

TOWN OF LUDLOW, VT

SELECT BOARD

REGULAR MEETING

MONDAY, MAY 19, 2025

6:00 P.M.

HEALD AUDITORIUM

[Select Board Meeting - May 19, 2025 ZOOM LINK](#)

Meeting ID: 437 305 4865

Passcode: 255344

One tap mobile

+13126266799,96352364337#,,, *411479# US (Chicago)

+16469313860,96352364337#,,, *411479# US

Dial by your location

<https://zoom.us/j/4373054865>

SELECT BOARD MEMBERS PRESENT:

Brett Sanderson, Chair

Justin Hyjek

George Tucker, Jr.

Scott Baitz

Noah Schmidt

STAFF:

Brendan McNamara

Ulla Cook

Lisha Klaiber

OTHERS PRESENT:

Eric Alden

Charlotte Galley

Bruce Schmidt

Phil Carter

Alexandra Horst

Sherry Tucker

Terry Carter

Logan Nicoll

Matt Townsend

Alan Couch

AGENDA

I. Call to Order

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

II. Consideration of any Changes, Additions or Removals to the Agenda

- A. Brendan McNamara said that Agenda Item #3D will be postponed until the June meeting, Agenda Item #11 will be cancelled and Agenda Item #15 will also be postponed until the June meeting

III. Approve Minutes of Previous Meetings

- A. April 7, 2025
1. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to approve the minutes from April 7, 2025 as presented. Motion passed unanimously.**

IV. Comments from Citizens

- A. There were none

V. Department Head Reports

- A. Justin Hyjek said the he liked the new format of the Police Report and asked Brendan McNamara what the codes meant
B. Brendan McNamara said he will get the codes from Chief Warfle
C. Justin Hyjek noted that Chief Whalen's report includes the Ambulance report. He asked Chief Whalen how his vendor trip to Ocala turned out.
D. Chief Whalen said he went to the Tower vendor and spent some time Sunday night, from 7:30 a.m. to 7:00 p.m. on Monday and Tuesday going over details of the trucks, and left at 3:00 a.m. Wednesday. He said the trip was fruitful and he is confident that the equipment will be what we need. He said there is a possibility that they may receive the engine closer to 2 years than 3. He said the platform was out of service last week, but is now working.

VI. Review and Possibly Approve Liquor License:

- A. Brendan McNamara said that there are 2 licenses to be approved

<u>Applicant</u>	<u>Business Name</u>	<u>Class</u>
J.O.C. LLC	The Loft Tavern	Third Class First Class
Moon Calhoun	Downtown Grocery	Third Class First Class

- B. **MOTION by Justin Hyjek and seconded by Scott Baitz to approve the Liquor License for Downtown Grocery as presented. Motion passed unanimously.**
C. **MOTION by Justin Hyjek and seconded by Scott Baitz to approve the Liquor License for The Loft Tavern as presented. Motion passed unanimously.**

VII. Appoint Recreation Committee Members for 1 Year Term

- A. Brendan McNamara said that letters of interest have been received from Patrick Gray, Frank Provance and Marissa Selleck.
- B. **MOTION by Scott Baitz and seconded by George Tucker, Jr. to keep Patrick Gray, Frank Provance and Marissa Selleck as members of the Recreation Committee. Motion passed unanimously.**

VIII. Award Bid for Little League Field Reclamation

- A. Brendan McNamara said that they received five bids. He said that we recommend the bid be awarded to the low bidder, Slate Rock Timber. He said they reviewed the bids and all details of the RFP were met. He advised that some of the funding they had was cut at the federal level. They will reclaim the land, removing debris and stored debris. They will remove the fence. The back stop and dugout were not damaged and will remain. They will overhaul and topdress, seed and mow. It is still the floodplain.
- B. Justin Hyjek asked which department takes care of it
- C. Brendan McNamara said Buildings and Grounds and the Water department mows (a couple of times a year.)

<u>VENDOR</u>	<u>BID</u>
Brooks Excavation	\$16,081.00
Crown Point Excavation	\$19,500.00
Sanderson Trucking & Excavation	\$13,700.00
Slate Rock Timber, LLC	\$7,950.00
Summit Contracting Ltd, Co	\$27,890.00
D. <u>MOTION by Justin Hyjek and seconded by George Tucker, Jr. to approve and award the bid to Slate Rock Timber, LLC. Motion passed unanimously</u>	

IX. Review of Short Term Rental Registry & Possible Next Steps

- A. Brendan McNamara said that Terry Carter is present
- B. Terry Carter said that she had attended their last meeting as Planning Commission chair. She said that Chief Whalen came to the meeting. The Planning Commission presented a chart of the proposed items for the Ludlow ordinance and other towns' ordinances. The draft for tonight was modeled after the West Windsor ordinance and Chief Whalen has reviewed it. The Planning Commission included suggestions made by the Chief, but did not change the definition of Dwelling Unit. Rose Goings said to leave it. We also looked at "Hosted" and "Homesteaded." Liability - Terry Carter said that Chief Whalen and the Planning Commission all agreed that there is need for an insurance requirement - \$1,000,000.00. The Town's liability is limited to \$100,000.00. Occupancy is 2 people per bedroom. We are offering a deduction of \$100 if someone registers by 9/1/2025. She said that she will meet with Rose Goings this week to review

the ordinance and would like to warn a Public Hearing for July if the Select Board and Trustees approve this. She would like to come to the Select Board meeting in June to continue this discussion. She hopes to have all of the documents ready.

- C. Justin Hyjek asked about self-certification.
- D. Terry Carter said it is only allowed for the 1st year with spot inspections within the 3 - 5 year period. Short term rentals open to spot inspections by authorized fire personnel. She said that in the 1st year, we don't know how many we will have.
- E. Justin Hyjek asked Chief Ben Whalen if spot inspections are common
- F. Chief Ben Whalen said we also have to consider travel time, where the key holder is located . If we receive a complaint, we should have access.
- G. Justin Hyjek said if there is an emergency, we need contact information
- H. Chief Ben Whalen said we are fortunate for how quickly some key holders can get there. We need to have EMS access.
- I. Justin Hyjek asked what a spot inspection is and what is Emergency Services Representation.
- J. Noah Schmidt questioned occupancy based on bedrooms. If I put in sprinklers, I can do 16 people. This ordinance negates that. Fire Safety is the key. Does this board want to pursue a Rental Registry - Long or Short Term or just Short Term.
- K. Chief Ben Whalen said per VSA 24§173 - public dwelling definition, per the Vermont Fire and Life Safety, there is no difference between long and short term rentals - the code is the same. Occupancy for a Short Term Rental for even one night - the occupant may not know how to react if there was an emergency. If it is a long term - the occupant knows the situation. It is still a rental whether, 1-8, 9-16 or over 16.
- L. Brett Sanderson said they should be treated equally.
- M. Justin Hyjek asked to Section 4, line B:
 "The dwelling unit capacity of a short-term rental shall have a maximum of two occupants per bed space."
- N. Terry Carter said that the lawyer said to change it to bedrooms, not more than 2 or sewer allocation. She will include the link
- O. Chief Ben Whalen said that he considers occupancy based on NFP101 Life Safety Code. George Tucker, Jr. George Tucker, Jr. said if there is an event, Ludlow Fire Department responds for Life and Safety.
- P. Chief Ben Whalen said it is the same code. The feasibility - are we capable. We can work toward it, it will take 1 to 5 years to transition.
- Q. George Tucker, Jr. asked about once the goal is reached
- R. Chief Ben Whalen said it will be exactly the same. We need to ensure that codes are met. NFP 101 basically says a twin bed has an occupancy of 1, a full, or king - an occupancy of 2 . If someone has sprinklers, a room with bunk beds may be ok. If there are no sprinklers, no.
- S. Justin Hyjek asked about occupancy based on square footage
- T. Chief Ben Whalen said it would be hard to track and the Fire Marshall's occupancy is based on beds.
- U. Justin Hyjek asked about a 500 square foot bedroom - can you have 2 beds.

- V. Chief Ben Whalen said every living space must have primary and secondary egress. A one room apartment with one door is all you need. It could have one full bed with 2 people, 4 beds is 8. Over 5 beds goes to 10 people and different codes apply.
 - W. Brett Sanderson asked the board what they wanted to do.
 - X. Justin Hyjek said keep moving forward with a public hearing in July.
 - Y. Brendan McNamara said the next Select Board meeting is in 2 weeks (June 2nd). He said that his concern is operations and funding. How will this be enforced, what are the town's capabilities, who will do the inspections. He said the software is about \$27,000. This and personnel have not been budgeted. As we move forward, we have to be aware of the timeline and financial restrictions. He said he is not sure if this will take effect until next year. He will continue to work with Terry Carter, the Planning Commission and Chief Ben Whalen. He said there is a Trustees' meeting tomorrow night and this will be discussed. It will come back to you in June and we will talk about public hearings and the administrative side.
 - Z. Justin Hyjek asked Terry Carter to have the Planning Commission look at the administrative side and what the AI and software can do. And what we will need personnel to do.
 - AA. Brendan McNamara said we need the software and integration for oversight. We will need a person in town hall to allow for "face to face issues."
 - BB. Justin Hyjek said how many hours.
 - CC. Brendan McNamara said that person would also be the liaison with the company. A "boots on" person in Ludlow.
 - DD. Justin Hyjek asked about the costs to run the registry
 - EE. George Tucker, Jr. asked if the board would be provided with a new document with the changes.
 - FF. Brendan McNamara said he will send it to board members and put it on the website.
- X. Consider Formation of Tree Advisory Committee & Appoint Members
- A. Brendan McNamara thanked Phil Carter for all of the work he has already done on the Emerald Ash borer impacts. He said that other towns have committees. He said this committee would be a subcommittee of the town,
 - B. Phil Carter said the ash borers are all over the place and Montpelier is 4 years ahead of us. He said he worked up a Mission Statement and description:
 - C.

Town of Ludlow Vermont

Tree Advisory Board

The Tree Advisory Board is an advisory board that works with the tree warden to promote the improvement and preservation of a healthy environment as it relates to public trees.

The board provides a mechanism for the planting, maintenance, protection, and removal of trees on public streets, parks, and town owned properties.

The board also pursues maintenance grants, performs tree inventories, and monitors invasive pests.

- D. Phil Carter said he has met with everyone who may be interested and the following people have expressed interest:
1. Phil Carter
 2. Charlotte Galley
 3. Jeanette Ricciardo
 4. Jean Strong
 5. Pat Archambault
 6. Andrea Whitman
 7. George Tucker, Jr.
- E. Phil Carter continued saying that our urban forests are at risk. Emerald Ash borers have been confirmed, by state biologists, in Grafton, Newfane and Reading. It moves slowly, but faster in firewood. He said the Agency of Agriculture, Vermont Urban & Community Forestry Program will provide software and train how to inventory trees. The first step in the process is to form a committee. He said there will be a conference in Randolph at the end of this month that he will attend. He hopes to set up training dates and possibly get Cavendish and Plymouth involved. It cost South Hero \$2,000 per tree to cut it down. He would like to begin the inventory this summer and identify the 100 most threatened trees. The software includes a GPS app for this. We will mark the trees by painting them. He said there are grants available and we recently were ineligible for a \$24,000 grant because we did not have an inventory. He is asking the Select Board to appoint the 7 member committee tonight. The Tree Warden must be a member of the committee. The committee will take some of the burden off the Highway department as well as Brendan McNamara.
- F. Brendan McNamara said the first step is to create the 7-member committee
- G. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to create a 7-member Tree Advisory Committee.**
- H. Noah Schmidt asked how much money is needed and if there was any money budgeted,
- I. Brendan McNamara said they budgeted \$2,500 in the last budget.
- J. Noah Schmidt asked how much the software costs.
- K. Phil Carter said it is an app that you can do on the phone, The training is free. He said that he thinks they do not need to look at every tree. It will cost some money if we have to take some trees down. He added that the White ash is disease resistant.
- L. Justin Hyjek asked about anticipated ancillary costs.
- M. Phil Carter said none
- N. George Tucker, Jr. said there will be more tree removal the longer we wait. There is potential savings if we get ahead of it.
- O. Brendan McNamara said the costs are unknown -we don't know how many, if any, trees would have to be removed.
- P. Noah Schmidt said we need to make sure that Phil Carter has the support he needs.
- Q. Phil Carter said there are no costs at this point. He needs to get the committee formed.
- R. **Motion passed unanimously.**

- S. **MOTION by Scott Baitz and seconded by Noah Schmidt to appoint the persons listed in Item D, 1 - 7 to the Tree Advisory Committee. Motion passed unanimously.**

~~XI. Review Traffic Studies on Crosswalks Item struck from agenda~~

XII. Health Officer Position

- A. Brendan McNamara said that Eric Alden has resigned.
- B. **MOTION by Noah Schmidt and seconded by George Tucker, Jr. to accept Eric Alden's resignation from the position of Health Officer. Motion passed unanimously**
- C. Noah Schmidt volunteered to take of the position
- D. **MOTION by Scott Baitz and seconded by George Tucker, Jr. to appoint Noah Schmidt to the position of Health Officer. Motion passed unanimously**

XIII. Okemo Seasonal Summer Update

- A. Bruce Schmidt said that the season was a success despite some challenges. We did not open until December 1st - 9 days later than usual. By January 22nd, we were 100% open. We had 130 inches of snow in January/February. The new snow guns worked well.. There was very little snow in March/April. It was a 134 day season. We actually had more snow in April than March. He expressed thanks to the Town and Village of Ludlow, Brendan McNamara, Municipal Manager, Jeff Billings, Stephanie Grover, Ron Tarbell, Chief Warfle, Chief Ben Whalen and Nick Miele. He said he is working on the 4th of July celebrations with Nick Miele. He said the traffic was kept moving. He said that Okemo has grants to donate to education, social service, mental health and non-profit, he said they donate to Science Based learning at the playground. They provided \$73,000 in-kind donations, Okemo partners with HCRS, Okemo Mountain School, Black River Good Neighbors, Chester and Springfield Family Centers, the Chamber of Commerce. They work with the schools to provide skiing/boarding to the students and had 540 participants this year, they provide free lessons for the first two weeks. They offer 8 weeks, most only came for 6 weeks. The charges are \$35 and rentals are \$60. Many of the schools get grants. In November, the students are fitted with skis and boards. He said with regard to sustainability, Okemo recycles and there was a 32% in recyclables from last year. They recycled 96 tons last year and this year 66 tons. They have changed food service and separate the Hotel waste. They will be opening on June 14th for the summer season and will continue to do Friday night concerts. Camp Okemo starts June 23 and we have daycare. We collaborate with the Town and Village, Chamber of Commerce.
- B. Justin Hyjek said these are all important programs.
- C. Bruce Schmidt said the school ski program goes as far as the Putney School and used to include St. Mary's in Claremont. They all have some great volunteers.

Select Board Preliminary Minutes
May 19, 2025

- D. Brendan McNamara commented on how busy the town gets over the winter. There is direct cause and effect between the town and Okemo and the communication with Bruce Schmidt and John Neal is immediate.

XIV. Review Town/Village Charter Proposal

- A. Brendan McNamara said that they held a joint meeting on May 13, 2025 and both boards' members were all there. Sarah Buxton is the attorney who updated the version of the Charter on the town website. You will be able to see the clean version as well as the red-lined version. We do not want to hamstring the town for making changes. He asked all board members to review the document and if they have any questions or comments to email them to him prior to the June meeting. He would like to have a Select Board vote at the Monday June meeting, with the Trustees on Tuesday. If both boards vote yes, we will start the process for Public Informational Hearings. So far, it has been very positive.

XV. Review & Possibly Approve Employee Policy Updates - Postponed to the June meeting

XVI. Municipal Manager Updates

- A. Paving
 - 1. Brendan McNamara said it is progressing, they are doing some work at night and there have been rain issues. There is hope they will be out of here by July, but the State says October
- B. Memorial Day Ceremonies
 - 1. Brendan McNamara said there will be a parade starting at 9:00 a.m. It will go from the green to the cemetery
- C. Vendor Ordinance
 - 1. Brendan McNamara said that at their meeting tomorrow night, the Trustees will be reviewing the Vendor Ordinance. There is a food truck at Sunoco and another now at New England Cider and Donuts. We need to look at the ordinance. We are not anti-vendors, but want to decide how to protect the brick and mortar businesses. We will reach out to Planning and Zoning and the Chamber.

XVII. Other Business

- A. Crosswalks
 - 1. Justin Hyjek asked when the Crosswalk discussion will take place
 - 2. Brendan McNamara said at the June or July meeting
 - 3. Noah Schmidt asked about the traffic study
 - 4. Brendan McNamara said they had not done one

Select Board Preliminary Minutes
May 19, 2025

B. Eric Alden Comments

1. Thanked Chief Warfle for the new format for the Police Department Monthly report
2. The board should think about things that will move the needle. The town is losing its population. There are no handicap parking spaces that belong to the town. The town needs to form housing and business committees. The Planning Commission does not plan for the future - only for 6 months. There are housing and job issues in town.

XVIII. Possible Items for Next Meeting: June 2, 2025

- A. Personnel Policy review
- B. Charter Discuss and approval
- C. Short Term Rental Registry
- D. Elevation Project funding application
- E. RFP for the Transfer Station

XIX. Sign Warrant Orders

- A. Brendan McNamara said they have been signed

XX. Possible Executive Session/Personnel/Contracts/Legal Issues

- A. Brendan McNamara said that it is not needed

XXI. Adjourn

- A. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:20 p.m.

Respectfully Submitted

Lisha Klaiber

Select Board Preliminary Minutes
May 19, 2025

Brett Sanderson, Chairman

Noah Schmidt

George Tucker, Jr.

Scott Baitz

Justin Hyjek