

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

December 5, 2022

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

Join Zoom Meeting

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BOARD MEMBERS PRESENT:

Bruce Schmidt, Chairman
Scott Baitz

Bob Brandt
Justin Hyjek

Brett Sanderson

STAFF PRESENT:

Scott Murphy
Chief Billings

Ulla Cook (ZOOM)
Chief Kolenda

Patty Potter
Jeannie Stasz

OTHERS PRESENT:

Eric Alden
Lynn Baldwin
Joe Josselyn

Brent Karner
Ed Kelly
Noah Schmidt

Ryan Silvestri
Ginny Snyder

AGENDA

1. CALL TO ORDER

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

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

- A. Scott Murphy said that no change is needed.

- B. Bruce Schmidt suggested that since Scott Baitz has to leave early, they discuss Item #7 – Town Hall Parking Lot after Comments from Citizens.

3. **APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Bruce Schmidt advised that the minutes to be approved are from the Regular Meeting of November 7, 2022 and the Special Meeting of November 28, 2022.
- B. **MOTION by Brett Sanderson and seconded Justin Hyjek to approve the minutes of the Regular Meeting of November 7, 2022 and Special Meeting of November 28, 2022 as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. **Rental Registry**
 - i. Lynn Baldwin voiced her concerns over the action taken by the Select Board in approving an expenditure of \$27,000 for a contract with a vendor for data collection. How long is the contract for
 - ii. Scott Murphy said 2 years and we will start receiving data after this winter.
 - iii. Lynn Baldwin asked what the board's goals are.
 - iv. Scott Murphy said they are waiting to see what kind of data comes in.
 - v. Bruce Schmidt said the board signed a contract with Granicus to gather information so we can understand the impact to the town the Air B&B and other short-term rentals have. The board may want to move in the direction of a registry.
 - vi. Lynn Baldwin asked if this includes workforce housing.
 - vii. Justin Hyjek said the effects are emerging, but at this time, there are no plans for an ordinance.
 - viii. Lynn Baldwin said that they had said there are 3 phases: identify, educate and compliance. What about changes to the zoning districts. At the July meeting, they mentioned changing zoning to restrict certain district to long term rentals only. She said that she is not hearing enough about the board's goals. You are not being forthcoming. People with Air B&B rentals will be put in a bad situation. They will be surveilling every Air B&B property. She said that at the October meeting, she asked for a list of what the 250 points would be. She said there may be legal issues. She is concerned about her right to privacy and does she have an option. She said that Air B&B pays the taxes to the State and she gets a 1099.
 - ix. Bruce Schmidt said that the board has been discussing this for several months and there will be more discussions if the Select Board does propose an ordinance, we will hold a meeting and you will have an opportunity to discuss it at that time.
 - x. Ginny Snyder asked how the town will fund the \$27,000.
 - xi. Bruce Schmidt said it is in the current year's budget and the budget for the next fiscal year will be voted on at Town Meeting. People can vote on that item at that time.
 - xii. Ginny Snyder said that she encourages the town manager to pursue other sources of funding for this. She said that the businesses may want to get involved, to help with housing for the employees. She would rather see that than to impose regulations and taxes on the people.
 - xiii. Eric Alden said that he agrees with Ms. Snyder regarding work force housing.

5. **POSSIBLY DISTRIBUTE OPIOID SETTLEMENT FUNDING**

- A. Scott Murphy said that the previous distribution was \$2,437 and the Select Board voted to give those funds to the Ludlow Ambulance. This is a second distribution and we have a request from Divided Sky/Turning Point. Scott Murphy said that his recommendation is to distribute this second funding to Divided Sky/Turning Point. He said that these distributions will be ongoing.
- B. **MOTION by Justin Hyjek and seconded by Scott Baitz to donate these funds to Divided Sky/Turning Point. Motion passed unanimously.**

6. **CONSIDER AND POSSIBLY APPROVE SIDEHILL CRONCHERS SNOWMOBILE CLUB REQUEST TO USE TOWN ROAD**

- A. Scott Murphy said that this request is the same as previous years and he has not heard of any issues.
- B. **MOTION by Brett Sanderson and seconded by Bob Brandt to approve the request from Sidehill Cronchers as presented. Motion passed unanimously**

7. **TOWN HALL PARKING LOT**

- A. Scott Murphy advised that they are in discussions, through the realtor, about the O'Hara property. This goes back to the 1960's. The O'Hara estate owns ½ of the parking space at the back boundary of town hall. They want 6 parking spaces dedicated. We had an agreement for 1 dedicated space to them. Chris Callahan is representing the town and Larry Slason is representing the O'Hara estate. He said that Ulla Cook said it was a handshake deal, and can be revoked within 30 days. The estate is trying to sell the property. They have no access to the back except the public ROW. There is also an issue about the density. The town has maintained: plowed, paved and repaired the property. He said that he recommends that we try to reach an agreement for joint use of the parking lot. We would lose 8 spaces. They want 6 spaces and want to turn the property into 2 residential units and they would need 2 spaces per unit. Rose Goings has said that there is an issue with the density; there is not enough square footage.
- B. Bruce Schmidt asked if they could get a variance.
- C. Scott Murphy said he doesn't know. We can start negotiating, but it would be subject to a DRB permit. The prospective owners want to get the situation resolved before the purchase. The zoning regulations limit the development of the building because of density.
- D. Bob Brandt suggested offering them 3 spaces.
- E. Scott Murphy said they are trying to develop it into residential units.
- F. Justin Hyjek said we have to get the parking situation resolved first.
- G. Bruce Schmidt said that the board gives Scott Murphy the authority to start negotiations.

8. **FY 2024 BUDGET WORKSHOP**

- A. Scott Murphy said that at their last meeting, there were questions from the board=.

- i. Crusher Gravel – the board asked if this should be as capital or line. The auditors said we could do it either way.
- ii. Cellphones: there are 7 department head cellphones, 6 IPADS (3 ambulance and 3 fire) and the cost is \$710/month.
- iii. B&G Fuel – this is for the town hall building only
- iv. \$15,000 from Parks & Recreation to Capital – this has been discontinued. The \$5,845 for FY2022 reflected an expenditure of \$9,155 out of Capital.
- v. Highway Maintenance – this expense was for the grader repairs.
- vi. Rental Registry – town or Village – NO
- vii. Road Cut permits- we hold the \$ as a bond and reimburse, less \$50.00 when the work is done.
- viii. Bruce Schmidt asked what other towns do.
- ix. Scott Murphy said they don't show it as income.
 - x. Justin Hyjek asked about direction for cellphones – should we consider a town plan/
 - xi. Scott Murphy said it hasn't changed in years
- xii. Bruce Schmidt suggested a stipend and using their own phones. He asked how we determine who gets the phones.
- xiii. Scott Murphy said that Kevin MacPherson's situation is unique. Now, Highway, Ambulance Rec, Police, and Wastewater.

B. Police Department

- i. Scott Murphy said that they had lost the Windsor County dispatch funds. They dropped our dispatch services.
- ii. Jeff Billings said they replaced one radio and the repeaters are ok. We have to move the repeater to Okemo for better service coverage.
- iii. Justin Hyjek asked about Traffic Revenue
- iv. Jeff Billings said it is mostly from Okemo. He said that last year, Traffic Control expenses were \$17,600 and it will be higher this year. Most of it will be reimbursed from Okemo.
- v. Bruce Schmidt asked about body cameras.
- vi. Jeff Billings said we have top of the line body cameras and they are worn all of the time. The cruisers have 3 working cameras.
- vii. Bruce Schmidt asked about dash cams.
- viii. Jeff Billings said they cost about \$4000 to \$500, and they rarely all go bad at one time.
- ix. Bruce Schmidt said that at some time, we may need the footage.
 - x. Jeff Billings said we haven't had any incidents where it didn't help. He said that Windsor County has not told him why they dropped us, they may be looking toward Woodstock, but any other town will cost more.
- xi. Bruce Schmidt asked about technology
- xii. Jeff Billings said we have computers in the cruisers and can get information there. But with the mountain, there's a 50/50 chance of service.
- xiii. Bruce Schmidt said we still need dispatch.
- xiv. Jeff Billings said yes, plus we have ambulance and fire.

C. Transfer Station

- i. Bruce Schmidt asked about the bathroom.
- ii. Scott Murphy said that they sent out an RFQ, with monetary limits. We received only one inquiry and no submittals. He said the amount is in the budget. He said that this budget is

- pretty steady about 3.2% increase, most labor. He said that there is a mistake on MSW – it should read \$56,000, not \$6,000.
- iii. Patty Potter said that haul-outs have tapered off and she doesn't know what Casella's price will be. We still have revenue from bottles and cans, and E-waste is up, but we don't have to accept non-covered items.
- iv. Bruce Schmidt said they seemed to have solved the scales.
- v. Patty Potter said they put outside legal ahead of the game. It will be mandatory in May.
- vi. Bruce Schmidt said they should consider increasing the size of the swap shop. It keeps a lot of the waste out of the stream.
- vii. Justin Hyjek asked about signage.
- viii. Patty Potter said that they have signs and when people buy their permits, she hands out brochures

D. Fire Department

- i. Scott Murphy said the big change is the increase in training and the effort to retain volunteers.
- ii. Pete Kolenda said that he sat down with the officers and they are getting older and they are having a hard time attracting new people, younger people can't afford to live here. We talked about paid training and pad mileage. Training for FF1 is \$1,500 and FF2 is \$1,000.
- iii. Bruce Schmidt asked if they are paid \$15,00 per hour per fire or training.
- iv. Pete Kolenda said less than \$12.00
- v. Justin Hyjek said in 2022, actual training was \$490. Could that have been reimbursed.
- vi. Pete Kolenda said there are no rules about that now.
- vii. Justin Hyjek said it is a great idea to reimburse.
- viii. Pete Kolenda said it used to be a training program at Mill River, but not now.
- ix. Bruce Schmidt asked why they decreased PAY by \$6,500
- x. Pete Kolenda said last year it was \$42,087, budget FY 2023 was \$55,000 and we reduced FY2024 to \$48,500.
- xi. Bruce Schmidt said if we go over we will still pay them. He asked about a ladder truck.
- xii. Pete Kolenda said we're looking at a new engine (they have a 20-year replacement life.) He said he wants a bond vote this year for 2024. If we order now, they can pre-build with a signed contract. He may ask for a bond in the next couple of weeks. \$700,00 to \$750,000.
- xiii. Bruce Schmidt asked about the ladder truck
- xiv. Pete Kolenda said it is in good shape.
- xv. Scott Murphy said it is on the agenda to replace in 2029.
- xvi. Pete Kolenda said we don't run it to all of the calls.

E. Planning/Zoning

- i. Scott Murphy said they pulled out Rental Registry Services and made it a separate line item. Other than, there is very little change. He said that Cherry Nicoll is doing a great job in Rose Goings' absence. He added that Lisha Klaiber has been filling in.
- ii. Bruce Schmidt said we should talk about consulting at the next meeting.
- iii. Scott Murphy said that he has spoken to Jason Rasmussen and they are available to help us.
- iv. Bruce Schmidt said that Rose Goings needs to get well. He would like to discuss this at the next meeting in Executive Session.

F. Listers

- i. Scott Murphy said that switching over really worked out for us. We have had very few complaints.
- ii. Ryan Silvestri said there are no big changes for FY2024. We have had another year of gains in the Grand List. He said that NEMC for FY2025 will be \$4,000 /month.
- iii. Bruce Schmidt asked about the CAI.
- iv. Ryan Silvestri said that the state is talking about new tax billing system software and there will be a one-time integration fee at about \$2,000 to \$,000. This year will be probably see continuously increasing price and annual steps in the CAI. This will be a state mandated change. There have been lots of splits and map updates.
- v. Justin Hyjek asked about reappraisals.
- vi. Ryan Silvestri said we did a full reappraisal in 2021 and the CLA is 97.1. We did an equalization study in January and we expect the CLA to drop. There is a big influx of condominiums and limited data. They are selling for well over the assessments. There is a 5-year window to do the statistical reappraisal and we will target sales properties. If sales start to fall, we'll get close to 97, but 97 is good.
- vii. Justin Hyjek asked if the assessor fees for FY 2025 and FY2026 would be \$3,800 and \$4,000.
- viii. Ulla Cook advised that since the Listers' office is only open part time, people are coming into her office with questions, looking for answers.

G. Administrative

- i. Scott Murphy said the major changes are in Salaries. We now have 2 full time staff and one part time staff. There are no other big changes.
- ii. Bruce Schmidt asked if the part time position is new.
- iii. Scott Murphy said this is the 2nd year, she works 2 days with us and 3 days in the Planning Office.
- iv. Justin Hyjek noted that for Clerks, FY2022 Actual was \$109,832 and we are budgeting \$99,500.
- v. Scott Murphy said that when Pam Cruickshank left, we had to pay to get decent help.
- vi. Justin Hyjek asked if \$99,500 is his best educated guess.
- vii. Scott Murphy said yes.
- viii. Justin Hyjek asked what the increase will be.
- ix. Scott Murphy said 3.2 to 3.5%.
- x. Bruce Schmidt said our goal is 3.0%
- xi. Ulla Cook said that the auditors said that there are only 3 changes to be made and the Municipal Office Staff is doing a good job.
- xii. Scott Murphy said that the 2022 audit is in their boxes.

H. Appropriations

- i. Scott Murphy said that BRACC was reduced by \$5,000 because of their reduced role in Ludlow. The After School Program was also reduced by \$5,000, for the same reason. BRACC has a new director with less Ludlow involvement. He said the After School program did run this summer.
- ii. Justin Hyjek said it was great.
- iii. Bruce Schmidt suggested that before we finalize this budget, we should reach out to Okemo Valley TV. They do a lot for us, with the zoom and keeping people informed. They really contribute to the town.
- iv. Brett Sanderson agreed that the appropriation for them should be increased.

- v. Bruce Schmidt said they put in a lot of hours, put the money into setting up zoom,
- I. High School Building
 - i. Scott Murphy said that the overall costs decreased in the 3rd year. He said that heating and fuel are up. He said that they decreased most of the other costs. We are trying to help the Expeditionary School at Black River and have not raised the rent for 2 years.
 - ii. Bruce Schmidt said we need to put together a committee to look into what we want to do with the building. We discussed workforce housing, apartments and the school. We said we weren't going to keep the building for a long time.
 - iii. Scott Murphy said that Troy Caruso has expressed interest. It is sensitive because of the proximity to the Elementary School.
- J. Town Clerk
 - i. Scott Murphy said that there are no major changes. He said that recording fees are leveling off.
 - ii. Bruce Schmidt read from the Town Clerk's Monthly Report: Recording Book 459. We have 385 books, or 231,600 pages scanned and linked. This means that we have over 40 years on the computer. Started to scan the property transfer tax returns so the public can view them on the computer. We are encouraging title searchers to use the computer versus the card file. We also now have all of the land record books available online from the home page for Town of Ludlow. Pam has also been scanning our property transfer tax returns and has from 1988 to present in the computer.
 - iii. Scott Murphy said they also added 2 nice tables in the vault.
- K. Bruce Schmidt said he would like to have the final by January 1, 2023.
- L. Scott Murphy suggested a meeting on January 9, 2023.
- M. Bruce Schmidt said the board will meet again on December 19, 2022 to work on the budget.

9. MUNICIPAL MANAGER UPDATES

- A. Settlement Agreement Reached
 - i. Scott Murphy said that the long-term employee has submitted the resignation.
 - ii. Bruce Schmidt asked when this will be public.
 - iii. Scott Murphy said that parts were made public as of last Thursday.
 - iv. Bruce Schmidt asked Scott Murphy to send a Thank You letter for their service.
- B. North Hill Road Lawsuit
 - i. Scott Murphy said that a long time ago, we bought land for the cemetery with an easement. The lawyers are now involved and Chris Callahan will be representing the town.
 - ii. Justin Hyjek asked if it is where the orange netting is.
 - iii. Scott Murphy said the netting is to prevent ATVs and snowmobiles, but still allows cross country skiers.
- C. Staffing
 - i. Scott Murphy advised that we lost one of our Highway staff, but he changed his mind and stayed. We also have another former employee returning and another candidate. We should be close to full staff by winter.

D. Bio-Bot Tracking

- i. Scott Murphy said the state has a free program for testing wastewater for COVID trends. We signed up for it. Other than Bennington and Ludlow, there is only one other town in Southern Vermont that has signed up.

E. Town Health Officer

- i. Scott Murphy said that Eric Alden has volunteered to be Health Officer, and we can appoint him at our next meeting, but have to notify the state now.

10. **DEPARTMENT HEAD REPORTS**

- A. All reports are in

11. **OTHER BUSINESS**

A. Rental Registry

- i. Bruce Schmidt said this board needs to figure out the town and village. We have no authority over them. I don't see why we should be spending town money on the Village – it will skew our data. The price of the contract should be different without the village. We have no authority to tell the Village they have to participate. We need new information on the contract price.
- ii. Justin Hyjek said this was not a knee jerk direction. We have no underlying agenda. We understand property rights, but once a property is rented, it becomes a business.
- iii. Bruce Schmidt said the village encompasses part of the town. We are spending town taxpayers' money on the Village and they are not interested and will not follow our lead.
- iv. Scott Murphy said we haven't heard the trustees address this "gather information." They meet on December 13th. If it is just gathering information, it would be helpful to have the village information.
- v. Bruce Schmidt asked Scott Murphy to report back from the Trustees' meeting on our December 19th meeting.
- vi. Noah Schmidt said maybe they can distinguish the town from village properties.
- vii. Bruce Schmidt said he is concerned about spending town money if the Trustees are not interested.

12. **POSSIBLE ITEMS AND DATES FOR NEXT MEETING**

- A. Next Regular Meeting
 - i. Monday – January 9, 2023
- B. Net Date for FY2024 Budget Discussion
 - i. December 19, 2022

13. **SIGN WARRANT ORDERS**

- A. Bruce Schmidt said that warrant orders have been signed.

14. **POSSIBLE EXECUTIVE SESSION/PERSONNEL/CONTRACTS/LLEGAL ISSUES - 1VSA
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- A. Scott Murphy advised that an Executive Session is not needed.

15. **ADJOURN**

- A. **MOTION to adjourn by Brett Sanderson and seconded by Bob Brandt. Motion passed
unanimously.**
- B. Meeting adjourned at 7:42 p.m.

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt, Chairman

Justin Hyjek

Scott Baitz

Brett Sanderson

Bob Brandt