

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

August 5, 2024

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

Meeting ID: 963 5236 4337

Passcode: 411479

One tap mobile

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

+16469313860, 963 5236 4337#,,,,*411479# US

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

Stephanie Grover

Ben Whalen

OTHERS PRESENT:

Eric Alden
Tim Banker
Tim Calabrese
Nick Gilberti
Jim O'Malley

Shon Racicot
Ben Robinson
Carter Robinson
Melissa Rockhill
Kelly Stettner

Jill Tofferi
George Tucker, Sr.
Sherry Tucker
Steve Webbersen
Kevin Winter

1. CALL TO ORDER

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

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

- A. Brendan McNamara advised the following changes:
- i. Strike Item #8 – Review of Local Hazard Mitigation Plan – Brendan McNamara advised that the plan is still in Vermont State review.
 - ii. Move Item 11 - Trail Association to after Dept. Head Reports
- B. **MOTION by Scott Baitz and seconded by George Tucker, Jr. to approve changes in agenda. Motion passed unanimously.**

NOTE: MINUTES WILL BE IN ORDER OF AGENDA

3. **APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Brett Sanderson advised that the minutes to be approved are for the following meeting:
 - i. July 1, 2024 – Regular Meeting
 - ii. July 12, 2024 – Special Meeting
- B. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to approve the minutes as listed above as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. Jewell Brook Dam Spillway
 - i. Jim O'Malley said that he went to the dam and noted that the cut is still there and asked for an update on the progress and if there is an estimate for the repairs.
 - ii. Brendan McNamara said the estimate to fix both 3 and 4 is \$750,000.000
 - iii. Jim O'Malley said it seems like the amount is more than he thought it would be.
 - iv. Brendan McNamara said that they have approval for the designs. He said that we are at the mercy of the Federal government with the 100% funding.
 - v. Jim O'Malley asked if the Federal Govt. promised the funds and is it wise to rely on an entity that is in debt. He suggested that the town bypass the Federal Govt. and do it ourselves. He said that after Irene, people got together and started clearing up. The Select Board should consider doing it ourselves.
- B. Agreement with Okemo
 - i. Melissa Rockhill asked if there is a decision about the agreement with Okemo to use their spaces for persons displaced after floods or other disasters.
 - ii. Brendan McNamara said the agreement has gone back to Okemo for review.

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

- A. No comments

6. **RULES OF PROCEDURE**

- A. Brendan McNamara said that this discussion was started at last month's meeting. He said that he reviewed the comments and put the changes on the agenda for the September meeting.
- B. George Tucker, Jr. said that he has read Roberts' Rules and noted that the VLCT draft had pulled out the important stuff and condensed it. It is worthy to entertain adopting it.
- C. Justin Hyjek agreed.
- D. Noah Schmidt asked if the Select Board adopts it, will it also apply to the other boards.
- E. George Tucker, Jr. said this is geared to Select Boards and Trustees. He said the DRB acts as a court. He said what the VLCT has published is readable and could be handed out at meetings.
- F. Justin Hyjek said that he attended the Open Law Meeting in May and they said that small towns are crazy to try to follow all of Roberts' Rules. VLCT crafted this to withstand lawyer scrutiny.
- G. **MOTION by Scott Baitz and seconded by George Tucker, Jr. to put this on the September agenda for Review and Possible acceptance. Motion passed unanimously.**

7. **TREE WARDEN COMMENTS**

- A. Brendan McNamara said that he has been working with Phil Carter looking into tree issues in Town. He said that there are a lot of things that can be included in the Tree Warden's position. We will continue to formulate a plan, but it is not in the budget for this year. We are working with Buildings and Grounds on issues and putting together a budget for FY2026. There are a lot of grants available. He will have a proposal for this board for plans within the next few months. He said there is one tree at the entrance to the school and also a large pine that need to be removed. We will plan on what to replace them with.
- B. George Tucker, Jr. said he spoke to Phil Carter and there is a big grant opportunity this fall and we should get some projects together. Invasive species are part of the Hazard Mitigation Plan. We should have some project for the next month.

8. **REVIEW AND COMMENTS ON 2023-2028 LOCAL HAZARD MITIGATION PLAN**

- A. Item struck for State Review

9. **ARPA FUNDING ALLOCATION**

- A. Brendan McNamara said that he has received three requests for funding:
- B. STOP LIGHT REPLACEMENT
 - i. Brendan McNamara said we have a pending quote from Lafaso to replace the light and controls for \$28,000. The controls are \$12,000 to \$15,000 and are about 25 years old. They are not working properly.
 - ii. Justin Hyjek said it is well worth maintaining them and he is in favor.
 - iii. Brendan McNamara said if they use \$20,000, he can absorb the remaining \$8,000.
 - iv. Noah Schmidt asked if this would go out to bid.
 - v. Brendan McNamara said it will have to be replaced and not go to bid as it is a specialty item
 - vi. **MOTION by Justin Hyjek and seconded by Scott Baitz not to allocate ARPA funds but to proceed with the replacement of the stoplight. Motion passed unanimously.**
- C. FLETCHER MEMORIAL LIBRARY
 - i. Jill Tofferi said that in 2023, the library received a grant of \$75,000 from the Preservation Trust of VT and the library is currently waiting final acceptance to be listed on the Federal "National Historic Registry." She gave details of the following breakdown of the major group of projects:

Phase 1	
Limestone Fireplace (2)	\$6,600
Main Granite Steps	\$10,600
Mosaic Floor	\$53,000
Youth Exterior stairs	\$28,000
Architect fees for above 4 projects	*\$7,500
4 Project Total:	\$105,700 After grant remaining balance due \$30,700.00
Contractor costs for all above	\$98,000.00

Architect fees for above 4 projects \$7,500.00*

*Preservation Trust of Vermont will not pay Architectural Fees

- ii. Jill Tofferi continued, explaining that Phase 2, projected at \$625,000 will fully restore our marble staircase and curved marble wall and all support that is failing. She is hoping for a HUD grant via the VT Department of Libraries. She gave background of the library and current projects, including working with children and also a mobile laptop van that will help people who are not computer literate with their needs. Their silent, online auction this year, netted \$7,000.
- iii. Justin Hyjek said the library is one of the best assets in the town.
- iv. Noah Schmidt said this request fills all of the boxes of what we are looking for it is well planned and the library is a great asset.
- v. **MOTION by Justin Hyjek and seconded by Scott Baitz to approve the allocation of \$30,700 for the Fletcher Memorial Library as requested. Motion passed unanimously.**

D. LUDLOW EMERGENCY SERVICES (LES)

- i. Chief Whalen advised that the LES are requesting funds to cover costs of moving repeaters for the Police, and Fire Departments. He said that currently, the 2 EMS departments have 3 separate repeaters and 3 separate frequencies. He said the repeater for the Ambulance is located on top of Okemo, and the other 2 are located on Commonwealth Avenue. He has been doing radio checks and determining where the coverage umbrella for each is. In high hazard, the reception for Main and Depot is poor. The concept is for the Fire Department repeater to be relocated to Okemo and combine, on the same repeater as Ambulance. This will also take some of the burden off the dispatcher and enable better communication for Ambulance and Fire and allow them to work more together. They want to create a dedicated tower for all town services. He said the Police Department has already decided to move its repeater to Okemo. There will also be a cost reduction if we do the Fire repeater at the same time as the Police. The vendor will only have to make one visit. The repeaters have not been maintained and we don't have a contract on them. If we get news for EMS and maintenance for 3 years, the cost will be \$8,000.00
- ii. Brendan McNamara said the Fire Department is strapped. They are looking for \$50,000 to defray the cost of budgeting for a Command Vehicle for the fire department. He is currently using his own vehicle.
- iii. George Tucker, Jr. asked if they are asking for \$58,000. He said this board made the decision for have a full- time fire chief and we knew that there would be added costs. This is an Emergency Service.
- iv. Noah Schmidt said the repeaters make sense, but he thinks that the vehicle should be in the budget.
- v. Brendan McNamara said it needs to be done, but we don't know about funding. He suggested \$30,000.00.
- vi. Brendan McNamara said this has to happen. The Chief has to respond from his house and go directly to an incident. He is also responding to ambulance calls.
- vii. Brett Sanderson has not given to the EMS this year.
- viii. Justin Hyjek said that our town has always voted to support EMS. We voted to put the Ambulance service into the town budget. Come the next budget, the town will be on board. The repeaters need to be changed.
- ix. Brett Sanderson said there is a liability issue.
- x. George Tucker, Jr. said this community will benefit for local call response. This is a good candidate for funds. We did create this position and we can't wait a year
- xi. Noah Schmidt said the Rec department always gets cut at budget time and EMS does not.
- xii. George Tucker, Jr. said he sees both sides and noted that the tax rate did go down.

- xiii. Brendan McNamara said we have \$93,726 left.
- xiv. Justin Hyjek said we can't approve \$46,000 plus the fire department.
- xv. George Tucker, Jr. said we try to give to as many projects as possible. The town should not be a major funder of a project.
- xvi. Scott Baitz said that the Rec department is cut every year, but this is also important.
- xvii. Sherry Tucker implored the board to move on this tonight.
- xviii. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to approve the allocation of \$58,000 for the EMS as requested. Motion passed 4 to one – Noah Schmidt nay.**

10. **CLASS 4 ROADS DISCUSSION**

- A. Brendan McNamara said that there are 2.34 miles of Class 4 roads in town, portions of: North Hill Pent to Chapman, Preedom Hill, Godfrey (to the water tank), Pennel (off South Hill), the end of West Hill to the dam and .08 of Spruce. The total of all roads in Ludlow is 65.57 miles. We have been discussing this for the last 2 meetings. He said there are 3 options:
 - i. Institute a policy for Class 4 roads with oversight for speed, signs, and types of vehicles, as well as enforcement.
 - ii. Reclassify this portion of Preedom Hill as a trail. The town will not receive funding for it (it is .5 miles). The town retains ownership, but no maintenance. By statute, no vehicles.
 - iii. Have no policy – he spoke to the Police Chief and Game Warden and asked them to increase oversight on the Class 4 part of Preedom – ATV's are illegal.
- B. George Tucker, Jr. said that they would need a public hearing to institute a policy. It would be the quicker process.
- C. Brendan McNamara said once a policy is in place, we can specify types of vehicles. We can have a policy, but it is not a magic policy. We can say no ATVs, but they will be there. The Game Warden and Police are on board to increase visibility.
- D. Scott Baitz said we don't even enforce Class 3 roads.
- E. **MOTION by Justin Hyjek and seconded by Noah Schmidt to reclassify the portion of Preedom Hill currently the Class 4 portion to a trail status.**
- F. Steve Webbersen said he likes the idea of reclassifying it to a trail. Asked if we can put boulders there.
- G. Brendan McNamara said that is a question that needs to be clarified and he will have to discuss it with EMS staff. We can explore it.
- H. Steve Webbersen said that enforcement is the issue.
- I. Brendan McNamara said that any option will need enforcement. He said there will be a house built on North Preedom Hill – 500 feet down from the gate and we would have to move the "trail" down. Class 4 roads have private maintenance.
- J. Noah Schmidt asked if there is a better way to still be discussed.
- K. Brendan McNamara said he sees validity for all 3 options, but it all comes down to enforcement and he can guarantee there will still be problems.
- L. Noah Schmidt suggested having a cruiser sit there for an hour.
- M. Scott Baitz said if we don't do all 5, we should not do any of them.
- N. George Tucker, Jr. said that a policy can be rapidly changed.
- O. Melissa Rockhill said there is a ROW between North and South Preedom Hill Roads that is not maintained and suggested they have the Police look at that area. Whatever decision this board makes, will set a precedent for all.
- P. Justin Hyjek said he understands the need for a policy, he added that the road was built in the 1940's as a walk.
- Q. Steve Webbersen said it has not been used since 1947 for vehicles.

-
- R. George Tucker, Jr. said it is legal for ATVs to ride on Class 4 roads, but not on Class 3 roads. He said that in this case, to get to the Class 4 portion, from either direction, you have to ride on a Class 3 road.
 - S. Noah Schmidt said if there were a Class 4 road, off of Main Street, it would probably have enforcement. He suggested spending a couple hours a month having a cruiser there.
 - T. Scott Baitz said that he lives on West Hill Road. It has a 25 MPH speed limit, and people do 50 MPH. It is steep. Why should a cruiser be on Preedom Hill and not West Hill?
 - U. Justin Hyjek asked the width of a trail.
 - V. Brendan McNamara said that is a gray area.
 - W. George Tucker, Jr. said that gates and boulders are under the purview of the town. If an injury occurred, we would need access. No gates are allowed.
 - X. Justin Hyjek asked how EMS would access it.
 - Y. Ben Whalen said Ludlow does not have the equipment. They have a side-by-side ATV, but with a stretcher.
 - Z. Stephanie Grover said the ambulance will go down some Class 4 roads. We may have to back in ½ mile – or as far as we can.
 - AA. Chief Whalen said that he and Chief Kolenda will walk Preedom Hill and determine best access.
 - BB. George Tucker, Jr. said the DRB has discussed access to the bike path, but no matter what we do, it still comes down to enforcement.
 - CC. Vermont State Statute 19 grants the Select Board the authority to unlock gates.
 - DD. Shon Racicot said that the snowmobile trail runs up there.
 - EE. Justin Hyjek said bicycles are ok, but e-bikes are a question
 - FF. Shon Racicot said e-bikes don't harm the trails. Class 4 roads are nice to ride bicycles on.
 - GG. Noah Schmidt said if we can't enforce and can't gate, nothing will change.
 - HH. Justin Hyjek rescinded his motion.
 - II. Noah Schmidt rescinded his seconded.
 - JJ. George Tucker, Jr. asked if we know the main offenders
 - KK. Brendan McNamara said we will institute a plan of action with the game warden.
 - LL. George Tucker, Jr. said we can discuss the plan at the next meeting and find out if it works.

11. TRAIL ASSOCIATION – PRESENT AND DISCUSS TRAIL PHASES, COSTS & BENEFITS

- A. Tim Calabrese said that the group is requesting funds to complete Phase 3 of the Back 40 and the Fletcher Farms trail. A total of 4.65 miles, at a total cost of \$193,395.27. This amount will cover design and construction, not maintenance. We already have many and are actively enlisting more volunteers to build the trails and kiosks. The trails are safe and environmentally sound. We are expecting the ACT250 permit for the Fletcher Farm portion within a few weeks. He referred to their packet for show the breakdown of how the previous donation of \$25,000 from Ludlow had been spent. He said they also had funding from private donations and also \$1,000 from the Town of Cavendish. He said that a professional trail building company, Sinuosity, is doing the design, construction and installing drainage. They hope to do Ph.1 of the Fletcher Farm portion next summer and Phase 2 in 2026.
- B. Scott Baitz asked what Plymouth and Cavendish have pitched in?
- C. Tim Calabrese said Cavendish contributed \$1,000. He said the long- term plan is to connect to other towns.
- D. Scott Baitz asked what the group has requested from other towns.
- E. Tim Calabrese said the group has not asked.
- F. Scott Baitz said that FEMA still owes Ludlow \$2.5 million reimbursement. He said that he loves the project, but their request is a lot of money and he suggested they ask Plymouth and Cavendish for funds.

- G. Noah Schmidt asked how much of the trail will be in Cavendish.
- H. Tim Calabrese said $\frac{1}{3}$ to $\frac{1}{2}$ of the trail is in Cavendish, none in Plymouth.
- I. Justin Hyjek said it is a great idea, but the request is steep. He said the trail is good for recreation and they are proud of it. We just built the skate park. He said he would like to see more fund raising.
- J. Scott Baitz asked what the balance in the ARPA account is.
- K. Brendan McNamara said about \$140,000.
- L. Noah Schmidt said it is a great idea and this group is doing something important. We have given \$25,000 and this project will not require town maintenance. He asked about more fund raising and possible grants. He asked what amount would be realistic to keep the project going.
- M. Tim Calabrese said the immediate amount, to finish the BACK 40 is about \$46,000 and the Fletcher Farm portion is \$147,000.
- N. Justin Hyjek said he would support \$46,000.
- O. Scott Baitz said he does not think this should be put ahead of the spillways and the work needed there is more than just gravel and dirt. This is a big deal to allow money to go to a bike path before protecting homes.
- P. Brendan McNamara said that they are supposed to be starting work on the spillways within a month.
- Q. Shon Racicot this is a perfect place, a new activity and an economic driver. We are seeing more volunteers and private donations. He said the more we grow, we need more of a catalyst. This is a great place to use the ARPA funds.
- R. Jim O'Malley said that Ludlow owns the dams 100%. We can tell the Feds no to the \$750,000.
- S. Brendan McNamara said this is a separate project. They will be inspecting the dams again this week. He said that the Federal people have not said these dams are an eminent crisis. If we fix the dams, I have to answer as to why we turned down \$750,000.
- T. Scott Baitz asked if the town fixes the dams, are we liable.
- U. Brendan McNamara said yes.
- V. Noah Schmidt asked about other pending requests.
- W. Brendan McNamara said there are 3 on Item 9 of the agenda.

12. **REVIEW AND POSSIBLY AWARD EAST HILL PAVING BID**

- A. Brendan McNamara said that the bid opening was on July 31, 2024 and there were 4 bids. He said that we requested the bidder provide quotes in cubic yards, both delivered and loaded. The recommendation is to award the bid to Wilk Paving at the price of \$85.75. He said there was some discussing language about 100% virgin materials. We did not include that language. State Statute allows up to 15% of recycled materials. Fuller quoted 100% virgin. He said that Ron Tarbell and he are comfortable with using Wilk. In the future, we can add the 100% virgin materials to the RFPs.

VENDOR	BID
Fuller Sand & Gravel	\$86.00/Ton, \$2.25/yd
Pike Industries	\$89.99/Ton, \$2.00/yd
Bazin Brothers Trucking, Inc.	\$93.60/Ton, \$2.00/yd
Wilk Paving	\$85.75/Ton, \$2.15/yd

- B. **MOTION by Scott Baitz and seconded by Justin Hyjek to accept the bid from Wilk for East Hill paving, at the price of \$85.75 per ton. Motion passed unanimously.**

13. **MUNICIPAL MANAGER UPDATES**

- A. Timber Inn
 - i. Brendan McNamara said that Timber Inn is down and cleared. Crown Point did a great job.
- B. Sam's
 - i. Brendan McNamara said that FEMA will be coming this Thursday to inspect. They are expecting BATS.
- C. CODE RED Alert System
 - i. Brendan McNamara said the CODE RED Alert system is up and running. People may register for alerts. There is a video on Okemo Valley TV on how to register.

14. OTHER BUSINESS

- A. ARPA
 - i. Scott Baitz asked the balance in the ARPA fund account after tonight
 - ii. Brendan McNamara said \$35,700.
 - iii. Scott Baitz asked how soon the LAST Team needs to know about a donation
 - iv. Tim Robinson said the sooner the better. As soon as we know, we can let Sinuosity know
 - v. Scott Baitz suggested putting on the agenda for next month to Release \$35,700 for the Trail association.
- B. Transfer Station Bathroom
 - i. Noah Schmidt asked about progress on the Transfer Station bathroom
 - ii. Brendan McNamara said they are moving forward.
 - iii. Logan Nicoll said that the information on the websites regarding culverts is out of date (done in 2014.) He said that he is willing to support this effort.
- C. FEMA Payouts
 - i. Justin Hyjek asked if there are any payout timelines for FEMA to reimburse the town
 - ii. Brendan McNamara said he thinks not.
- D. RESILIENCE INITIATIVE FOR VERMONT EMPOWERMENT AND RECOVERY (RIVER)
 - i. George Tucker, Jr. said that he met with Chris Yurek and Brendan McNamara. They are compiling a list of projects for flood resilience. He said that the Black River is a high target area. He said that the Timber Inn/Little League area is about the same as a project done in another town. There is the possibility of another project at the north end of Town. This would be 100% free to the town. We can't dredge the river.

15. POSSIBLE AGENDA ITEMS FOR NEXT MEETING (SEPTEMBER 2, 2024)

- A. Brett Sanderson said the next meeting would be September 2, 2024 at 6:00 p.m. and on the agenda:
 - i. Rules of Procedure
 - ii. Release of ARPA funds for LAST Trail project
 - iii. Tree Warden projects.

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 for personnel and to include Chief Whalen.
- B. **MOTION by George Tucker, Jr. and seconded by Justin Hyjek to enter into Executive Session to discuss Personnel and to include Chief Whalen. Motion passed unanimously.**
- C. Board entered into Executive Session at 7:43 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 8:55 p.m.

18. **ADJOURN**

- A. **MOTION by Justin Hyjek and seconded by Noah Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:56 p.m.

Respectfully submitted,

Lisha Klaiber

Brett Sanderson, Chairman

Noah Schmidt

Scott Baitz

George Tucker, Jr.

Justin Hyjek