

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

September 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

OTHERS PRESENT:

Eric Alden
Dean Alexander
Lynn Baldwin
Gary Blodgett
Andrea Goldman
George Guldi
Glenn Heitsmith
Joe Josselyn

Ed Kelly
Heather Kelly
James O'Malley
Lynn O'Malley
Charlie Ripchik
Bruce Schmidt
Marissa Selleck
Ryan Silvestri

Bud Trimboli
Shona Trimboli
George Tucker
Sherry Tucker
Kendra Rickerby – Okemo Valley TV
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 changes would be needed.
i. Add Other Business – following Recreation Fields Discussion and Department Head Reports

3. **APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Brett Sanderson advised that the minutes to be approved are from the regular meeting of
- B. August 7, 2023.
- C. **MOTION by Bob Brandt and seconded by Scott Baitz to approve the minutes of the Regular Meeting of August 7, 2023 as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. Charlie Ripchik made following comments:
 - i. Flower Boxes – he said that the flower boxes are blocking the road signs. He said he has already discussed this with Brendan McNamara.
 - ii. Ludlow Police Department Complaint - Charlie Ripchik said that his camper was stolen off his West Hill property on a Saturday night and he filed a report with the Police (Sgt. Warfle) on Sunday. He asked for a copy of the report, but was denied. There were 2 other, younger officers there. The camper was found in Weathersfield on Sunday. He filed another report with Ludlow, Sgt. Warfle called him a liar and said he had filed a false report. The officer said that he had taken the camper to Weathersfield himself in the middle of the night. Charlie Ripchik said that he told the officer that he did not have a hitch and the officer said he must have had a friend help him. He said that he talked to the Chief on Monday and told hi about the “freedom of information act and said that the officer never went to Weathersfield to investigate, never went to the Weathersfield Police, nor the State Troopers. The person was caught and is known to be a notorious thief. He said that Officer Warfle is incompetent. The state attorney said there is not enough evidence. The camper was found dumped on a person’s property and the thief is a notorious crook.
 - iii. 2:00 AM “Alarms” - Charlie Ripchik said there is a person on Pond Street - AJ Tofferi – who blasts his truck every morning at 2:00 AM when he leaves to go to work at Black River Produce. He has been doing it for a long time. There is a noise ordinance and he wants something done about this.
- B. Brendan McNamara advised that he has spoken with Charlie Ripchik about the plants and he will follow-up on the 2 other complaints and get back to the board.
- C. George Guldi made following comments:
 - i. This is about the purported town road – Bowker Court. Years ago, they paved across my front yard, without my permission or without an easement. He said there is a survey of his property at town hall. The town can’t get an easement. He discussed this twice with Scott Murphy and sent a letter to “cease and desist.” He said that he deposed Scott Murphy and Scott Murphy lied. George Guldi said that the road is dangerous – 13 feet wide, 2-way with a 25 MPH speed limit. It was once a dirt road. The town never owned the land and the road is built like a driveway with no sub-strata. It will not meet town road standards. He said he wants some accommodation. He does not want to prohibit EMS services from the road. He said he litigated the “junk yard ordinance” with Steve Ankuda, but Mr. Ankuda said he is not authorized to handle this issue. George Guldi wants the town to authorize some attorney to propose an accommodation for an easement for safety. He would rather reach an agreement than to litigate this issue. He said this became an issue when the road was declared a public road. And, GPS routes people through Bowker as a shortcut to West Hill. Also – when the town plows the road, I have to shovel my steps 7 – 8 times a day. I don’t need the road plowed.

- ii. Charlie Ripchik agreed that it was a dirt road before.
 - iii. George Guldi said he would like to see the town road map. He has not gone through the records to see when it appeared. There is a neighbor with a short-term rental (STR) who parks several cars on the road and steals his firewood out of his garage. He said the road is too narrow and the speed limit is too high. He said that he wants the town to authorize an attorney to negotiate a proposed easement. He added that he will not be available for 10 months after October. He said that he has spoken to and shown Steve Ankuda all of the case law.
 - iv. Brendan McNamara advised that he will follow up on this and contact George Guldi and advise the board.
- D. James O'Malley- Jewel Brook Dam Concerns
- i. James O'Malley noted that there are 4 dams that are not built up to current specifications. He noted that #5 dam has a large cut in the spillway. He said that January 2023 NRCS from the state said that there was no sense of emergency with this dam. He contests that decision. He said there are trees down in the dam and when there is a Phase 2 cut, the dam starts to drop. Phase 3 is toward the bulkhead and the other side was activated. He found another cut and showed pictures to the board. He said that spillway erosion can happen very fast. He said that he is also an amateur meteorologist and there is a strong hurricane coming across the Atlantic. He said that there are some things that could be done as a "band aid." The town needs to have a qualified person inspect the dam – if breached, there would be a 30' to 45' high wave that would send 398,000 gallons per second down. As far as 2 miles downstream would be inundated. He said that Site #5 also needs to be dredged and it would take 1,000, 10-wheel dump trucks to clear.
 - ii. Brendan McNamara noted that this was great information. We have applied and received assistance and the dam will be fixed through the State Emergency Watershed Protection. He said that the FEMA, State and Federal mitigation specialists will be coming and he will take them to the dams and there are growing concerns and have been cut to top priority with the state. This will be a \$40 million Federal project. We have been approved and hazard mitigation feedback is important. The dams are somewhere in the middle between new and crisis and he is not sure where they actually fall. As soon as he has the answers, he will advise. It has jumped to the forefront due to the cuts. The project will be within the next few months with a 75%/25% split in the costs. We will be able to do the labor and speed it up. If the state says it will be longer, we may, as a board, decide to fix it. We will probably hear within the next 10 days.
 - iii. Joe Josselyn noted that the town had a public hearing in February 2023 regarding an NRSC project for the dams. The Ludlow share would be about \$11,000,000.
 - iv. Brendan McNamara said that the town approved the project and engineering is moving forward and that the state would have to help. He said that we can't wait 20 years to fix these dams. The State and Feds will have to chip in.
 - v. Justin Hyjek said that the legislature will not chip in and he suggested getting together a commission of the "gold towns" to see if they would have more influence together.
 - vi. Bud Trimboli said he is concerned about the dams and asked if we are in imminent danger.
- E. Easing of Zoning Requirements
- i. Eric Alden said that local businesses are having a difficult time pulling back from this and getting businesses back together. They have to go through the DRB, federal, and state permitting requirements and are overburdened with the requirements. The businesses in the lower level of the Mill, lost flooring, tiles and in order to reconstruct what was there, they have to go to the DRB. The deadline to file for a hearing is 5 weeks before the hearing date and they have to wait 2 ½ months. The DRB is requiring the same things as a new Jackson Gore project and this is ridiculous. All they need is lighting, sheetrock, carpet and

tile. The DRB wants engineering, elevations and letters from all Ludlow services. Has the town considered relaxing the requirements. There is no reason the businesses have to do all of those things just to replace what was there. The Planning Office is wrongly forcing people to adhere to the 50% of value for substantial damage as if for new construction. He said that the value would have to be 50% of the value of the Mill. He said that having to have engineering drawings is unnecessary. This board should think about relaxing those requirements to help the businesses. He said that Café at the Light can't afford to be out of business that long and they have had no heat, water, alarm system for 2 months. Now, they have to wait another 2 ½ months.

- ii. Brendan McNamara said that Mr. Alden has some valid points and we do try to support business and help these people. He said he is not sure of an answer. He said that his personal opinion is that if they are just putting things back, it is not a major issue.
- iii. Justin Hyjek said that we do have a Town Plan and have adopted the National Flood Policy. If this is not a change of use, it is antithetical to have them reapply for the permits.
- iv. Eric Alden said that there is an administrative approval for minimal changes.
- v. Justin Hyjek asked about the Fire Marshall.
- vi. Eric Alden said that they already have permits from the Fire Marshall. He said that if it weren't for the DRB requirements, Shaw's would have been open already.
- vii. Brett Sanderson said the board will look into this.

5. **LISTERS' ERRORS AND OMISSIONS**

- A. Brendan McNamara said that the list was in their packets:
- B. **MOTION by Scott Baitz and seconded by George Tucker to approve the Errors and Omission as presented**
- C. Ryan Silvestri said that the errors were mostly caused when parcels were split and our office didn't get copies of the surveys. These were found after the grievance deals. It needs your signatures.
- D. **Motion passed unanimously.**

6. **FEMA UPDATE**

- A. Brendan McNamara said that we have moved into the recovery phase and documentation. He and Ron Tarbell had the Town and Village scoping meeting on Tuesday, with the mitigation specialists. The first meetings went well. He said that the costs of the recovery contracts and submissions, we are in the 75% Federal and 12% State reimbursement. As of August 29th, FEMA looks are 80% or less completed. He said that we have 60 days to add to the scope of the projects. He said that he is now looking at smaller projects, including debris removal. He is making sure that all of the boxes are checked. He is meeting twice a week with FEMA. Tuesday he will have a site visit with the State and Feds and will take them to the dams. They have been fairly easy to deal with. We document everything. We have taken pictures. This will be a long haul. We need to get our submissions in on time. "BUILD BACK BETTER" and we are moving forward. We have already paid \$1,000,000 and the bills have been submitted. Financially we are doing ok.

7. FLOOD RECOVERY UPDATE

- A. Brendan McNamara advised that 80% - 90% are complete. The culverts were undersized. We are looking at the lakes, Ghia Farm Road, Commonwealth Avenue and hydro studies and culvert sizes. Clark Drive Bridge – the temporary bridge is in place and the engineering and hydrologic studies for the new bridge are happening. We are looking at the skate park and Dorsey is cleaned up to pre-flood. We still have options. He said we can shore up the skate park as we have a lot invested there. He said that businesses are still struggling. He said that we were fantastic for the 1st 60 days. Now we need to continue and don't want people to think that the town is done. In reality, it is still bad. What are our options to expedite the process. We need to get back before the snow.
- B. Justin Hyjek asked if the skate park insurance has been updated.
- C. Brendan McNamara said that is a gray area as the landscaping was not completed. He added that Dorsey is also a gray area with the combination of insurance and FEMA. We've added all recreation areas to the FEMA scope. Insurance has been denied, so we sent it to FEMA.

8. STR/GRANICUS UPDATE – POSSIBLY APPROVE ESRI INTEGRATION

- A. Justin Hyjek said it has been almost one year since we entered into the agreement with Granicus for data collection for parcel ID data and where the parcel shows up on the web. They have identified at least 800 unique STRs. He said that Brendan McNamara and Rose Goings have log-ons. They have looked at other towns' rules and ordinances. This has never been about punishment or restrictions. We need to understand where the town is with STRs. If we register STRs, we can legitimize the income and let Ludlow capture some of the money. We do not want a lot of rules and restrictions. We would like people to self-register. I recommend that we move forward with a straightforward, no frills rental registry ESRI integration.
- B. Ryan Silvestri said that Granicus will overlay its data onto the town tax maps. He said that he has to combine those. He said the ESRI will work with 85% - 90% of the properties. He said he can adjust the properties that don't match up. They have our Grand List data – it is public information and our data is updated every April 1st. He explained that for some properties, such as Trailside, he can make the adjustments. He said that all of the condos on Trailside are listed as one unit.
- C. Justin Hyjek said this may eliminate the need to update the maps and be able to access the demographics.
- D. Ryan Silvestri said we need the map overlay. We contract with CAI already. He said that Granicus wants to put their data on the CAI maps and we would have to pay CAI to do the updates. He said that the Planning Commission is working on a rental registry and needs direction from the board. What does the Select Board want? The primary concerns are safety and health. This would give us the number of rentals and income for the town. We have some huge projects. The Planning Commission needs guidance from the Select Board – do we want penalties, fees, lists of non-conforming properties. Do we want self-registry or have places inspected by the Fire Marshall which is probably not possible. Down the line, do you want a joint meeting with the Planning Commission?
- E. Justin Hyjek said that a lot of towns have STR health obligations and would that work for Ludlow. VTSTRA is an organization of STR owners that craft thoughtful ordinances. We need workforce housing definitions and the definition for STR is less than 30 days. More language could be added.

- F. Ryan Silvestri said we would be able to have Granicus send letters to owners. He said that the Planning Commission will be at the Trustees' meeting tomorrow and we will continue to work with them.
- G. Justin Hyjek said this board should give the Planning Commission more direction. He wants to streamline the process.
- H. Ryan Silvestri said that he thinks that this year, we should just collect data and phase in other sections.
- I. Scott Baitz asked what the costs are now.
- J. Ryan Silvestri said about \$27,000 for the initial data collection. If we want mapping, an additional \$1,800/year. If we renew this winter, about \$50,000 to \$60,000/
- K. Scott Baitz said that he has asked for, but has not received a copy of the report.
- L. Eric Alden asked what is actually being decided tonight. He said that STRs are very polarizing and he is also concerned that this board is having a meeting on a holiday and some people are unable to attend.
- M. Justin Hyjek said we are not enacting an ordinance. We have given a lack of direction to the Planning Commission. We are wasting time. It seems like ESRI is dead in the water.
- N. Brendan McNamara said it was on the agenda and has been discussed and something needs to happen. He said he will meet with the Planning Commission and ask what direction they are looking for, and then he will be able to make a recommendation to the Select Board whether to move forward or to end this.
- O. Eric Alden said that there are three parties: the Planning Commission, the Trustees and the Select Board. He suggested a joint meeting. This is going in circles. Get all of the parties together.
- P. Scott Baitz said that he wants to see the report.
- Q. Justin Hyjek said he can get it to Scott Baitz.
- R. Joe Josselyn asked about the income stream? He said we get 1099s and pay Room and Board taxes. He asked if they are looking at every property.
- S. Justin Hyjek said every property that is on the internet and advertising sales. We have the GIS data.
- T. Joe Josselyn said this is getting into a creepy place.
- U. Justin Hyjek said that as a business owner, he has rules that he has to abide by if I am accepting money. This would not restrict or limit businesses. The goal is to understand the market and legitimize it.
- V. Lynn Baldwin said that permits may be denied. Why spend the money on this intrusive surveillance program. She said that she has not heard of any devastating issues with STRs in Ludlow. She asked if they surveille other businesses? Do you sweep yours every 3 days.
- W. Ryan Silvestri said the data is from the Grand List and that is all public information. Granicus has a list of Air B&R and the names and addresses of the owners. There have been complaints on Air B&B properties. This is for Health and Fire Safety.
- X. George Tucker Jr. said this is for Safety. If there were a fire, and the house is listed as 8 bedrooms, we need to make sure to check for how many people may be in the house and prevent loss of life.
- Y. Lynn Baldwin we should know that if there are 15 cars and it is listed as a 3-bedroom house – and that is all this would be used for – she would have no issue. But, for there are so many vague issues, we need to make sure there are guidelines in place. What data is being collected about income?
- Z. Justin Hyjek said that income is not part of this.
- AA. Lynn Baldwin said she asked for parameters: what data and what will be the future use of the data. What does this have to do with work force housing? She said that past minutes said that

STRs contribute to lack of housing. If you start permitting process, will the town deny the permit because it wants that property for work force housing?

- BB. Scott Baitz said that won't happen.
- CC. Justin Hyjek encouraged the board to read the Rutland statute.
- DD. Brett Sanderson said it will be on the agenda for the next meeting.

9. **DISCUSS POSSIBLE LEASE EXTENSION WITH THE EXPEDITIONARY SCHOOL AT BLACK RIVER**

- A. Gary Blodgett said that the Expeditionary School at Black River received state approval on June 28, 2023. This enables them to get state tuition for school choice students. However, the late approval made it so that we could not go to the elementary schools to show students what is available. We will have 8 students to start this year and hope to get to 20 next year. We want to provide a local school. He said that Patty Potter helped with a flood presentation. They also visited the sewer plan and went to the trailer park
- B. Judy Pullinen said that she will be the new head of school and this year, have part time teachers for English, Math, Science, Art and Spanish.
- C. Justin Hyjek asked if it would be the same lease.
- D. Brendan McNamara said that he would draft a new lease with updated numbers and names.
- E. Justin Hyjek asked if the cost to run the building is still at \$118,000 per year.
- F. Brendan McNamara said about that.
- G. Gary Blodgett said that they have spoken to maintenance about better ways to utilize the heating system and fuel costs went down last year.
- H. Eric Alden said that 5 years ago, this board decided to take the building back and said there would be a discussion about the future of the building. That never happened. Putting that lease together without that discussion – what's the town going to do.
- I. Gary Blodgett said that at town meeting, the town voted to give a bridge grant to the school. Voters spoke to what they wanted.
- J. Glenn Heitsmith asked the square footage of the building that the school is using.
- K. Gary Blodgett said they are using the 2nd floor and that there has been discussion about other possible users.
- L. Eric Alden said that the voters did agree for gap funding for the school but there still has been no discussion about the building. There should be discussion about the future of the building.
- M. Brett Sanderson explained that the town did not pay for the education of the students that attended the school. If the students went to another school, the town would have been assessed for each student at the state education tuition rates.
- N. Brendan McNamara said he will work on a draft lease with the provision that there should be discussion or a caveat regarding future use of the building.
- O. Brett Sanderson asked this for the next meeting.

10. **TOWNWIDE NOTIFICATION SYSTEM DISCUSSION**

- A. Brendan McNamara advised that he has researched a notification system that would allow alerts for "Boil Water," or Sewer pipe broke or any possible evacuation. He said that not everyone uses the town website. He is looking at a system that is user subscribed that will provide notices by text, call or email. It would give notices for emergencies, short term water turn- off (for repairs) or even community events. We need this and the cost will be about \$4,000/year. He will solicit pricing from other vendors. It would be administered by the office. The problem is

how to get people to subscribe. He said that there are too many different Facebook or other social media pages – all with different information. This will come from the Police Department of the Town Manager’s office. He will have more information for the next meeting.

11. EMERGENCY WATERSHED PROTECTION PROGRAM DISCUSSION

- A. Brendan McNamara said that they touched on this earlier; the State will administer it with 75%/25% cost split. This is for upgrades to the town dams. We need to protect our infrastructure. The deadline to apply is September 7th and we will vote at the October meeting to move forward.

12. RECREATION FIELDS – REBUILD/LOCATION

- A. Brendan McNamara said that the dog park and Little League fields were destroyed. They were in the Flood way and Nick Miele is looking at other locations. This is a vital piece of the town. It has been suggested to move the Little League field to the high school field. It is a beautiful location and has lights. We could have the Little League and maybe softball there. He will also talk to Cavendish Recreation to possibly combine.
- B. Marissa Selleck said that, with the Community Center already there, it could be a central park for the community.
- C. Brendan McNamara said that they had to bring in a port-a- pot that was handicapped accessible for the Little League. The high school has accommodations.
- D. Scott Baitz said we can have 2 fields at the high school.
- E. Glenn Heitsmith asked about the dog park.
- F. Brendan McNamara said that there has been a significant donation given to the town for a dog park. He said that he filed for FEMA and insurance, but the trick is that we don’t own the land where the park was located. We need to explore locations. It’s a go, but where and when?
- G. Justin Hyjek said that West Hill was once considered.
- H. Brendan McNamara agreed that we need to utilize West Hill more. He will get some plans for the October meeting and possible minimal fees. He said he will talk to Nick Miele.

13. OTHER BUSINESS

- A. There was none

14. DEPARTMENT HEAD REPORTS

- A. Brett Sanderson noted that reports are in their packets.

15. MUNICIPAL MANAGER UPDATES

- A. Website
 - i. Brendan McNamara said the town will be upgrading the website and Paul Hansen will provide a quote and it will go out for bids from other vendors. We will also be putting a posting board outside the town hall office.

B. Water/Wastewater Plant

- i. Brendan McNamara reported that he met with Tim from the State last Thursday and will meet with FEMA on Tuesday. This is now considered a high priority project, costing \$9 to \$10 million, including mitigation. The generator is tilted, but working. The chlorinators are working. They are running at capacity. He will keep this board updated.

C. Pond Street Bridge

- i. Brendan McNamara said that the bridge is undersized and if it gives out, the proximity to the Fire Department would jeopardize the EMS system. On Friday, the State took ownership of the bridge and will replace it. When that work is in progress, it will affect traffic flow.
- ii. Justin Hyjek asked if when they rebuilt the culvert, did they replace it with a larger one.
- iii. Brendan McNamara said it is larger than it was – now 8 feet. However, there is a 10 -foot box above it. They are putting in riprap. He added that there is no oversight for what the railroad does. The State was there last week and we were very open and frank about our concerns. He said he wants to see the plans when they replace it.

D. Fire Department 5K Race

- i. Brendan McNamara said it was a success, with about 130 – 140 participants.

16. **OTHER BUSINESS**

- A. There was no further business.

17. **SET DATE FOR NEXT MEETING**

- A. October 2, 2023

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

- A. Brett Sanderson said the next meeting would be October 2, 2023 at 6:00 p.m.
 - i. Granicus/Short Term Rental
 - ii. Expeditionary School at Black River Lease
 - iii. Town wide Notification System
 - iv. Emergency Watershed Protection Program
 - v. Recreation Fields

19. **SIGN WARRANT ORDERS**

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

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

- A. Brendan McNamara advised that an Executive Session is needed for Personnel Contracts.

- B. **MOTION by Justin Hyjek and seconded by Scott Baitz to move into Executive Session. Motion passed unanimously**
- C. Board entered into Executive Session at 8:10 p.m.
- D. **MOTION by George Tucker, Jr. and seconded by Bob Brandt to exit Executive Session. Motion passed unanimously**
- E. Board exited Executive Session at 8:34 p.m.
- F. No action taken.

21. **ADJOURN**

- A. **MOTION by Justin Hyjek and seconded by Scott Baitz to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:36 p.m.

Respectfully submitted,

Lisha Klaiber

Brett Sanderson , Chairman

Justin Hyjek

Scott Baitz

George Tucker, Jr.

Bob Brandt