

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

June 3, 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

Justin Hyjek
Noah Schmidt

George Tucker, Jr.

STAFF PRESENT:

Brendan McNamara

OTHERS PRESENT:

Eric Alden
Shannon Barton
Nick Gilberti
John Murphy

Michael Normyle
Bruce Schmidt
Marissa Selig

Jeff Warfle
Anna Webersen
Steve Webersen

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. Brendan McNamara advised that Item #8 - CONSIDERATION OF ENCUMBERING SKATE PARK FUNDS will be eliminated as the funds are in a separate account and not the General Fund so there is no need to encumber them.
- B. Brendan McNamara advised that Item #9 – OVERVIEW OF RE-APPRAISAL PROCESS (RYAN SILVESTRI OF NEW ENGLAND MUNICIPAL CONSULTANTS WILL BE PRESENT FOR DISCUSSION will be postponed to the July meeting as Ryan Silvestri is unable to attend tonight's meeting.

3. **APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Brett Sanderson advised that the minutes to be approved are for the following meetings:
 - i. May 6, 2024 – Regular Meeting
 - ii. May 14, 2024 – Special Meeting
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to approve the minutes as listed above as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. Eric Alden had a comment about Department Heads Reports – see Agenda Item #5

5. **DEPARTMENT HEAD REPORTS**

- A. Fire Department
 - i. Eric Alden said that he noticed that it looks like the Fire Department responds to as many false alarms as regular alarms and there are some regular offenders (one on Pleasant Street – every month) He asked if there are any regulations, procedures, or charges for repeat false alarms.
 - ii. Brett Sanderson said that yes, there is a procedure. First false alarms are free. Repeats within 6 months have fees associated with them depending on number of men and equipment sent. He said that it may be time to revisit the fee schedule.
- B. Town Clerk/Treasurer
 - i. Justin Hyjek said that we presently have \$727,161.58 in delinquent taxes. He said that last year, it was \$607,640.69. He asked if there are more delinquencies or if the Grand List is higher.
 - ii. Brendan McNamara said a combination. He added that the number has decreased since the report was written. He added that there was a problem with the mail, some postmarked on time, but not received until later.
 - iii. Justin Hyjek asked if there is a system to pay online.
 - iv. Brendan McNamara said they are looking into it.
 - v. Noah Schmidt said that he has spoken to Diane Knight and it would be a simpler process if the Town and Village did merge.
 - vi. Justin Hyjek noted that Ulla Cook also reported that 370 books (238,800 pages) have been scanned and linked. He said that they are doing a great job.

6. **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>
Vermont Retail1	Formerly Seven 11	Second Class Liquor Second Class Tobacco
Depot Street Mafia & Catering Corp	Game Birds	Outside Consumption
Moon Calhoun LLC	Downtown Grocery	First Class Restaurant/Bar License

Blue Duck Deli

Third Class Restaurant/Bar License
First Class Restaurant/Bar License

- B. Brendan McNamara said that Vermont Retail 1 was formerly 7/11, Green Apple.
- C. **MOTION by Scott Baitz and seconded Justin Hyjek to approve the liquor license renewals as presented above. Motion passed unanimously**

7. **DISCUSSION REGARDING THE CLASS 4 PORTION OF FREEDOM HILL AS IT PERTAINS TO OWNERSHIP/USE**

- A. Brendan McNamara said that he has had conversations with Steve Webersen and did a site visit. This is about the portion of Freedom Hill Road that is Class 4, but the portions of the road that access to that portion from either direction are Class 3. By State Statute, Class 4 roads are required to be open. He said that the Webersens are concerned that portion of the road was always gated closed and is now open. Brendan McNamara said that the gate was opened by community members and the Town did not close the gate. He said that he has laid out options for the board, but that no decision or action may be taken tonight as they need to follow the process.
- B. Steve Webersen said he does not understand why the gate is open. There are wet parts on the road and it is environmentally sensitive. It doesn't go anywhere except to the VAST trails and no ATVs are allowed on the VAST trails. He proposes to buy the road from the town and make it private property. The other option is to not allow not allow ATVs on Class 4 roads. It used to be a grass walking trail and he would mow and trim it. Now, it is a disaster.
- C. Scott Baitz said that he understands Mr. Webersen's concerns. He added that ATVs are breaking the law getting there because ATVs are not allowed on Class 3 roads. That portion of the road is not 1/10 mile long.
- D. Brendan McNamara listed the following options:
 - i. The Town may give up or abandon that portion of the road, but then there would be no connection between north and south Freedom Hill. He is concerned that may not be allowed
 - ii. Adhere to State Statute. He said that some towns have enacted a Class 4 Road Policy that gives the towns more oversight over Class 4 roads. The ordinance may be written, but not limited to include: weight, speed, type of vehicles and seasonal restrictions. This would be the easier, most seamless option and is not uncommon in other towns. He said the ordinances are mostly boiler plate from VLTC. They can include as part of the ordinance that no gates are allowed.
 - iii. Scott Baitz asked if the ordinance would include all Class 4 roads, or can they "cherry pick" the roads.
 - iv. Brendan McNamara said the ordinance can be limited to certain roads, based on the different properties of the roads.
 - v. George Tucker, Jr. said the ordinance would give the town the most options.
 - vi. Noah Schmidt asked if there are any other Class 4 roads in Ludlow with similar circumstances.
 - vii. Brendan McNamara said not really. He added that there have been substantial ATV conversations in Ludlow about ATVs. This is a landlocked piece of the road.
 - viii. Scott Baitz recalled that in 2022, this board made it clear that there are to be NO ATVs on Class 3 roads.
 - ix. Brendan McNamara said in order to start the process; he will put together a draft ordinance for discussion at the July meeting.
 - x. Noah Schmidt agrees with an ordinance, but says no to giving up part of the road. He said that the road has not been used since 1947 and now it is chained open.
 - xi. Anna Webersen said she is concerned that this is being tabled until the July meeting. She is concerned that trailers and vehicles will be parking up there.

- xii. Justin Hyjek said the board will move forward on this, but it may not be done tonight. We can't lock the gate. He suggested calling the police to open it.
- xiii. Brendan McNamara said part of the discussion will be limiting access to certain times of the year.
- xiv. Michael Normyle asked if there is an enforcement policy in town to prohibit ATVs from Class 3 roads. He said that it is not uncommon for multiple 4-wheelers to be on Freedom Hill, going very fast. He said that he called the police once, said it was not an emergency, and asked if there was any way to enforce this – a ticket or citation.
- xv. Scott Baitz asked Jeff Warfle (police department) if the police can blue light and catch them.
- xvi. Jeff Warfle said chances of catching them are very slim and the state does not enforce the laws if it goes to court.
- xvii. Steve Webersen asked the board to remain open to giving up the road.
- xviii. Noah Schmidt said that he bikes and cross-country skis on the road and is that allowed? He said there are ways to put up a gate, but still allow access to the road.
- xix. George Tucker, Jr. said that will be part of the discussion.
- xx. Justin Hyjek asked about reclassifying the road.
- xxi. Brendan McNamara said to re-classify that as a trail would take a lot, but is possible. He said we will discuss this at the July meeting. We must follow the process with public hearings.

8. **CONSIDERATION OF ENCUMBERING SKATE PARK FUNDS - ELIMINATED**

9. **OVERVIEW OF RE-APPRAISAL PROCESS (RYAN SILVESTRI OF NEW ENGLAND MUNICIPAL CONSULTANTS WILL BE PRESENT FOR DISCUSSION)**

- A. Postponed until July meeting

10. **ARPA FUNDS ALLOCATION**

- A. Brendan McNamara advised the board has discussed this at a couple of meetings and received public input. The town received \$331,926.05 and his list will leave a balance of \$131,926.05. Based on those discussions, he put together a draft of potential uses. He said the funds must be allocated by the end of 2024. The caveat is that there is a strong possibility that they will receive a \$65,000 grant from Vermont Community for the Dog Park and Little League
- B. Scott Baitz said the committee has already raised \$15,000.
- C. Brendan McNamara said we are already moving on it.
- D. Scott Baitz noted that the committee for the Mountain Bike trail system had asked for \$50,000, but Brendan McNamara's list is only for \$10,000. That seems low. He asked if Brendan McNamara has any ideas for the balance.
- E. Brendan McNamara said he does have some for-beautification projects, but the board can make any changes if it is a use approved by ARPA guidelines.
- F. George Tucker, Jr. said we can always re-allocate.
- G. Brendan McNamara said if we allocate funds now, we can start to move forward with those projects.
- H. Noah Schmidt said he would like to increase the Mountain bike number to \$25,000. He said it includes using a machine for the trail behind the high school. It also includes kiosks, tools, and signage.
- I. Justin Hyjek said asked if moving the Dog Park and Little League field to West Hill will satiate the ARPA requirements.

- J. Brendan McNamara said if we will not be using FEMA assistance for them. We removed them from the FEMA list and will use the grant. They will be done and paid for. We cannot get the grant if we are using FEMA fund. We should hear soon about the grant.
- K. Justin Hyjek said that originally, the bathroom at the Transfer station was over budget.
- L. Brendan McNamara said it was never completed. The engineer is onsite and almost done. They will be putting in a 1,000-gallon holding tank. This is long overdue. Originally, they were going to put the bathroom across the street.
- M. Justin Hyjek said he likes combining Dorsey and into one project – there’s lot of work to do there.
- N. Brendan McNamara said that this is a good place to start, but Dorsey needs to be built on. There is a lot going on there. There is a dilapidated blue screen by the soccer field, it needs to be replaced. He suggested a 15-foot-high white screen.
- O. Justin Hyjek asked if there are any other playgrounds in town other than Dorsey and the school.
- P. Brendan McNamara said there was one at the Little League field.
- Q. Michael Normyle said the board is moving in the right direction, making Dorsey into a multi-purpose facility. Give the Recreation department direction and Nick Miele should not be mowing and trimming. Get Nerf balls. He said the soccer fields are only used 2 or 3 times. Get more activities.
- R. Justin Hyjek said that Dorsey can be the main recreation hub for the community. It needs to be repaved. He said that \$65,000 is low.
- S. George Tucker, Jr. said there is also the additional \$30,000 from the Village portion.
- T. Michael Normyle said that \$100,000 for a state-of-the-art tennis facility. He suggested that the town put \$20,000 to \$30,000 in for the next fiscal year’s budget and develop a plan for the next 2 fiscal years after.
- U. Noah Schmidt asked if there is a master plan for recreation.
- V. Brendan McNamara said none that he is aware of.
- W. Justin Hyjek said that the Recreation Department gets sabered every time the town is over budget.
- X. Michael Normyle said that this board can help change that by educating people. Let us not put past traditions guide us. The play space used to have recycled tires and wood chips. The chips would blow into the tennis courts.
- Y. Marissa Selleck said there were 5-year plans for Recreation, but things come up that are out of our control – for example – the flood in July. The basketball courts, tennis and pickle ball courts and Dog Park were flooded. We are back to square one.

ARPA PROJECT	TOWN	REVISED TOWN	VILLAGE
Total Funds	\$331,926.05	\$331,926.05	\$232,936.04
Transfer Station Bath Room	(\$50,000.00)	(\$50,000.00)	
Pleasant Street Ext. Culvert			
Dog Park Relocation to West Hill	(\$45,000.00)	(\$45,000.00)	
Jewell Brook Dam Level Alert System	(\$15,000.00)	(\$15,000.00)	
Mountain Bike Trail System	(\$10,000.00)	(\$25,000.00)	
EMS Building Rehab			
Sidewalks Project			(\$125,000.00)
Water main Rehab			
Tennis Courts			
Heald Auditorium/Barton Conf. AV Upgrade	(\$15,000)	(\$15,000.00)	(\$10,000.00)
Dorsey Park Rehab	(\$65,000.00)	(\$65,000.00)	(\$30,000.00)
West Hill Ice Skating Rink			
Okemo Access Road			(\$65,000.00)
Balance of Funds	\$131,926.05	\$116,926.05	\$2,936.04

- Z. George Tucker, Jr. said this is a long-term plan and we can allocate more later.
- AA. **MOTION by Noah Schmidt and seconded by George Tucker, Jr. to approve the allocation for the ARPA funds as revised.**
- BB. Justin Hyjek said that Recreation often gets overlooked
- CC. Noah Schmidt said he would like to spend more on Recreation.
- DD. Scott Baitz asked what the trustees have said.
- EE. Brendan McNamara said it is on tomorrow's agenda.
- FF. Michael Normyle said if the allocation is from ARPA, is it separate from the budget process. In a year, can you put this money into the town?
- GG. George Tucker, Jr. said only if it is within the ARPA guidelines and used by 2026.
- HH. Michael Normyle said if they did the tennis courts, they probably would not be complete until the fall of 2025.
- II. Justin Hyjek said that would satisfy the ARPA guidelines.
- JJ. **Motion passed unanimously.**

11. **APPROVAL/ DISCUSSION OF RETIREMENT PLAN FOR NEW FIRE CHIEF**

- A. Brendan McNamara advised that this is a clerical item. The new Fire Chief will receive health insurance, benefits, and retirement benefits. He will be part of the EMS and they are VMERS-D. (The rest of the town is VMERS-B.) This board will need to vote – on the minutes to approve this.
- A. **MOTION by George Tucker and seconded by Scott Baitz to approve the Fire Chief to be included in VMERS-D benefit package.** Justin Hyjek asked the true cost of the benefits.
- B. Brendan McNamara said about \$115,000.00
- C. **Motion passed unanimously.**

12. **REVIEW AND CONSIDER APPROVAL OF HIGHWAY SCREENED WINTER SAND BIDS**

- A. Brendan McNamara said that the bid opening was on May 29, 2024 and there were 2 bids. He said that we requested the bidder provide quotes in cubic yards, both delivered and loaded. Bazin did not provide loaded and we prefer to load it transport it ourselves. The recommendation is to award the bid to Pike Industries at the price for loaded.

VENDOR	BID
Bazin Brothers Trucking, Inc.	Delivered = \$31.80/ CY
Pike Industries	Delivered = \$24.69/CY Loaded = \$12.37/CY

- B. George Tucker, Jr. asked the number of cubic yards.
- C. Brendan McNamara said he did not know.
- D. Noah Schmidt asked if the bid was far off from last year.
- E. Brendan McNamara said no. He said it works out cheaper for us to transport.
- F. **MOTION George Tucker, Jr. and seconded by Noah Schmidt to accept the bid from Pike for screened sand, at the price of \$12.37 per CY, loaded. Motion passed unanimously.**

13. **MUNICIPAL MANAGER UPDATES**

- A. Joint Select Board and Village Trustees' Meeting
 - i. Brendan McNamara said that he will publicize a joint meeting of the Select Board and Trustees on June 17, 2024 at 6:00 p.m. This will be to start discussions on the Local Options Tax and merger of the Town and Village

- B. Timber Inn
 - i. Brendan McNamara said that asbestos was found in 2 bathrooms and they are waiting on the abatement before continuing. This should be done within the next week. The state has given us a 30-day extension - it was supposed be done by June 10th, now 30 days later.

- C. Town Adjustment Funds
 - i. Brendan McNamara said that town will be receiving about \$825,000 for operating. FEMA project money should be received within the next 3 to 4 weeks.

- D. Fire Chief Peter Kolenda Retirement
 - i. Brendan McNamara said that there will gathering on June 27th from 4:00 p.m. to 7:00 p.m. at Post 36 of the American Legion. The formal retirement ceremony will be held on June 30th. Information will be publicized.

- E. Memorial Day
 - i. Brendan McNamara said thanks to the American Legion, Buildings and Grounds and all who helped make it a nice Memorial Day in town.

14. **OTHER BUSINESS**

- A. FEMA Readjusting Flood Plain, Flood Way and Base Flood Elevation
 - i. George Tucker, Jr. said that an email was received from FEMA regarding changing the Flood Plain and Flood Way maps as well as the Base Flood Elevations requirements. There will be a 30-day comment period for boards to respond. The response time started on May 30th.
 - ii. Brendan McNamara said he will forward the information to board members.

- B. Code Red Alert System
 - i. Eric Alden said that CODE RED municipal alert system is not working.
 - ii. Brendan McNamara said there are technical issues and he will make a follow-up call tomorrow. When you go to log in and create an account, - it SPINS. If we are using the ALERT system, that will send out an alert. He will have an update this week. He and Dave VanGuilder will be doing an interview with Okemo Valley TV and there will be a video on using the system.

- C. Marquee for Those Who Served and Paid the Ultimate Price
 - i. Eric Alden said that at one time, there was a marquee at the mill with a list of those who served in the military and paid the ultimate price. It has disappeared and he suggested having a monument at Veteran s' Park.
 - ii. Bruce Schmidt said there is one downstairs at town hall.

15. **POSSIBLE AGENDA ITEMS FOR NEXT MEETING (JULY 1, 2024)**

- A. Brett Sanderson said the next meeting would be July 1, 2024 at 6:00 p.m. and on the agenda:
 - i. Ryan Silvestri and NEMC Reappraisal Process
 - ii. Noah Schmidt suggested discussion about dam status
 - iii. Class 4 Roads.

16. **SIGN WARRANT ORDERS**

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

17. **POSSIBLE EXECUTIVE SESSION/PERSONNEL/CONTRACTS/LEGAL ISSUES**

- A. Brendan McNamara said that an Executive Session is needed to discuss:
 - i. Possible Annual Pay Raises
 - ii. Municipal Manager Annual Evaluation
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to enter Executive Session to discuss Personnel/Contracts. Motion passed unanimously.**
- C. Board entered Executive Session at 7:11 p.m.
- D. No action taken.
- E. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to exit Executive. Motion passed unanimously.**
- F. Board exited Executive Session at 7:48 p.m.

18. **ADJOURN**

- A. **MOTION by Justin Hyjek and seconded by Scott Baitz. To adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:49 p.m.

Respectfully submitted,

Lisha Klaiber

Brett Sanderson, Chairman

Noah Schmidt

Scott Baitz

George Tucker, Jr.

Justin Hyjek