

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**December 4, 2023**

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

**Select Board**

**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/96352364337>**

**BOARD MEMBERS PRESENT:**

Brett Sanderson, Chairman  
Scott Baitz

Bob Brandt  
Justin Hyjek

George Tucker, Jr.

**STAFF PRESENT:**

Brendan McNamara  
Zachary Paul

Ulla Cook  
Jeff Warfle

Marissa Foote

**OTHERS PRESENT:**

Eric Alden  
Lynn Baldwin  
Julia Burton  
Bruce Schmidt  
Kathleen Valentine

Glenn Heitsmith  
Karen Kraut  
Expeditionary School  
Noah Schmidt  
Marlene Williams

George Tucker  
Sherry Tucker  
Nick Gilberti  
Ryan Silvestri  
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 said no changes would be needed.

3. **APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Justin Hyjek advised that the minutes to be approved are from the regular meeting of November 6, 2023.
- B. **MOTION by George Tucker, Jr. and seconded by Justin Hyjek to approve the minutes of the Regular Meeting of November 6, 2023 as amended. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. Bathroom at Transfer Station
  - i. Eric Alden asked if there has been any progress made on the installation of a bathroom at the Transfer Station.
  - ii. Brendan McNamara said the project has gone out to bid. They will be putting the bathroom inside the building. They are looking for bidders and the project is on the top of the docket. They hope to have it completed within 3 to 4 months.
- B. Staffing Suggestions for Town of Ludlow
  - i. Ryan Silvestri said that with budget time approaching, has the board given any consideration to additional positions at Town Hall, specifically Planner, Economic/Financial Coordinator and Assistant Town Manager.
  - ii. Brendan McNamara said they will be starting budget meetings next week and the board is open to suggestions.

5. **LIQUOR LICENSE ACTION:**

- A. Yeah Wine Shop: Application for 1<sup>st</sup> and 3<sup>rd</sup> class liquor licenses. Location: LaMere Square
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to approve the liquor license for Yeah Wine hop. Motion passed unanimously.**

6. **REVIEW/APPROVE ANNUAL STEARN'S PIT WITH OKEMO:**

- A. Brendan McNamara said that the board has a copy of the draft with the lease being \$81,978.32 (based off a 5- year average CPI.) The contract is good to go – he has been working with Bruce Schmidt and John Neal. He said that the town has used the lot for debris from the flood. They are still trying to get the pit in suitable condition to park cars. They need to do grading. This is part of the FEMA process we are trying to bring the lot back to its former condition prior to the flood. They expect to be done by the end of the week, early next week,
- B. **MOTION by Bob Brandt and seconded by George Tucker, Jr. to approve the Stearn's Pit lease. Motion passed unanimously.**
- C. Justin Hyjek asked if anything was added or subtracted.
- D. Brendan McNamara said no.
- E. Glenn Heitsmith said that the contract says that Okemo is responsible for grading.
- F. Brett Sanderson said that the town used the lot for debris.
- G. Glenn Heitsmith said that the Recreation Department is looking for a new location for the dog park, and the pit would be a good place.

- H. Eric Alden noted that Section 3 says that Okemo is responsible for West Hill Road maintenance. He said that that is a big road and Okemo should not be responsible for the entire road. He added that it also refers to Section 2(g). He said that Section 2(g) is not in the contract.
- I. Justin Hyjek said he has up to Section 2(e.)
- J. Brendan McNamara said that was what printed.
- K. Justin Hyjek asked if they should read the missing parts of the contract or shelve it for tonight and have a special meeting.
- L. Brendan McNamara said that can warn it as part of the budget meeting within the next week.
- M. Eric Alden asked for clarification of how much Okemo is responsible for West Hill Road.
- N. **MOTION by Justin Hyjek and seconded by Scott Baitz to table this discussion until the budget meeting. Motion passed unanimously.**

7. **FEMA FINANCIAL/RECOVERY UPDATE**

- A. Brendan McNamara said that at their last meeting, the board had approved the \$2,000,000.00 note to Mascoma Savings Bank. He said that the current cost total estimate for the town is \$2.5 million, including costs for infrastructure, major road repairs and salary cost distributions. Things are starting to slow in pace. He hopes to FEMA reimbursements starting within 30 to 60 days. He said that some of the road repairs are 100% complete. We are still working with the consultant recommended by Regional Planning Commission. Her costs are fully reimbursable.

8. **DISCUSSION REGARDING “LOCAL OPTIONS TAX”**

- A. Brendan McNamara said that he has been asked about this since April. He is bringing it to the board for preliminary discussion. He said that it should not be fully discussed at the Select Board level, but instead at a public forum. He said he thinks we need to look at the increasing costs of operating the town and look at the options tax. He said that for the FY2022, the town would have received nearly \$600,000. He said that looking at coming project, such as \$10,000,000 for the dams, paving, and 2 fire trucks, this would help take some of the burden off the taxpayers. He said that 26 towns have Local Options taxes in varying combinations (Sales, Alcohol, Meals, and Rooms.) He said we can institute it at town meeting and it does not need legislative approval. We can also repeal it. He said with \$2.5 million in flood damages, FEMA only reimburses 75%. We can discuss this at the Short-Term Rental meeting at the beginning of January and look at it at a public meeting. We need to look at both sides of the issue.
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to warn a public meeting for Local Options Tax.**
- C. Bruce Schmidt said that the board has been down this road before and he does not think there is enough time for this to be voted on at Town Meeting. He said there are 3 aspects: Lodging, food and general services. He said it is easier to sell Lodging and Meals, but harder to sell general services. This would be the 3<sup>rd</sup> time. He encourages the board not to rush, but possibly have a special election later in the spring. Don’t rush, get it right. It has been a challenge in the past and hard for people to consider all 3 categories.
- D. Justin Hyjek said a couple of years ago it failed and circles back to sales tax for groceries and hardware at ski shops. He said that Killington does not have a local options tax. He said that out of the \$526,082, \$470,776 was from Sales tax.
- E. Lynn Baldwin suggested if the town did this, they could dedicate a fund for dam repairs. She said if the town did this, people would be more likely to pass it.

- F. Brett Sanderson said the board is starting to talk about establishing a Capital fund.
- G. **Motion passed unanimously**

9. **REVIEW ONSOLVE CODE RED ALERT SYSTEM CONTRACT RECOMMENDATIONS**

- A. Brendan McNamara said that the program that he and Dave VanGuilder are recommending is OnSolve. He said that it is the program used by the federal government. It is a 3- year contract, not the lowest bid (by \$500.) It is the most adequate for the town and most encompassing. We will be able to send alarms for floods, water line breaks, and target specific areas, by GPS. We will be able to communicate to areas as needed. It will include all EMS services. If approved tonight, it could be up and running within 3 weeks.
- B. Justin Hyjek said he wants to see all of the bids in order to make a decision.
- C. Glenn Heitsmith asked who will curate this. He added that it includes a population of 10,000.
- D. Justin Hyjek asked if that is the lowest population number.
- E. Brendan McNamara said yes.
- F. George Tucker, Jr. said in the winter, the population can exceed 10,000 and people can subscribe to it.
- G. Brendan McNamara said it will be administered by the EMS services and the town manager.
- H. Bruce Schmidt said he agrees with Justin Hyjek that the board should see all of the bids, but he does urge the board to move forward tonight. He said that people need to get information as quickly as possible. He said if the board does not move forward tonight, it will be another month and probably not in place until after the 1<sup>st</sup> of the year.
- I. **MOTION by Bob Brandt and seconded by George Tucker, Jr. to approve the ONSOLVE CODE RED ALERT SYSTEM CONTRACT. Motion passed unanimously.**

10. **SHORT TERM RENTAL REGISTRY MEETING (DATE?)**

- A. Brendan suggested that the board set a date for a public meeting with joint Select Board and Village Trustees for either December 19<sup>th</sup> or December 27<sup>th</sup>.
- B. Justin Hyjek said he prefers December 19<sup>th</sup>.
- C. Brendan McNamara said he will set it up for December 19, 2023.

11. **OTHER BUSINESS**

- A. **Stearn's Lease Discussion**
  - i. Bruce Schmidt said that he is concerned about the way the discussion played out. He said that it sounds like the board approved the lease and that there was nothing in that motion to table the discussion. He said they need a motion to rescind the original motion.
  - ii. The minutes pertaining to that motion were read.
  - iii. Bruce Schmidt suggested that the board needs to vote the first motion down.
  - iv. Eric Alden suggested that the board "Take the motion from the table."
  - v. Justin Hyjek said or rescind it.
  - vi. Eric Alden motioned to take the motion from the table.
  - vii. Scott Baitz asked why.
  - viii. Brett Sanderson said because the contract was missing paragraphs.

- ix. **MOTION by George Tucker, Jr. and seconded by approve the motion on the table. Motion rejected unanimously.**
- x. **MOTION by George Tucker, Jr. and seconded by Justin Hyjek to revise the December 12<sup>th</sup> meeting to include review and approve Stearn's Pit Lease with Okemo. Motion passed unanimously.**

## 12. **DEPARTMENT HEAD REPORTS**

- A. Brett Sanderson noted that reports are in their packets.
- B. Justin Hyjek welcomed the new paramedics: Michael Heiden, Madeliene Young and Elizabeth Eberhardt.

## 13. **MUNICIPAL MANAGER UPDATES**

- A. **First Budget Meeting**
  - i. Brendan McNamara said the meeting will be December 12<sup>th</sup> at 6:00 p.m. We will include the Stearn's Pit Contract Review/Approval at that meeting.
- B. **Holiday Party**
  - i. Brendan McNamara reported that the Holiday Party will be on December 13<sup>th</sup> at DJ's.
- C. **Repairs to Spillways**
  - i. Brendan McNamara said that the RPF for the Spillway repairs for dams 3 and 5 has gone out. He said that the USDA is not moving as fast. The repairs are in excess of \$500,000 and the town share will be \$100,000. He said that he asked Bob Thompson (Conservation Engineer for the USDA) about level of concern. He said that Dam 3 is smaller and of less concern. Dam 5 has more substantial damage, but it is far enough downstream from the dam as to not jeopardize the integrity of the dam. He added that there is lots of information out there, some of which is not verified. This is on the top of the priority list for this board. He said that the engineering is taking place and the repairs to the spillways will be done as soon as possible.

## 14. **SET DATE FOR NEXT MEETING**

- A. December 12, 2023 at 6:00 p.m. Budget/Stearn's Pit Contract Review/Approval Discussion
- B. January 8, 2024 next regular meeting

## 15. **POSSIBLE AGENDA ITEMS FOR NEXT MEETING**

- A. FY25 Budget Dates

## 16. **SIGN WARRANT ORDERS**

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

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

- A. Brendan McNamara advised that an Executive Session is not needed.

18. **ADJOURN**

- A. **MOTION by Justin Hyjek and seconded by Scott Baitz to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 6:43 p.m.

Respectfully submitted,

Lisha Klaiber

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Brett Sanderson , Chairman

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Justin Hyjek

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Scott Baitz

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George Tucker, Jr.

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Bob Brandt