

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**November 4, 2024**

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

**Meeting ID: 963 5236 4337**

**Passcode: 411479**

**One tap mobile**

**+13126266799, 963 5236 4337#,,,,\*411479# US (Chicago)**

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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

Ulla Cook

Ben Whalen

**OTHERS PRESENT:**

Eric Alden  
Nick Gilberti  
Jarrod Jowdy  
Heather Kelly  
Jay Lushinks  
Judy Lushinks  
Michael Messer

Nick Miele  
Cherie Nicoll  
Julie Nicoll  
Logan Nicoll  
Alice Nitka  
Charlie Rimer  
Bruce Schmidt

Marissa Selig  
Ryan Silvestri  
George Tucker  
Sherry Tucker  
Elijah Webster  
Landon Wheeler

**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 a change is needed to include approval of Application for Loan forgiveness for Mascoma Bank in the amount of \$88,849.31. It will be item 12B.
- B. **MOTION by Noah Schmidt and seconded by George Tucker, Jr. to include Item12B Application for Loan Forgiveness for Mascoma Bank. Motion passed unanimously.**

3. **APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Brett Sanderson advised that the minutes to be approved are for the regular meeting of October 21, 2024:
- B. **MOTION by Noah Schmidt and seconded by George Tucker, Jr. to approve the minutes from the regular meeting of October 21, 2024 as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. There were none.

5. **DEPARTMENT HEAD REPORTS – OCTOBER 2024**

- A. There was no discussion

6. **APPROVAL OF REQUESTS/LICENSES/PERMITS**

- A. There were none.

7. **DORSEY PARK PLAYGROUND GRANT DISCUSSION:**

- A. Brendan McNamara said that Nick Miele and Cherie Nicoll are here to discuss applying for a grant to upgrade the playground at Dorsey Park.
- B. Nick Miele said this would not be from the ARPA funds. We have done the skate park and now will be doing the tennis courts. This would be the next step. There are funds available from the Clean Water funds. The funds would be a 50/50 match. The town would have to pay the entire bill and would be reimbursed at 50%. The pre-application is due this coming December and the final application is due January 2025 with completion in June 2026 – a 2-year budget span. The estimate is \$200,000, but it would probably be less. We can have other contractors do the surfacing and site work. We currently have \$57,750 in the Recreation Facilities fund. We can use donations toward our share of the payment. Other towns, including Burlington have applied for and received grants for playgrounds. There is also \$60,000 remaining from the ARPA funds.
- C. Scott Baitz said that we do have the funds for money upfront.
- D. Brendan McNamara said that this is worth pursuing, of the \$200,000, our share would be \$100,000.
- E. Noah Schmidt asked the status of the playground and if it can wait another 2 years.
- F. Nick Miele said absolutely. It does have to go out to bid and he will reach out to other companies for estimates.
- G. Noah Schmidt asked if there is enough space for a \$200,000 project.
- H. Nick Miele said the equipment is about \$100,000, installation about \$41,000 and freight \$8,500.
- I. Scott Baitz said they should move forward with the application, but he would like a Plan B for if we did not receive the grant.
- J. Noah Schmidt asked if any other project would fit this.
- K. Nick Miele said this is the biggest. He would also like to have a press box at Dorsey for storage. The Skate Park cost was \$235,000 and about \$200,000 for the tennis courts.

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- L. Bruce Schmidt noted that the application references that the recreation spaces would be open in perpetuity. With the floods we have had, the park would still have to be there.
  - M. Noah Schmidt said with the work done at the skate park, Dorsey should be ok.
  - N. Scott Baitz said we need to do this.
  - O. Brendan McNamara said there is \$57,000 in the Recreation Capital account. We put in about \$25,000 3 years ago and for the last 2 years about \$10,000 each.
  - P. Brendan McNamara said we have done the skate park and tennis courts. We have done work on the secondary field at Pullinen. This will not deplete the Capital Fund and there are lots of recreation spaces in Ludlow. West Hill – in his opinion – should be next in line for improvements. He does not see this as handcuffing us. He said the ARPA funds must be appropriated by the end of the year and expended by 2026. He recommends that this board ask Nick Miele and Cherry Nicoll to move forward with the grant application process. It would benefit the town.
  - Q. Judy Lushinks asked if it would be handi-cap accessible.
  - R. Brendan McNamara said everything will be ADA compliant.
  - S. Justin Hyjek asked Nick Miele if the Recreation Department be asking the Board to increase the amount put in the budget for FY2026.
  - T. **MOTION by Noah Schmidt and seconded by Scott Baitz to proceed with the application process for the grant for \$200,000 for the Dorsey Park Playground. Motion passed unanimously.**

8. **DISCUSS AND POSSIBLY APPROVE HOLIDAY PARTY**

- A. Brendan McNamara said he is asked for board consensus to proceed with soliciting bids for the Holiday Party. Last year, the party was well attended and the cost was about \$5,000.
- B. **MOTION by George Tucker, Jr. and seconded by Noah Schmidt to move forward with solicitation of bids for the Holiday Party. Motion passed unanimously.**

9. **DISCUSSION REGARDING RENTAL REGISTRY**

- A. Brendan McNamara said that at last month's meeting they started discussion about the fire at the Trailside Condos and we received a lot of feedback from the public. In the past, the board decided not to move forward with a Rental Registry. It is now our due diligence to revisit this. It is not about town oversight of property owners, not about money. It is about life saving issues. Safety for the community, our guests, and our mutual aid personnel. We need to take a second look at it. It is our job to do that. It is not regulatory, not about stopping people from renting out their properties. It a unit is permitted for 8 people; they can rent to 8 people. They need to do it correctly, by codes and standards. Renters expect safety in the units. We will not be making any decisions tonight and this is not for this winter's season. He said that Landon Wheeler and Ben Whelan are here to answer questions. He asked Landon Wheeler what he is seeing for Ludlow rentals – we regard to over-capacity and non-conformance in Ludlow rentals.
- B. Landon Wheeler said the Division of Fire Safety utilizes outside design and inspections and not just on rentals – also for uses where they should not be. We don't differentiate between Long- and Short-Term rentals. If there are glaring items, we can search online. We look for available rentals and Ludlow has 1,000s both long and short term. A big trigger is overpopulation in units which increases risks. He stated that the Trailside condos have life safety equipment that worked, the fire rated separation walls worked. The windows and sprinklers worked. There were other contributing factors in this case. In one year (10 months), we have had over 500 interactions in

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- Ludlow. In a 3-year period, between 2,400 and 2,500 interactions. We spend a considerable amount of time in Ludlow.
- C. Noah Schmidt asked What if a person changes a house from a single-family dwelling into a rental.
- D. Landon Wheeler said if a dwelling is rented for ONE day, it becomes a public building and is subject to 20VSA§173 and all codes and standards must be met and the owner is liable. In an owner-occupied single-family dwelling, there is not outside inspection and the builder may not know the codes. Vermont has had codes over 70 years and they are changed over time and reviewed every 3 years. We are currently working to adopt the 2021 cycle (working under the 2015.) He added that there is minimal change between 2015 and 2021. The more people that are in a unit, the higher the risk. The goal of the Division of Fire Safety is to make sure inspections are done on buildings with the highest risk and that is where people sleep. And most of them are single family, owner occupied
- E. Brett Sanderson asked how this can be controlled.
- F. Landon Wheeler we cannot inundate the Division of Fire Safety as a whole. The town and its zoning regulations help and there can be zoning violations. We need to educate the public, some of the owners do not know they are breaking the law. When education fails, enforcement takes over. But we start with public education first. It also helps build relationships. We hope to educate the owner associations with information and outreach. We provide a check list for 8 or less occupancy units. For more than 8, it must have a change of use with the state and the zoning office. There are 62 towns and we provide code information sheets at the town offices. If a unit is rented for higher occupancy, we can do site inspections. In Ludlow, there are over 100 Purchase and Sales inspections/year. But, when inspected, most of the units are empty, but we can judge how it may be configured. He added that not every rental registry has the same objectives and you must figure out why you want a rental registry. It is not our intent to have rental registries dictate Division of Fire Safety inspections – we cannot facilitate that. We are working on outreach and ask Ludlow to help us distribute the information.
- G. Brett Sanderson said some of the renters are from out-of-state and say they rent to 8 people, but have no idea how many people show up at the unit. They absorb the liability.
- H. Noah Schmidt asked when the Division of Fire Safety finds violations, how do the people react?
- I. Landon Wheeler said there are all ranges of responses, from upset because it will cost them money by limiting the load to some happy and thankful to know. There are success stories. Some people only want to use it as a business, while others may have different reasons.
- J. Ben Whalen said his objective is for Life Safety for people in the community. We need to make sure, if we start a registry, what our purpose is. He has seen units that sleep 8, with occupancies of 12 -16-24, windowless bedrooms, and beds in closets. Ludlow's population increases to as many as 40,000 during holiday weeks. Fire and Life Safety are the most important. We have a good relationship with Division of Fire Safety. Mike Messer has included me on some inspections and I will be able to keep an eye on certain locations.
- K. Noah Schmidt said safety is a big concern. Are we welcoming visitors to the community and doing our best to make sure they are safe. There are unsafe places and what would you like to see us do.
- L. Ben Whalen said we will distribute the check list from the Division of Fire Safety. We have been receiving phone calls at the Fire Station from people asking the process. There are changes of use, what is the intent of the code. We will work with the public. If people register with the town, they should add the number of people on the form for 8 or less. But others may increase the number, saying 8 while there are 12 beds. Some people are forthcoming and honest, but that is not always the case. We can give people the Division of Fire Safety Self-Assessment check list. DFS does not have the staff to do yearly inspections.
- M. Scott Baitz asked if units with occupancies of 9 to 16 must have sprinklers
- N. Landon Wheeler said the code does say sprinklers but there are variables – sprinklers are not suitable for every house. As of the 2015 codes, change of use from single family to

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Room/Lodging must comply with the new standards. In Ludlow, the variables may include stories, type of occupancy and level below grade. And these are not uncommon to find in Ludlow. There is a variance process and if there is a reason not to comply, they must provide an equivalent alternative. Smoke and CO<sub>2</sub> detectors are most required.

- O. Scott Baitz said that 9 to 16 are the biggest problem in Ludlow and all surrounding towns. They are not overly burdensome and there are a lot over 16 and they are the highest priority once identified.
- P. Landon Wheeler said we make every effort to inspect.
- Q. Scott Baitz asked with what authority.
- R. Landon Wheeler said as soon as a building is rented for one day, it becomes a public building. We have jurisdiction to inspect them.
- S. Justin Hyjek said that we did have a committee, but it was decided not to move forward. He asked Ben Whalen if he thought we should start another committee and would he participate.
- T. Ben Whalen said yes, and yes.
- U. Landon Wheeler said he would also participate, and it is not a waste of his time. He added that he will be moving to another position and there will be someone new replacing him. We would support you. We are not looking to create a conflict – state vs. local ordinances.
- V. George Tucker, Jr. asked if Chief Whalen can do the inspections.
- W. Landon Wheeler said there are 11 towns in Vermont with municipal agreements to complete tasks – some with full and others not. Brattleboro has limited inspections. A municipal agreement would be available to Ludlow, but there is a threshold – you must have adequate staff and training.
- X. Noah Schmidt asked if the check list is adequate. A room could have an egress window, but there is a bed in front of it.
- Y. Landon Wheeler said we cannot capture 100%, but we can capture intent - good life safety items. There is a complaint process and we respond within 72 hours. Some of the rental slips are filled out, but are still not compliant. We can have a memorandum of understanding (MOU). Ludlow has a lot of infrastructure. An inspection takes 3 hours – 1 for the process, 1 for travel and 1 for paperwork. The best inspector does about 500 inspections per year and a new inspector about 100. It takes about 5 years to become comfortable. He does not encourage Ludlow to put this on the fire chief without support. He said it takes about 3 to 5 years and the schooling is not the easiest to get. We have trailing expectations and certifications. You just cannot throw someone into the job. He said that Division of Fire Safety cannot do all of Ludlow. Using all 27 fire Marshalls for one year won't accomplish all inspections in Ludlow. 20VSA§173 sets the standards.
- Z. Noah Schmidt said we know we have a lot of illegal units – what is the town's liability.
- AA. Landon Wheeler said he can't comment on that –he would have to get legal advice. The owners and property managers are liable. If people get hurt, we can all end up in court. He said there are 62 towns, self-funded agencies, permit fees and staffing challenges. Over the past 18 years, DFS has doubled its staff. We have enforcement capabilities if educations fail
- BB. Brendan McNamara said we will be having a joint meeting of the Select board, Trustees and Planning Commission on Tuesday, November 19<sup>th</sup> at 5:30 p.m.
- CC. Noah Schmidt said that has a good model for fire safety.
- DD. Landon Wheeler said that he has reviewed all the Short-Term rental registries. You must make sure it fits your objective. Copying and pasting does not always meet the objectives.

#### 10. **FY2026 BUDGET DISCUSSION – FIRE TRUCK PURCHASE OPTIONS**

- A. Brendan McNamara said we will start the budget process within the next 2 weeks.
- B. Brett Sanderson said we usually have a couple of Mondays per month

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- C. Brendan McNamara said he will put out dates. He said that 2 years ago we started to talk about replacing a fire truck – but that was before last year’s flood. Chief Whalen will outline the process tonight, but there will not be a decision tonight.
- D. Ben Whalen said Engine 3, Tower 1 and a Utility need to be replaced. He is setting up a Capital Plan through 2060 We try to replace vehicles every 20 years, but OSHA recommends 15 years. Tower 1 and the tanker are both 25 years old. The Engine 3 is 20 years old. The lead time for ordering and delivery of an engine is 36 to 42 months and 44+ months for a tower. He said that engine #3 is a 2004 and the maintenance costs have been over budget for several years. We are having pump issues – we do maintenance on it. It is not great to wonder if the pump will work. Engine #3 and the tower have been well maintained. Maintenance on the tower is about \$30,000 per year. The manufacturer of the chassis is no longer in business and it is harder to get parts. Newer vehicles have more modern parts and are safer. The utility vehicle – 20 year old diesel pickup. Highway said they could use it. We can use the equipment capital fund. Our options are: Purchase the engine and tower this coming fiscal year – you save 5% if you do buy them together and pay at the time of purchase – a 5% payback with simple interest per day - \$479 - \$500 per day until delivery. Total saving between \$500,000 and \$540,000. Pump delivery is 36 months.
- MSRP for the Engine is \$1,457,844  
MSRP for the Tower is \$2,589,195  
MSRP Total \$4,046,039  
5% savings for purchase of both is 1.4 - \$1,283,000  
5% savings for purchase of both is 2.5 \$2,215,000  
The cost increases effective 2/1/2025 is 5%  
If purchased before 2/1/2025 \$116,624
- Pre-buy payback on MSRP \$3,498,000  
Pre-buy payback on MSRP \$2,988,416  
After 2/1 Increase of \$156,000+
- Without use if Equipment fund - \$450,000 cash
- Expected trade-in for both \$50,000
- E. Justin Hyjek asked if purchase before 2/1/2025 is possible
- F. Brendan McNamara said he does not know and needs to talk to Ulla Cook and the board. It is possible, but we need a bit more group discussion.
- G. Justin Hyjek said we should explore more moving forward – it’s a no-brainer.
- H. Ben Whalen said transparency is a key part. This was brought up before the flood last year. We need good vehicles for another 20 – 25 years and these suit Ludlow’s needs.
- I. Brendan McNamara said it would be voted on at town meeting in March. We could explore if they would be willing to hold the increase off until after town meeting.
- J. Ben Whalen said if we can buy before 2/1 – the price would be \$2,988,416, but after 2/1 would be \$3,145,252.
- K. Ben Whalen said he will try to negotiate a deferred price increase.
- L. Brendan McNamara said you can only get bonds at certain times, we may have to get a loan.
- M. Noah Schmidt said they have had a Local Options tax discussion
- N. Brendan McNamara with the ambulance purchase, we had a deal that if it did not pass at town meeting, we would be to cancel.
- O. Ben Whalen said they will not accept the order until we give them the 5%. He said he will not place an order until we are ready. If delivery is late, we still get interest.
- P. Noah Schmidt asked how specific this is.

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- Q. Ben Whalen said the dealers do have back logs. When they purchased for Chester. It was 2 years for the engine and 2 ½ to 3 years for the tank. The delivery times are pretty accurate. If they are ready early, they will stop incurring maintenance. He said the tower will be lower – from 102’ to 95’. It is super-heavy. It will be more maneuverable and fit in more places. He said he is happy with the vehicles as specified out and they will serve Ludlow for 2 to 3 decades.
  - R. Logan Nicoll asked the balance in the fire equipment fund.
  - S. Ben Whalen said about \$30,000. We have been underfunded for years. He said that moving forward, with either a bond or loan, the people here are paying for it. If you extend out the loan terms, it will spread the payments out over time. The aim is to not have all the vehicles need to be replaced at the same time. The Rescue vehicle we have is 10 years old and in 7 years we should order its replacement. He added that they also must replace radios through the budget.

## 11. OKEMO SEASONAL UPDATE

- A. Bruce Schmidt said that Okemo had a strong summer, with increased visits over August-September and October. He said that they ended on Indigenous Peoples’ Day weekend – which was very strong with the exception on Sunday and Monday when it rained. He said that over the summer, we put a new floor at the Clock Tower, put new siding on the Sugar House, painted, put expanded snow-making on Timberline. We worked with Efficiency Vermont on 15 new low energy snow guns, added 5 fan guns (with incorporated compressors.) He said that South Face Village (not part of Okemo but we provide snow making) added a new trail down to Okemo called Rossi’s Run, we added a new 100’ carpet at Clock Tower and extended the carpet at Jackson Gore. Snow Tubing will be coming back to Jackson Gore, but for this year, we will discontinue ice skating. As it is hard to keep the ice with the weather. We have added to food and beverage. This year, we have started a new program MyEpicgear that is a subscription service for use of skis, boards and boots. This is not a rental program. Members pay each time they use the equipment and 12 resorts are now making it available. We had 6 weddings this summer, with 2 at the summit where we put chips down. Our focus is to start snowmaking as soon as it gets cold. We are ready to go and hope to open before Thanksgiving. So far, 65 to 68% of staff have returned and housing is a similar footprint to last year. He thanked the town manager and department heads and boards for paving the town’s portion of the Access Road and for our relationship with Stearns’ Pit.
- B. Brett Sanderson asked for a moment of silence for the passing of Stu Schmidt – Bruce’s father. He recalled that Mr. Schmidt had taught Drivers’ Ed and had a big impact on Ludlow.

## 12. MUNICIPAL MANAGER UPDATES

- A. Spillways
  - i. Brendan McNamara said that the work by Markowsky Excavating for spillways for Dams 3 and 5 is basically done.
- B. Major Dam Project
  - i. Brendan McNamara said that the engineering and design phases are being done by Dubois and King for 5 dams. He met with NCRS onsite. Scope of work for the project will take 6 to 10 years. Engineering is ongoing. They are test drilling. This project is fully funded.
- C. Local Options Tax Committee
  - i. Brendan McNamara said there was a forum 2 weeks ago and the committee explained the benefits to the town. It was well attended and we received great feedback. We will have

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another public forum after the new year and possibly vote at town meeting. We are asking people to ask people who attended the forum about any questions they have.

- D. Merger Committee for Town and Village
  - i. Brendan McNamara said the committee completed a draft charter and submitted it to the town attorney as well as department chairs. We will sit down with boards and town clerk to discuss. There is not a huge delineation from the way we operate. A draft will be made available to the public. We may be able to vote on it at Town Meeting in March. If it passes the town vote, it will be sent to the State for approval.
- E. Pre-Winter Meeting with John Neal from Okemo
  - i. Brendan McNamara said John Neal met with him, Chief Billings and Mary Mansino for a pre-winter season meeting. We work well together
- F. Mill Street
  - i. Brendan McNamara said that Mill Street opened on October 11<sup>th</sup>.
- G. Joint Board Meeting/Select Board/Trustees/Planning Commission
  - i. Brendan McNamara said that there will be a joint meeting on November 19<sup>th</sup> at 5:30 p.m.

12B. **APPLICATION FOR LOAN FORGIVENESS**

- A. Brendan McNamara said that is for forgiveness of after flood eligible interest in the amount of \$88,849.31,
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to Approval for the application of loan forgiveness on Flood Recovery Loan with Mascoma Bank in the amount of \$88.849.31. Motion passed unanimously**

13. **OTHER BUSINESS**

- A. Voting tomorrow from 10:00 a.m. to 7 p.m. Heald Auditorium

14. **POSSIBLE AGENDA ITEMS FOR NEXT MEETING (DECEMBER 2, 2024)**

- A. Brett Sanderson said the next meeting would be December 2, 2024 at 6:00 p.m. and on the agenda:
  - i. Rental registry

15. **SIGN WARRANT ORDERS**

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

16. **POSSIBLE EXECUTIVE SESSION/PERSONNEL/ /LEGAL ISSUES**

- A. Brendan McNamara said that an Executive Session is needed for personnel.
- B. **MOTION by George Tucker, Jr. and seconded by Noah Schmidt to move into Executive Session for personnel/legal matters. Motion passed unanimously.**
- C. Board entered Executive session at 7:47 p.m.



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- D. **MOTION by Noah Schmidt and seconded by George Tucker, Jr. to exit Executive Session. Motion passed unanimously.**
  - E. Board exited Executive Session at 8:20 p.m.
  - F. No action taken.

17. **ADJOURN**

- A. **MOTION by Noah Schmidt and seconded by Scott Baitz to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:21 p.m.

Respectfully submitted,

Lisha Klaiber

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Brett Sanderson, Chairman

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Noah Schmidt

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Scott Baitz

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George Tucker, Jr.

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Justin Hyjek