

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

November 6, 2023

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

Select Board

Meeting ID: 963 5236 4337

Passcode: 411479

One tap mobile

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Dial by your location

<https://zoom.us/j/96352364337>

BOARD MEMBERS PRESENT:

Justin Hyjek, Vice Chairman	Bob Brandt
Scott Baitz	George Tucker, Jr.

BOARD MEMBERS ABSENT:

Brett Sanderson , Chairman

STAFF PRESENT:

Brendan McNamara

OTHERS PRESENT:

Eric Alden	Glenn Heitsmith	Ryan Silvestri
Lynn Baldwin	John Murphy	Jean Strong
Nick Gilberti	Bruce Schmidt	George Tucker
George Guldi	Noah Schmidt	Sherry Tucker
Paul Hansen	Marissa Selleck	Kevin Winter

1. CALL TO ORDER

- A. Justin Hyjek 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 changes would be needed.
i. Add Agenda Item #13A regarding minor administrative change to Emergency Management Plan

3. **APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Justin Hyjek advised that the minutes to be approved are from the regular meeting of October 2, 2023.
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to approve the minutes of the Regular Meeting of October 2, 2023 as amended. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. Staffing Suggestions for Town of Ludlow
 - i. Ryan Silvestri said that he has been observing the staffing at Town Hall and, in light of the large projects that the town will be moving forward with, he suggested that the town may want to consider adding the following positions: Planner, Economic/Financial Coordinator and Assistant Town Manager. He said that one person could possibly do all three, merging the positions. He said there are grants available that may fund this. He said the person could also write grants.
 - ii. Justin Hyjek asked Brendan McNamara who is writing grants now.
 - iii. Brendan McNamara said he spearheads it, working with appropriate persons and Regional Planning Commission.
 - iv. Justin Hyjek said it is worth exploring adding an Economic/Financial Coordinator as well as Planner.
- B. Repairs on Retaining Walls for ponds and lakes
 - i. Kevin Winter asked what is being done for repairs on the retaining walls.
 - ii. Brendan McNamara said he will discuss this later in the meeting
- C. George Guldi made following comments:
 - i. He said that he had a conversation with Brendan McNamara and was informed that the Select Board's position is that the town has ownership rights to the property by virtue of years of management. That position is implausible. To claim the land by adverse possession, the town needs a claim. The town is attempting to steal my land. He has heard that the Select Board's position is that he will not be around. Even if he is not around, he will have 100% of his time to litigate. Maintenance to a path does not create a right. If I litigate and prove bad faith, and the decision is in my favor, the town will be found liable as well as your personal liability. I will put up cameras, No Trespassing Signs and barricades will be going up. I have a deed and you have no evidence. You are acting in bad faith. I am accusing this board of acting in bad faith and in violation of the law.
 - ii. Justin Hyjek asked Brendan McNamara if our town attorney is involved.
 - iii. Brendan McNamara said yes.

5. **LIQUOR LICENSE ACTION:**

- A. Depot Street Mafia & Catering Corp. (Gamebird): Application for 1st and 3rd class liquor licenses. Location 11 Depot Street
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to approve the 1st and 3rd class liquor license for Depot Street Mafia & Catering Corp. (Gamebird). Motion passed unanimously.**

- C. Terra Italian Steakhouse VT, LLC (Terra Italian Steakhouse): Application for 1st, 3rd and Outside Consumption licenses: Location 68 Route 100 North
- D. **MOTION by George Tucker, Jr. and seconded by Bob Brandt to approve the 1st and 3rd and Outside Consumption class liquor licenses for Terra Italian Steakhouse VT, LLC (Terra Italian Steakhouse). Motion passed unanimously.**

6. **FLOOD FEMA RECOVERY UPDATE**

- A. Brendan McNamara advised that they are still working with the town's FEMA Project Manager for Ludlow. He said that the Wastewater Treatment Plant is running at 100% capacity. What we need to do is plan what to do to prevent future damage under similar floods. Relocation costs would be in another stratosphere. We need to capture as much available funds as possible. He said that the Damage Inventory is complete and all project details have been accounted for and submitted to FEMA. Now, we are putting together the projects and still finding a few new projects. A new leak was found today and we will have to fix it and add into project list. We will probably be finding new damages in the spring. We have 2 applications in to the Emergency Watershed funds for Dams #3 and #5 spillways. This would be 75% Fed/25% town and 12% state reimbursement. The repairs to Dam #3 are estimated at \$46,000, while the repairs to Dam #5 are estimated at \$519,000. We are in the process a relining. We hope to do Dam #3 this fall, and Dam #5 in the spring. Repairs to all dams would be a 10 year project, with engineering about 2 years. At his recent meeting with ANR, he was told that the dams are in satisfactory condition and the spillway repairs have been approved.
- B. Kevin Winter said that at a previous meeting, doing "Band-Aid repairs" to the spillways was going to be done.
- C. Brendan McNamara said they hope to do Dam #3 this fall and the bigger one in the spring.
- D. Kevin Winter said it is the primary responsibility of this board to protect citizens and properties of Ludlow. He said that years ago, we lost GE because of floods. We have had two 100-year floods in the past 12 years. If a dam splits and wipes out businesses or houses, it would be catastrophic to the town. We need to be a priority. The spillways need to be done before the spring. We need to raise their level of priority over other projects. Can we dig out the ponds to have more volume.
- E. Justin Hyjek said that he has no doubt that the town manager has put priority on the spillways, but we need state and federal help. The fact is we are working as hard as we can. But, the town cannot just stop working on other projects to work on the dams.
- F. Lynn Baldwin asked what the plan is if we have a massive rain and the spillways break.
- G. Brendan McNamara said that when he met with the ANR and USDA, they put this out. They are in charge of oversight, review and inspection. He said he asked them how concerned we should be and was told that the spillways need to be fixed. We do have an Emergency Management Plan and will circle back with the USDA. We are proactively working on this. We don't want to spend huge amounts of time and money on temporary fixes. He will get more answers back to the board next week. He added that the large 10- year project will include about 2 dams per year. He said we are looking at funding options and budgeting.
- H. Kevin Winter asked if the town can remove debris from the retaining ponds.
- I. Brendan McNamara said that as a municipality, no. We do not have the capability to make a dent. We are closely monitoring the situation. We are looking to secure devices that monitor water levels and the Wastewater Department is keeping track of the data.
- J. Glenn Heitsmith said that the Army Corps built the dams and the town owns them. Can the town give them back?

- K. Eric Alden asked about the notification system that has been mentioned at previous meetings.
- L. Justin Hyjek asked what the guidelines are for the FEMA 75% reimbursement and are they being met?
- M. Brendan McNamara said that the FEMA project manager works with us, going through every detail and the guidelines have been met. Hopefully, we will see reimbursement to start soon, but this will be a 1 to 3 year project.
- N. Justin Hyjek asked if we can get someone from the state here to explain the process.
- O. Brendan McNamara said he will see if he can set it up
- P. Ryan Silvestri asked, with the costs and revenue, has the board given any more consideration to a 1% Local Options tax. Can this be on the ballot for the next town meeting.
- Q. Justin Hyjek said that has not been discussed since before the flood. We are going to float the idea in the future.
- R. Ryan Silvestri said the board must educate the voters, sooner than later.

7. **CONSIDER APPOINTMENT OF DAVE VAN GUILDER AS THE ASSISTANT EMERGENCY MANAGEMENT DIRECTOR**

- A. Brendan McNamara said that he is requesting board approval to appoint as Assistant Emergency Management Director to work with Angela Kissel. He has served in that capacity in the past. He would be a great asset to the town. He said that this flood showed 2 sides – we also need someone to handle phone calls and be boots on the ground. Dave is still at the Community Center. Also, Dave is town dispatcher. He said that he and Dave have been working on the town wide notification system and have 2 great options. We are meeting with a 3rd vendor tomorrow.
- B. Eric Alden said that before the flood, he had questions about the Emergency Management Plan and interagency training. He said that he has spoken with the Fire and Ambulance departments and neither is aware of any lessons. He said that he would like to see a format of lessons.
- C. Justin Hyjek said that a Standard Operating Procedure is being written and will be sent out.
- D. Brendan McNamara said we learned from this last situation and it was a learning experience. We are now starting to meet, not only for Emergency Management but also all department heads. They need to communicate with each other. There is a Standard Operating Procedure in place.
- E. **MOTION by Scott Baitz and seconded by George Tucker, Jr. to appoint Dave Van Guildler as the Assistant to the Emergency Management Director. Motion passed unanimously.**

8. **REVIEW/APPROVE RESOLUTION FOR THE MUNICIPAL PLANNING GRANT**

- A. Brendan McNamara said that they need to approve the resolution for the planning grant to conduct a housing inventory study and analysis. The grant is for \$1,100 to be completed by August, 2024.
- B. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to approve and sign the resolution for the Municipal Planning Grant. Motion passed unanimously.**

9. **CONSIDER AND POSSIBLY APPROVE SIDEHILL CRONCHERS SNOWMOBILE CLUB REQUEST TO USE TOWN ROADS**

- A. Brendan McNamara said that detailed request is in their packets. He has spoken with Ron Tarbell and he is okay with this request.
- B. Scott Baitz said there is one change from the past.
- C. John Murphy said that they have added on trail, Fox Lane crossing for gas by Calcutta's .
- D. **MOTION by Scott Baitz and seconded by Bob Brandt to approve the request from Side Hill Cronchers as presented. Motion passed unanimously.**

10. **REVIEW/APPROVE MASCOMA BANK NOTE FOR FLOOD EXPENSES IN THE AMOUNT OF \$2,000,000.00**

- A. Brendan McNamara said that he and Ulla Cook have met with Mascoma Bank (with no or little response from other banks) and the note is for \$2,000,000 at 4.7% interest. It will help defer some costs.
- B. Justin Hyjek reviewed the note and asked what the monthly payments would be.
- C. Brendan McNamara said it will be lump sum with a 1- year term.
- D. **MOTION by George Tucker, Jr. and seconded by Justin Hyjek to approve the Mascoma Bank Note for flood expenses as presented. Motion passed unanimously.**

11. **CONSIDER PROCEEDING WITH FEMA BUYOUT PROCESSES FOR THE FOLLOWING**

- A. 21 Route 103
 - i. Brendan McNamara advised that this is Subway. The owners have requested Select Board approval to move forward with the process.
 - ii. **MOTION by Scott Baitz and seconded by Bob Brandt to give approval for the owners to move forward with the process for FEMA buyout.**
 - iii. Justin Hyjek asked if they also received water damage during Irene.
 - iv. Brendan McNamara said he thinks so.
 - v. Justin Hyjek asked if they took resiliency measures at that time to prevent future water damage.
 - vi. Brendan McNamara said that each of the owners have spoken with the FEMA project manager who has given them approval to move forward.
 - vii. Justin Hyjek said that he is apprehensive to give approval for FEMA buyouts. One that happens, the land will be undevelopable in the future.
 - viii. Brendan McNamara said he does not know how, or by what method, this board can deny the request. The owner wants this to happen.
 - ix. George Tucker, Jr. said this is just the start of the process.
 - x. Noah Schmidt said there are other buildings in that area. He said that use of that land will be limited. Is there another solution.
 - xi. Scott Baitz said this is just the start of the process.
 - xii. Bruce Schmidt suggested that the board table this discussion and have the time to decide what it wants to do. He said the town could buy the properties and the property would then not be undevelopable. It would only be a 30-day delay.
 - xiii. Glenn Heitsmith said that if the town wants to buy it, the Timber Inn is available. He said that for other properties, it may result in a blight and ugliness. He said that he doesn't have

- the funds to do the repairs needed. He said that some of the other properties may end up with abandoned buildings.
- xiv. Eric Alden said that on either side of the Timber Inn are fields.
- xv. **Motion to approve the FEMA buyout of 21 Route 103 passed unanimously.**
- B. 31 Route 103
- i. Brendan McNamara advised that 31 Route 103 is the Mr. Darcy's property.
 - ii. George Tucker, Jr. advised that the brick portion of the building is also historic.
 - iii. Scott Baitz said that Mr. Caruso was at a recent DRB meeting for a permit to build a deck.
 - iv. Brendan McNamara said that Mr. Caruso felt that it would be better to go for the buyout. He did not give a reason.
 - v. **MOTION by Justin Hyjek and seconded by Scott Baitz not to approve the request for the FEMA buyout for 31 Route 103. Motion passed unanimously.**
- C. 91 Route 103
- i. Brendan McNamara advised that this is the Sam's property.
 - ii. **MOTION by Bob Brandt and seconded by George Tucker, Jr. to approve the request for the FEMA buyout of the property at 91 Route 103. Motion passed unanimously.**
- D. 106 Main Street
- i. Brendan McNamara advised that this is the Mojo building.
 - ii. Eric Alden said this building is on the Village historic register and he would hate to see this as a "missing tooth" in the Village. He said that this board should explore options.
 - iii. John Murphy said that the board should consider this. Both the Timber Inn and Subway are in the floodway, but Mojo is in the business district. He said that the board has good reason to come up with a different plan on what to approve and what makes sense.
 - iv. Bob Brandt said if we move forward, that doesn't mean that someone else couldn't still purchase the property. This will not stop other deals. This will only allow them to keep things moving.
 - v. Eric Alden noted that the Timber Inn, Subway and Sam's, if lost, are outside the village, in an open area with fields. He said that 106 Main is different. If we lose that building, we are losing a piece of the town's history.
 - vi. Scott Baitz said he has issues with 2 of the requests.
 - vii. Bruce Schmidt asked if the town retains ownership of the properties, the Town could decide what to do with them.
 - viii. Brendan McNamara said there are guidelines. The Town is purchasing the property from the owner. This has nothing to do with the Timber Inn, that is done.
 - ix. Justin Hyjek asked what if the board does approve the requests.
 - x. Brendan McNamara said you would be giving them approval to proceed with the process. This says the town is interested.
 - xi. **MOTION by George Tucker, Jr. and seconded by Scott Baitz not to approve the FEMA buyout of the property at 106 Main Street. Motion passed unanimously.**
- E. Brendan McNamara said he would notify the owners.

12. **CONSIDER/POSSIBLY APPROVE TOWN CHRISTMAS/HOLIDAY PARTY**

- A. Brendan McNamara said that is requesting permission from the board to move forward with requesting bids for the party.

- B. **MOTION by Justin Hyjek and seconded by Scott Baitz to for Brendan McNamara to move forward with requesting bids for the Christmas/Holiday party. Motion passed unanimously.**

13A. **ADMINISTRATIVE CHANGE TO EMERGENCY MANAGEMENT PLAN**

- A. Brendan McNamara advised that the Administrator for Gill Home is now Meghan McElwain and that will need to be changed on our plan. Gill Home needs that changed for their state certification. He said he will make the change

13. **DIVIDED SKY 5K RUN REQUEST**

- A. Brendan McNamara said that Divided Sky has requested to hold their annual Fun Run on Saturday, May 18, 2024, starting at 9:00 a.m., starting and ending at the Jackson Gore parking lot. He said there is only one major crossing at Route 103, which will be manned by volunteers. He said that Chief Billings is involved. It will be the same course as this year. He said that Divided Sky hopes to increase participation from this year's 350 people to 450 next year.
- B. There was consensus among board members that this was a great event this year.
- C. **MOTION by Justin Hyjek and seconded by George Tucker, Jr. to approve the request from Divided Sky for the Fun Run for 2024 as presented. Motion passed unanimously.**

14. **CONSIDER GARDEN CLUB REQUEST TO PLACE CHRISTMAS/HOLIDAY LIGHTS/TREE IN KESMAN PARK**

- A. Brendan McNamara said that Garden Club has requested permission to put Christmas/Holiday lights and a tree in Kesman Park.
- B. **MOTION by George Tucker, Jr. and seconded by Justin Hyjek to approve the Garden Club request for permission to put Christmas/Holiday lights and a tree in Kesman Park. Motion passed unanimously.**
- C. Justin Hyjek noted that last year, the park was not kept free of snow in the winter.
- D. Brendan McNamara said he will look into it and if at all possible it should be open.
- E. Bruce Schmidt said that this was discussed years ago and it was determined that it would have to be maintained, salted and sanded or it could get slippery. It will have to be monitored in case of flash freezes.
- F. Justin Hyjek said it would be nice to have it usable. He suggested putting caution signs up.
- G. Brendan McNamara said he will talk to Kevin MacPherson and get back to the board.
- H. There was consensus among board members to move forward.

15. **OTHER BUSINESS**

- A. Eric Alden asked who is responsible for clearing off the fire hydrants in the winter. He suggested that the Town start a program "adopt a hydrant" or have businesses take care of the hydrants by their businesses. It shouldn't all fall to the Fire Department.
- B. Brendan McNamara said he would look into this.

16. **DEPARTMENT HEAD REPORTS**

- A. Justin Hyjek noted that reports are in their packets.

17. **MUNICIPAL MANAGER UPDATES**

A. **Health Insurance Costs Increase**

- i. Brendan McNamara said the he has done a comparison of MVP and Blue Cross/Blue Shield costs. MVP will be cheaper. The increase is about 12.7%. He said our coverage is appreciated by our employees.

B. **Shaw's**

- i. Brendan McNamara reported that Shaw's is working on getting out a press release that they are 100% committed to rebuilding.
ii. Justin Hyjek said that the building is not being worked on at this time. He would like an exact date of when they will reopen.
iii. Scott Baitz said he would settle for an estimated date to reopen.

C. **Mount Holly Rescue**

- i. Brendan McNamara said that the Mount Holly Rescue Service has dissolved and we are covering their calls. He said that contracts are being put into place. We have been doing Mutual Aid for a while, so this will not impact us too much. He said that we are looking at their equipment.

18. **SET DATE FOR NEXT MEETING**

- A. December 4, 2023

19. **POSSIBLE AGENDA ITEMS FOR NEXT MEETING**

A. FY25 Budget Dates

- i. Brendan McNamara said he is looking to setting individual budget meeting dates. He said that electronic copies of the draft budget will be sent to board members this week. He suggested setting separate budget meetings.

B. Local Options Tax

- i. Scott Baitz suggested this be put on next month's agenda.
ii. Brendan McNamara said he will put it on the agenda.

20. **SIGN WARRANT ORDERS**

- A. Justin Hyjek said that warrant orders have been signed.

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

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

22. **ADJOURN**

- A. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:15 p.m.

Respectfully submitted,

Lisha Klaiber

Brett Sanderson , Chairman

Justin Hyjek

Scott Baitz

George Tucker, Jr.

Bob Brandt