

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

April 2, 2018

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman Brett Sanderson
Logan Nicoll Bruce Schmidt

BOARD MEMBERS ABSENT:

John Neal

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Thomas Foster Ralph Pace Vincent Guerrero (Okemo Valley-TV)
Paul Orzechowski Ted Reeves

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:00 p.m.
- B. All members present, except John Neal.

2. **Annual Board Reorganization**

- A. Elect Chair of the Board
 - i. **Motion by Brett Sanderson and seconded by Bruce Schmidt to elect Howard Barton Chair of the board. Motion passed unanimously.**
- B. Elect Vice Chair
 - i. **Motion by Brett Sanderson and seconded by Logan Nicoll to elect Bruce Schmidt as Vice Chair of the board. Motion passed unanimously.**
- C. Elect Clerk of the Board
 - i. **Motion by Bruce Schmidt and seconded by Logan Nicoll to elect Brett Sanderson as Clerk of the board. Motion passed unanimously.**
- D. Appoint Union Negotiation Team Members
 - i. Frank Heald indicated that none were needed this year.
- E. Appoint Ludlow Enterprise Fund Committee Members
 - i. **Motion by Bruce Schmidt and seconded by Logan Nicoll to appoint Howard Barton and Brett Sanderson as Enterprise Fund Committee members. Motion passed unanimously.**
- F. Set Day and Time of Regular Meetings and Alternate Meetings
 - i. **Motion by Brett Sanderson and seconded by Logan Nicoll to continue with regular meetings to be held the first Monday of each month at 7:00 p.m. Special meetings, if needed will be held on the third Monday of the month at 7:00 p.m. Motion passed unanimously.**
- G. Appoint Recording Secretary
 - i. **Motion by Bruce Schmidt and seconded by Brett Sanderson to appoint Lisha Klaiber as secretary. Motion passed unanimously.**
- H. Designate Newspaper of General Circulation
 - i. **Motion by Logan Nicoll and seconded by Brett Sanderson to designate THE VERMONT JOURNAL as newspaper of circulation and to continue using THE RUTLAND HERALD as backup paper. Motion passed unanimously.**
- I. Adopt Roberts Rules of Order
 - i. Howard Barton advised that the Board has used Roberts Rules of Order for the meetings.

- ii. **Motion by Brett Sanderson and seconded by Bruce Schmidt to continue using Roberts Rules of Order. Motion passed unanimously.**
3. **Consideration of any Changes, Additions or Removals to the Agenda**
- i. Frank Heald advised that no changes were necessary.
4. **Approve Minutes of Previous Meetings**
- A. Howard Barton advised that the minutes to be approved are from the regular meeting of February 5, 2018.
- B. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve the minutes of the regular meeting of February 6, 2017 and special meetings of February 26, 2018, March 12, 2018, March 13, 2018, March 15, 2018, March 19, 2018 and March 28, 2018 as presented. Motion passed unanimously.**
5. **Comments from Citizens**
- A. There were none.
6. **Appoint Town Officers**
- A. **MOTION by Brett Sanderson and seconded by Logan Nicoll to appoint the slate of candidates for 2018-2019 as presented.**
- B. Howard Barton asked about the positions to be filled by Frank Heald.
- C. Frank Heald said that he will resign from them all with a blanket resolution.
- D. Logan Nicoll said that he will talk to Norman Vanasse about applying to fill the Alternate to the SWCRPC position.
- E. **Motion passed unanimously.**
7. **Appoint Solid Waste District Representative Alternate**
- A. Frank Heald advised that the board should authorize the chair to sign the election form.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to authorize the chair to sign the form appointing the persons to the positions of Representative and Alternate Representative to the Solid Waste District Board of Supervisors. Motion passed unanimously.**
8. **Liquor Control Board**
- A. Howard Barton advised that there are 24 licenses and 9 outside licenses other than those for Okemo. All taxes are current.

<u>Applicant</u>	<u>Business Name</u>	<u>Additional Outside</u>
Aminah & Rayhan, LLC	Ludlow Shell	
American Legion Post #36	American Legion	X
Barrich Corporation	Pot Belly Pub	X
Brewfest Beverage Company	Brewfest Beverage Company	
Brockton Corporation	Shaw's Beer and Wine	
Gaignard, Richard C	D.J.'s Restaurant	
Goodman's American Pie	Goodman's American Pie	X
Homestyle Hostel, LLC	Homestyle Hostel	X
Homestyle Hostel, LLC	Main & Mountain Motel	X
KMS Inc.	The Hatchery	
LVP, Inc.	Ludlow Village Pizza	
Mark J. Williams Corp	Mr. Darcy's Bar and Grill	
Moon Calhoun LLC	Downtown Grocery	
Moon Calhoun LLC	Mama's	X
Petrogas Group NE, Inc.	Applegreen (formerly Cumberland)	
Quan Tro LLC	Pettigrew Inn	
Rose Douglas and Ann	Rose Douglas and Ann	
46 Depot Street Annex, LLC	Stemwinder	

Stuart, Leslie Pearson	The Wine and Cheese Depot	
TBK Inc.	Tom's Loft Tavern	X
Twelve Thirty Four, LLC	MOJO Café	X
Tyson Properties	Tyson Store	
Vermont Irish Pub LLC	The Killarney	X
Williams Prime Corp.	Chop House	

- i. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to approve the liquor licenses as indicated. Motion passed unanimously**

B. **Okemo Liquor License Renewals**

- i. Howard Barton said all licenses were current on taxes and any other fees. He added that there are 7 license and 8 outside consumption renewals

<u>Applicant</u>	<u>Business Name</u>	<u>Additional Outside</u>
Okemo Mountain Food and Beverage	EPIC	X
	Willie Dunn's Grille	X
	Sitting Bull Lounge-Base Lodge	X
	Smoky Joe's Grill	X
	Sky Bar	X
	Jackson Gore Inn	X,X,X
	Corner Store at Jackson Gore	

- ii. Bruce Schmidt recused himself from the vote.
iii. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve the liquor license renewals indicated above. Motion passed unanimously.**

9. **Adopt Town Roads & Bridge Standards**

- A. Frank Heald advised that this is an annual Certification of Compliance stating that we our standards meet or exceed the state standards. Ludlow does.
B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to adopt the Town Roads and Bridge Standards as presented. Motion passed unanimously.**

10. **Approve Codes & Standards Certification of Compliance for Town Roads & Bridge Standards**

- A. Frank Heald advised that this is an annual Certification of Compliance stating that we our standards meet or exceed the state template and goes along with the Standards. Ludlow does.
B. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to execute the Certificate of Compliance as presented. Motion passed unanimously.**

11. **Approve VTRANS Annual Financial Plan – Town Highways**

- A. Frank Heald advised that this is the annual certificate to the state that the town is spending at least \$300/mile on Class I, II and III highways. He noted that there have been changes to the Class II and Class III because of Commonwealth Avenue.
B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to sign the certificate. Motion passed unanimously.**

12. **Consider & Sign Coolidge Solar I, LLC Memorandum of Understanding**

- A. Frank Heald advised that this was discussed at the February meeting. It is for a lease for Coolidge to use Stearns Pit for staging for the Barker Road project. The term will be from April 1 through November 30, 2018. Use of this property will reduce heavy truck traffic and the town will earn \$8,000 per month. He recommends the board sign the memorandum of understanding.
B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to sign the Memorandum of Understanding between Coolidge and the Town of Ludlow. Motion passed unanimously.**

13. **Update on State Plan for ADA Dock at Lake Rescue Fishing Access**

- A. Frank Heald advised that this is for the board's information. The state will be putting in an ADA dock at the Lake Rescue Fishing Access site. The residents are not happy. There was a meeting on March 28 and the state has extended the comment period until April 3rd. There is little the town can do about it.
- B. Bruce Schmidt voiced his concern that that is a tight area and he expects there will be more police calls. He also expects that people will be swimming there.
- C. Frank Heald said it is for getting in and out of boats.
- D. Bruce Schmidt said he heard the meeting was very contentious.

14. **Adopt Local Emergency Operations Plan (LEOP)**

- A. Frank Heald said it is pretty much the same as last year. There will be changes in May.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt re-adopt the Emergency Operations Plan. Motion passed unanimously.**

15. **Update on Commonwealth Avenue Project**

- A. Frank Heald advised that there is some movement on the project. FEMA wanted more financial information. The state thinks the project will happen and they expect approval for the project in the summer. After that, there will be final engineering and then the bond vote. The design has changed and the current design is a large box all the way to the river. There will be issues crossing Route 103, because the water and sewer lines are in the ground. He said that parallel to that, FEMA will be purchasing two IMERY'S properties on East Hill. They will tear down the two houses and the land will revert to the town. The land is of very little value and will be used for a park with grass. There will not be an increase in tax revenue.

16. **Update on Recreation Department**

- A. Frank Heald advised that they recently did a search for an Executive Director for the Recreation Department. The person chosen to fill the position will graduate from Colby Sawyer on May 5th. He is currently working part time for the town, until his graduation. His name is Nick Miele and he is a very impressive person. He encourages the board members to meet him when he comes on full time. He was at the Easter egg hunt,

17. **Department Head Reports**

- A. Howard Barton advised that all reports are in for the February and March.

18. **Other Business**

- A. **School Properties**
 - i. Bruce Schmidt voiced his concerns about the future of the school properties and feels that the town should have input on its future use. He would like to see some type of agreement signed between the school board and the town. He is concerned about maintenance and upkeep should of the buildings. If the private school does not work out, ultimately, the properties could revert to the town.
 - ii. Paul Orzechowski said he is he chairman of the new unified board and would like to have a carousel meeting of the school board with the Select Board. He would like to discuss the \$75,000 from Ranger Solar.
 - iii. Howard Barton said that he would like to wait on that until the school board has a set plan for where it is going.
 - iv. Paul Orzechowski said their next meeting is on April 11th.
 - v. Bruce Schmidt said that Ludlow and Mount Holly are running Pre-K through grade 6 and in 2 years will end up with the building. He wants to be cautious and make sure the Select Board is involved. The school is a big part of the community. He does not think a carousel meeting is needed.
 - vi. Frank Heald said the Ranger Solar original deal was to contribute \$75,000 for bleachers. The funds for repairs to the bleachers came from another source. However,

one could make the argument that the problems with the bleachers caused the damages to the floor and the money could go to repair the floor. He said that he has reached out to Ranger Solar, but hasn't heard back.

- vii. Bruce Schmidt also noted that the arrangement with Ranger Solar was for a project in Ludlow and now with the unified district, it is all one budget. Mount Holly is not putting anything into this. He does not think the entire amount should go to repairing the floor, but that Mount Holly should contribute part.
- viii. Howard Barton asked when they plan to work on the floor, because the money from Ranger Solar will not be available until the project is commissioned and in service.
- ix. Paul Orzechowski said they plan to put it out to bid and work on it this summer.
- x. Howard Barton said Ludlow should not have to continue to give Mount Holly a free-ride.
- xi. Bruce Schmidt suggested part of the money may be put to the Community Center.
- xii. Frank Heald said they will have to get back to Ranger Solar because the contract specifically says Bleachers for President's Hall. He also suggested they get a letter from an engineer about the floor project.

B. Compliment for Ambulance Service

- i. Frank Heald advised that a letter was received complimenting the Ambulance Service on their highly professional actions in treating his wife. Copy of the letter is attached.

19. Set Date for Next Meeting

- A. Howard Barton advised that the next regular meeting would be May 7, 2018 at 7:00 p.m.

20. Sign Warrant Orders

- A. Warrant orders have been signed.

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

- A. Frank Heald advised that an Executive Session is needed.
- B. **MOTION by Bruce Schmidt and seconded by Logan Nicoll that in accordance with the provisions of 1VSA §313 (1) (B), he moves that the Ludlow Select Board enter into Executive Session to consider;**
 - i. **Legal Matters.**

The premature public knowledge of this information would place the Town and Village of Ludlow at a substantial disadvantage. This motion for executive session includes the members present and the Municipal Manager. Motion passed unanimously.

- C. Board entered into Executive Session at 7:49 p.m.
- D. Executive session ended at 8:07 p.m.
- E. **MOTION by Brett Sanderson and seconded by Logan Nicoll to authorize the chair to sign the Settlement Agreement with Okemo Limited Liability LLC. Motion passed unanimously.**

22. Adjourn

- A. **MOTION by Logan Nicoll and seconded by Brett Sanderson to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll



McPherson
614 Douglas Drive
Orange, CT 06477

March 20, 2018

Mr. Carl Matteson,
Ambulance Coordinator
Ludlow Paramedics
P.O. Box 359
Ludlow, VT 05149

Dear Mr. Matteson,

I am not certain if I have directed this note to the right person. If not, please do pass it on to the appropriate individuals. On February 22, 2018, my wife, Anita, collapsed while skiing down Upper Arrow, one of her favorite Okemo trails. Members of the Ski Patrol rapidly transported her to the base First Aid Station, where paramedics from your unit were already waiting. Despite the subsequent, highly professional actions and resuscitative efforts of the Ski Patrol and paramedics of your staff, Anita died.

I am enclosing with this letter a description of my wife's final moments and the results of the autopsy that was (thankfully) mandated by the State Vermont. I want those who participated in Anita's resuscitation to know that she did not die because their efforts were somehow insufficient or poorly performed. I have run many resuscitation efforts (although I never in my wildest imagination envisioned doing so on my wife); the CPR effort my wife received was textbook, picture perfect. Anita died because she had a previously unknown, unsuspected aortic aneurysm in her chest that ruptured. There is no way that CPR could have saved her – she had essentially died the moment she sat down in the snow, with probably one final glance down the mountain.

Please extend to all of your wonderful employees how grateful I and my 2 daughters are for the professional, compassionate care your staff provided to my wife and us. This was a surreal experience, I suspect, for all. Your staff handled it as smoothly as a glide down a well-groomed ski trail. They are a great, well-trained group. I was particularly grateful that my daughter's partner, Dr. Mike Seaman, and I were graciously allowed to participate in the resuscitation effort. We offer the enclosed donation to the coffee-hot chocolate fund as a small token of our immense gratitude for your team's efforts on Anita's behalf. My family has enjoyed our annual Okemo ski vacation for more than a decade. Rest assured, we will be back again next year (and I have told all my skiing colleagues that there is a great ambulance corps in town).

In gratitude,


Craig A. McPherson, MD, FACC
Director, Cardiac Electrophysiology Service,
Bridgeport (CT) Hospital
Clinical Professor of Medicine
Yale University School of Medicine