowed \$509,000 and we collected \$424,000 or 83%. He said for Private insurance companies, we collected 92% and for Medicare/Medicaid, we collected 97%. He said that for self or uninsured, we collected 23%.
 12. Brett Sanderson said we will put this on the agenda for action at the August meeting.
 13. Chief Ben Whalen said that they held the first ever Car Seat Installation demonstration and will do so the first Monday each month.
- C. Public Safety Building Outlook – postponed until August Meeting

VIII. Select Board to Review Updated Draft of Rental Registry

- A. Brendan McNamara said that the Select Board and Trustees have discussed this at several meetings. At their last meeting, the Trustees vote to move this to a joint public hearing on August 12, 2025 at 6:00 p.m. It is in the best interest of the town to move this to a joint public hearing. They discussed having 2 separate documents. If this board votes to move to joint public hearing, changes may still be made. If you make changes here, then it will have to come back to you again. We need to try to move forward, one way or the other. Changes can still be made.
- B. Brett Sanderson suggested moving forward to a joint public hearing.
- C. **MOTION by Justin Hyjek and seconded by Scott Baitz to move forward to joint public hearing on August 12, 2025 at 6:00 p.m.**
- D. Noah Schmidt said there are still some formatting issues. He said that he has rented Long term and the goal is to look at safety. This document is stripped down and could include more. Also, we need to reach out to landlords, but we have no idea how many we have. It would help us to know.
- E. Eric Alden said he thought the board wanted a document that was ready for a joint public hearing that they felt 100% about.
- F. Bruce Schmidt agreed with Eric Alden. He said as a point of order, the chair jumped to move forward. You should allow time for discussion and hear comments.
- G. Frank Ellison said that he is a landlord and property manager and he is not in favor of a LTR. It is not the town's business to regulate his business and only one other town in Vermont, South

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- Burlington, has an LTR. He added that it is not his right to discuss his tenants' information to anyone else. He said that his units are under the State regulations and his insurance company inspects his units yearly.
- H. Suzanne Garvey said she thinks the process is best served if the board has a document that is ready for people to vote on. She said that a few things in the current document have sticky points and the public will be "all over the place" on a few items in the document.
- I. Scott Baitz asked her to list them.
- J. Suzanne Garvey said it is a mistake to include septic permits to determine occupancy. Not all properties have septic permits and they were not always required. The owners can repair to a clean slate if a septic fails. She said the administrator will work with the permits. You say 2 people per bedroom for 5 bedrooms and 1 person per bedroom over that. There are inconsistencies in the document and it would undermine the Fire Safety requirements. If the septic says 8 people the town limits them to 8, even if they have a sprinkler system. It should stay with the Fire & Safety occupancy guidelines. Many of these properties are not lived in full time. She does not understand the insurance piece. If there is an incident and they are underinsured, is the town liable.
- K. Scott Baitz said that question was asked.
- L. Terry Carter said the town has immunity up to \$100,000. She said that sewer is only looked at if the unit has over 8. She said that she is not in favor of LTR and only South Burlington has one. She said that renters and owners have rights. She said that Jason Rasmussen asked why they would have an LTR, when we are in a housing crisis. If not registered, maybe it would encourage people to rent.
- M. Eric Alden nothing in the ordinance regulates. He said that is it about fire safety. He said insurance companies inspect. He said it is a fear tactic being used and there is nothing to keep people from LTR or STR. It is just about keeping people safe.
- N. Suzanne Garvey repeated that if the septic says 8 people the town limits them to 8, even if they have a sprinkler system. She said that the state says that if a unit has sprinklers, it is food to go. If there are sprinklers, there is not capacity on occupancy, but they must have proper egress. To cut it off at 8 seems random to her.
- O. Ada Martello said the registry is a deterrent from people buying here. It seems like you are trying to "beat a dead horse." She said she pays taxes. She said that STRs bring in a slew of revenue. She understands that you want people to be safe. She said that she couldn't buy her house until it met safety codes.
- P. Dorsey Montenetourc said that if the permit is about wells. She said a key concern is safety. She asked what is best for the town. She said that infrastructure is a big issue.
- Q. Justin Hyjek said that the motion on the floor is for a Joint Public Hearing. He said the LTR portion has not been updated from the comments made at the Trustees' last meeting. The documents need to be clean and we need to discuss the LTR changes.
- R. Terry Carter said she added the penalty changes, removed the renters' information and sent the updated form to Brendan McNamara.
- S. Brendan McNamara said we have gone down this road before. The document was proposed to the Trustees and to the Select Board. He wants to clarify that he is by no means trying to tell not to

change this. This is a joint document. By having meetings not just “playing tennis.” Have a joint meeting – not hearing. If you do not want a public hearing, you can call it a joint public meeting for all to discuss the documents. Changes were made from Tuesday’s Trustees’ meeting and it is not right to give this board a document without those changes.

- T. Terry Carter said that the Trustees vote it as a Public Hearing.
- U. Brendan McNamara said the Trustees have a meeting tomorrow and can change that.
- V. George Tucker, Jr. said we have had joint meetings before and it was sent back to the Planning Commission to prepare it for public hearing, instead of spending hours correcting it
- W. Noah Schmidt said he has issues with the definition and word choices. It needs refinement.
- X. Bruce Schmidt said you are acting as if the boards have already merged. The Trustees were not supportive of LTR. If you do this together, figure this out. The Planning Commission and Trustees don’t want LTR. This document is not ready and changes will be made on August 12th. Do not go on the premise that the Select Board and Trustees have to be on the same page.
- Y. Justin Hyjek said there is some unclarity about the second document going to public hearing. We have done over this before.
- Z. Suzanne Garvey said she understands the opposition to LTR and it being seen as a deterrent. Some LTR are not safe. If there were no LTR, how can you insure that the units are safe? Education is the issue. People may not understand that the apartment is unsafe.
- AA. **MOTION passed all in favor.**

IX. Review Proposed Vendor/Food Truck Ordinance

- A. Brendan McNamara said that the Trustees have discussed this and it has more effect on the Village than the Town. But, the Select Board needs to be aware of this. There will not be a vote or motion tonight. The Trustees’ public hearing is set for August 5, 2025 at 5:30 p.m.
- B. Terry Carter said that changes were made that the last Trustees’ meeting. We have removed the distance requirement and have already set time limits on how long a truck may be located.
- C. Noah Schmidt asked, according to zoning regulations, is there any place that would have adequate parking
- D. Terry Carter said it depends on the way the permit for the property is written. Permits will be pulled and reviewed in the zoning office.
- E. Noah Schmidt asked what if the property is permitted as a restaurant.
- F. Terry Carter said it would depend on the original permit. She said that there is a question about disposal of gray water at the truck at the Sunoco location, also where the truck is getting water. It is not allowed to dump water there.
- G. Noah Schmidt noted the ordinance mentions name, address, phone number of employees, food items, and liability insurance. He said they want the Town of Ludlow added as an “additional insured. Does this limit food trucks across the board. If they are not allowed to dump the gray water, what do they do?
- H. Justin Hyjek said that most food trucks have gray water tanks and are not allowed to dump on the property unless the property has a permit for that.

- I. Jay Lushinks said that there is an ordinance in town regulating sizes of signs. In essence, the food truck does not abide by that ordinance. Food trucks are one big sign. If they are allowed, other businesses should be allowed to increase their signs. The food truck is a huge sign board and should have to close it up. Part of that is advertising. If allowed, it will become one big line of food trucks and one big mess. It does not seem fair to other businesses.
- J. Terry Carter said that some towns regulate them to take down the signs.
- K. Justin Hyjek said a vehicle is exempt from sign ordinances.
- L. George Tucker, Jr. said that zoning is based on square footage
- M. Terry Carter said it is 30 square feet.

X. Review & Possibly Approve Bids

A. ~~FY2026 Transfer Station Backhoe~~ Emergency Compactor Replacement

- 1. Brendan McNamara said that the compactor is on its last legs and needs immediate replacement. They did receive 2 bids. The price is \$31,000 from Alva Waster and will use some of the ARPA funds. If not replaced, we will be out of business.
- 2. Justin Hyjek said that Brendan McNamara has a \$5,000 purchase limit and asked if they need a general consensus.
- 3. George Tucker, Jr. asked about the backhoe
- 4. Brendan McNamara said he talked to Patti Potter and we will revisit this later.
- 5. Noah Schmidt said we did not budget for a backhoe.
- 6. Brendan McNamara said we can lease one for \$26,000/year and Patti Potter has generated revenue to cover it. He said we have discussed a Capital Improvement plan, but the Transfer Station does not have one. We will look at that during budget season.
- 7. George Tucker, Jr. said the Transfer Station pays the highway department to do some of their work.
- 8. Brett Sanderson said that the backhoe is also split between highway and water/sewer
- 9. Brendan McNamara said the Transfer Station will do its own snow plowing when it has its own backhoe.

10. General consensus to approve the Emergency Compactor Replacement.

B. FY2026 East Hill Paving

VENDOR	BID
Bazin Bros.	\$99.50/Ton, \$2.75/yd.
Wilk Paving	\$86.75/Ton, \$2.00/yd.
Fuller Paving	\$92.38/Ton, \$2.50/yd.
Pike Industries	\$99.57/Ton, \$2.70/yd.
Springfield Paving	\$104.22/Ton, \$2.53/yd.

- 1. Brendan McNamara said they did half of this last year and there was discussion about the vendor. They did not provide 100% virgin mix as part of the RFP. The road is already

starting to separate. The only vendor who will provide 100% virgin mix is Fuller at \$92.38 per ton. We recommend them because the others did not follow the RFP to offer 100% virgin mix.

2. Noah Schmidt asked if this is anywhere near the potential solar project.
3. Brendan McNamara said yes, and it will be discussed.
4. **MOTION by Justin Hyjek and seconded by Noah Schmidt to approve the bid from Fuller Paving for East Hill paving. Motion passed unanimously.**

C. Public Safety Building Outlook

VENDOR	BID
M&M Excavating	Delivered = 22.50 CY, Loaded = 16.00 CY
Hunter Excavating	Delivered = 26.00 CY, Loaded = 16.00 CY
Neil H. Daniels Construction	Delivered = 23.10 CY, Loaded = 12.50 CY
Pike Industries	Delivered = 24.42 CY, Loaded = 12.97 CY

1. Brendan McNamara said there are 2 options, delivered and loaded. He said that M&M is the low bidder for Delivered and in due diligence, staff recommends they be awarded the bid at \$22.50/CY.
2. Justin Hyjek said that he would motion to award the bid to Neil H. Daniels for Loaded at \$12.50/CY. He said it may be more work but may be less money. He asked where they are located
3. Brendan McNamara said Amsted, VT.
4. Noah Schmidt asked how much was delivered vs. pick-up last year
5. Brendan McNamara said he does not have those numbers tonight.
6. George Tucker, Jr. said the price difference is pretty significant
7. Noah Schmidt asked the cost of running our trucks.
8. George Tucker, Jr. said this is a question for Ron Tarbell.
9. **MOTION by Justin Hyjek and seconded by Noah Schmidt to table this vote until the August meeting. Motion passed unanimously.**

XI. Fire Department 5k Review and Possible Approval

- A. Brendan McNamara advised that this is the 3rd year for this event and it has been very successful. The date Saturday, August 30th. They will meet at the Community Center at 9:00 a.m. go up Main Street and up High Street, down Dug Road then South on Route 103 He at their last meeting, the Trustees approved this event.
- B. Scott Baitz said it has been very well attended.
- C. **MOTION by Justin Hyjek and seconded by Noah Schmidt to approve the Fire Department 5k as presented. Motion passed unanimously.**

XII. Appoint Solid Waste District Representative

- A. Brendan McNamara advised that he has been the representative
- B. **MOTION by George Tucker, Jr. and seconded by Justin Hyjek to appoint Brendan McNamara as Solid Waste District Representative. Motion passed unanimously.**

XIII. Review and Approve the FY26 Tax Rate

- A. Brendan McNamara advised that the tax rate information:

	LAST YEAR	THIS YEAR
Indicated Tax Rate Town	.3169	.3278
Homestead Education Rate	1.6627	1.9835
Non-Homestead	1.7895	1.8461
TOTAL HOMESTEAD		2.3113
TOTAL NON-RESIDENTIAL		2.1739

NOTE: HOMESTEAD RATE IS \$13.74 HIGHER THAN NON-RESIDENTIAL

- B. Justin Hyjek noted that last year, the non-homestead rate was higher. He added that the town cannot adjust the State Education rate.
- C. George Tucker, Jr. said that he has asked how the education rate is calculated and no one can explain it. He said that there are only 5 people in the state that can explain.
- D. Ulla Cook said that the board needs to approve the tax rate.
- E. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to approve the FY26 Tax Rate as presented. Motion passed unanimously.**
- F. **MOTION by George Tucker, Jr. and seconded by Justin Hyjek to waive the Late Filing Fees for Homesteaders. Motion passed unanimously.**

XIV. Municipal Manager Updates

- A. Rose Goings Retirement
 - 1. Brendan McNamara said that as of last Friday, Rose Goings has retired from her position with the town. She has served the town for 27 years. He said we give her tremendous thanks and wish her a well-deserved retirement. He said he regrets that he wasn't able to work with her longer. THANK YOU ROSE!!
- B. Dubois & King Dam Projects
 - 1. Brendan McNamara said the design phase for dams 3 and 5 are now at 30%. They will do a survey of site 2 and borings.
- C. Fireworks
 - 1. Brendan McNamara said the fireworks were a success and there was a good turnout. Note that we need traffic control after the event next year.
- D. Town & Village Merger

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1. Brendan McNamara said that on July 9th, copies of the document will go out. Notices for July 23, July 30 and August 6 warning a public vote on August 7th or 8th. Public hearings on August 14th for the Select Board and August 13th for the Trustees. Public vote on September 16, 2025.

XV. Other Business

A. Budget Season

1. Justin Hyjek suggested the board start to consider uses for the high school building and the site of the former Timber Inn. He said that may include a bike path or green space.
2. George Tucker, Jr. said there is a planting diagram for the Timber Inn site.

B. Eric Alden Comments

1. Budget - He suggested that the town do a Capital Needs Assessment for every department and every building. He said that the new Fire Chief is doing a great job on this and the Police Chief is also starting on it. He said that the Town has been hit with major expenses and should get the ball rolling.
2. Zoning Administrator Retirement – He suggested that the town take this as an opportunity to revamp that office. Bring in a town planner to look at infrastructure, housing and safety. He said that the Planning Commission is working on the Town Plan, but that the actions/goals don't get put into motion. The board needs to rethink the zoning/permit office
3. Rental Registry – He said that with \$600/registration, the town should earmark those funds for housing. Buy properties and build low income housing. Help owners do renovations and include deed restrictions. The #1 problem is housing. With the STR, use that \$600,000 to create a housing authority. Look at abandoned buildings and make long term affordable housing.

XVI. Possible Items for Next Meeting: August 4, 2025

- A. Vote on Fire/Ambulance Insurance Billing Rates
- B. Public Safety Building Outlook
- C. Vote on Public Safety Building Outlook

XVII. Sign Warrant Orders

- A. Brendan McNamara said they have been signed

XVIII. Possible Executive Session/Personnel/Contracts/Legal Issues

- A. Brendan McNamara said an Executive Session is needed.
- B. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to enter into Executive Session. Motion passed unanimously.**
- C. The Board entered into Executive Session at 7:51 p.m.
- D. **MOTION by Justin Hyjek and seconded by Scott Baitz to exit Executive Session. Motion passed unanimously.**
- E. Board exited Executive Session at 8:05 p.m.

XIX. Adjourn

- A. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:06 p.m.

Respectfully Submitted

Lisha Klaiber

Brett Sanderson, Chairman

Noah Schmidt

Scott Baitz

George Tucker, Jr.

Justin Hyjek