

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

August 3, 2020
6:00 P.M.

HEALD AUDITORIUM

BOARD MEMBERS PRESENT:

Bruce Schmidt, Chairman Brett Sanderson
Scott Baitz Heather Tucker

BOARD MEMBERS ABSENT:

Justin Hyjek

STAFF PRESENT:

Scott Murphy

OTHERS PRESENT:

Jim Alic	Jacalyn Diesenhouse	Pat Pullinen
Eric Alden	Sara Kilguss	Ed Reposa
Bob Brandt	Mike Lawyer	Terry Thayne
Suzanne Buckley	Connie Miele	Patrick Cody (Okemo Valley-TV)

1. CALL TO ORDER

- A. Bruce Schmidt called the meeting to order at 6:00 p.m. and led the meeting in the Pledge of Allegiance. All members present except Justin Hyjek.

2. CONSIDERATION OF ANY CHANGES, ADDITIONS OR REMOVALS TO THE AGENDA

- A. Scott Murphy advised that he had received an outside consumption request this afternoon and asked if the board would like to address it tonight or at the next meeting.
B. Bruce Schmidt asked if everything was in order.
C. Scott Murphy said yes.
D. Bruce Schmidt suggested to the board that they discuss it under Agenda Item #5.
E. There was general consensus among board members to address if under Agenda Item #5.

3. APPROVE MINUTES OF PREVIOUS MEETINGS

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of July 6, 2020 and the special meeting of July 16, 2020.
B. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve the minutes of the regular meeting of July 6, 2020 and the special meeting of July 16, 2020 as presented. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

- A. There were none.

5. LIQUOR CONTROL BOARD

- A. Scott Murphy said the application is for liquor and outside consumption permits.

<u>Applicant</u>	<u>Business Name</u>	<u>Additional Outside</u>
Nightowl, LLC	Kingfisher	X

- i. Scott Murphy advised that Chief Billings has reviewed and is okay with the liquor license, but has conditions on the outside seating.
- No more than 4 tables with 2 seats each in front of the restaurant. This may be amended in the future

- Some type of barrier put in place to separate pedestrians from restaurant patrons
 - Tables in alley way can have up to 4 seats each
 - Hours between noon and 10:00 p.m.
- ii. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve the liquor license and outside consumption permits for Kingfisher as conditioned by Chief Billings. Motion passed unanimously.**
- B. Stemwinders
- i. Scott Murphy advised that the other application for outside consumption is for Stemwinders. The hours are Monday through Saturday, until 8:00 p.m. This has been approved by Chief Billings. They are also required to put up rope barriers. Seating will be alongside of the driveway and in the back parking area.
- ii. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve the outside consumption permit for Stemwinders. Motion passed unanimously.**

6. **REDBRIDGE UPDATE: UPDATE ON PARKING/SAFETY ISSUES**

- A. Scott Murphy advised that the police department continues to patrol the area 3 to 4 times per day. They have issued one ticket. It appears that there are less abusers.
- B. Jim Alic thanked the board and Police Department for their efforts. Parking has moved to Lake Shore Road up to East Lake Road. The open issue is even parking there is illegal. According to the ordinance, there is no parking allowed on the shoulder of the road. Now, the people who live on Lake Shore Road are upset because the parking has moved there. We need to get more residents involved to come up with an alternative. People are also trespassing. In order to get to the swimming area, people are trespassing on private property and have worn a path down to the lake on the Lake Pauline side of the dam. We did put up NO TRESPASSING signs and most people do respect them. People are also moving rocks and that is illegal and building designs. They are also leaving trash.
- C. Jacalyn Diesenhouse said they should get the DEC involved for shoreline protection.
- D. Bruce Schmidt said he doesn't think they will find a solution that will work for everyone.
- E. Scott Murphy said the state usually will not get involved. This is the first he has heard about people moving rocks. He will look into it.
- F. Heather Tucker asked if the Lake Rescue Association has been involved. Maybe they can get people together.
- G. Jim Alic said the association understands our issues, but they are not part of this.
- H. Bruce Schmidt asked Scott Murphy to make sure the chief is comfortable with the parking.
- I. Jim Alic said that board should read the 1990 Wandering Road Decision of the Vermont State Supreme Court. The distance to the edge of the of the centerline didn't apply in that case. The case was closed. He asked what the town's rights are with regard to the center of the road.
- J. Bruce Schmidt said he is glad to see that Scott Murphy and Chief Billings are working with the residents. We now need to work on the other issues.
- K. Jacalyn Diesenhouse said that she doesn't expect a resolution this year, but will the issue be resolved by next May and if so, she asked that residents be advised of what the solution is.

7. **UPDATE ON #6 COMMONWEALTH AVENUE STORMWATER ISSUE**

- A. Scott Murphy advised that they have reached out to Todd Hindinger, an engineer we have worked with before and is slightly familiar with the area. He offered to make a short site visit to see what the drainage system looks like, look upstream and do some calculations of flows. He would then give you a short letter of what a repair or upgrade would look like. This first step would help the board decide on an approach to a design phase. This would cost about \$1,500.00. Scott Murphy added that this is not in the budget and the Select Board does not have a contingency fund. We also received a quote from Floyd Miele.
- B. Connie Miele said that someone else suggested tapping into the culvert.
- C. Bruce Schmidt said that he will not go with someone's suggestion without having an engineer look at it. He suggested that they spend the money on the engineer and get a design. They can share Floyd Miele's suggestion with Mr. Hindinger. He suggested spending the \$1,500 and polled the board.
- D. There was general consensus among board members to hire Todd Hindinger for \$1,500.00.
- E. Connie Miele said she heard that there may be grants available.
- F. Bruce Schmidt said there may be grants to apply for, but it would take time. He said the board will see what can be done and try to find a workable solution.

8. **CONSIDER BOARD OF LISTERS ERRORS & OMISSIONS**

- A. Scott Murphy said this is an annual adjustment to the Grand List.
 - i. There are 2 properties on East Hill that were demolished as a result of a FEMA buyout; 24 East Hill Road and 30 East Hill Road –This has been done and the property is now a non-taxable parcel.
 - ii. 173 Brooks Road – Scott Murphy explained that the acreage of the parcel was corrected due to the sale of an abutting parcel the owned. The assessment adjustment for this one is about \$7,700.00
- B. **MOTION by Heather Tucker and seconded by Brett Sanderson to accept the recommendation from the Board of Listers for changes to the Grand List. Motion passed unanimously.**

9. **POSSIBLY APPROVE LISTERS' RECOMMENDATION FOR OKEMO REAPPRAISAL CONTRACT**

- A. Scott Murphy advised that they had sent out a nationwide RFQ (Request for Qualifications) for a company to do the reappraisal on the Okemo properties. Three responses came in and the Listers recommend SnoValuation. SnoValuation has done reappraisals on over 350 ski resorts. The state provided \$208,000 for reappraisals and we have spent \$87,000. If we choose this company, we may be qualified for additional state funding. He said he is not sure if the Select Board has to approve this as the Listers do have funds.
- B. Bruce Schmidt said the Listers are elected, but the Select Board should approve this.
- C. Terry Thayne said the Listers are comfortable with SnoValuations.
- D. **MOTION by Heather Tucker and seconded by Scott Baitz to approve recommendation from the Listers for SnoValuations to perform the reappraisal on Okemo.**
- E. Bruce Schmidt recused himself.
- F. **Motion passed unanimously.**

10. **POSSIBLY AWARD SCREENED WINTER SAND BID**

- A. Scott Murphy advised that board members received 2 bids:

VENDOR	DELIVERED PRICE PER CY	LOADED AT SUPER'S PIT PRICE PER CY	NOTES Last Year's Prices
Eastman Sand & Gravel	\$13.99	\$9.00	\$14.50 & \$8.50
Pike Industries	\$16.77	\$9.11	\$20.40 & \$10.13

- B. Scott Murphy said that Eastman Sand & Gravel is the low bidder. We used them last year and Ron Tarbell is happy with them.
- C. **MOTION by Brett Sanderson and seconded by Heather Tucker to award the bid for screened winter sand to Eastman Sand & Gravel. Motion passed unanimously.**

11. **BRISC SCHOOL UPDATE**

- A. Scott Murphy advised that they still have not closed on the purchase of the building. They do have a signed Purchase and Sales Agreement. Our attorney is not getting feedback from the School's attorney. We have a letter and business plan from BRISC.
- B. Pat Pullinen said that the school is on track to open September 8th. They have hired a Head of School/teacher and hope to hire one more teacher.
- C. Suzanne Buckley said that as of today, they have 15 students enrolled.
- D. Pat Pullinen said the group still wants to rent space in the building. The students – at a cost of \$15,000 per student - will save the town about \$200,000/year.
- E. Scott Murphy said that this is an update to the board and no action is needed tonight.
- F. Bruce Schmidt asked if there is anything the board can do to assist.
- G. Scott Murphy said one problem is there are 3 radioactive disks in the Chemistry lab and they have to be removed.
- H. Bruce Schmidt asked who is paying the insurance on the building.
- I. Scott Murphy said the school is and also utilities.
- J. Heather Tucker asked Pat Pullinen what is the school's time frame for set-up for COVID.
- K. Pat Pullinen said they have not been in the building for a while and would like to start their program in the building. They have to make plans. He said that Suzanne Buckley met with the new Head of School today and that person has not been in the building.

- L. Suzanne Buckley said they discussed COVID plans that would be similar to other schools. We do not know what is in the building any longer and would like to be able to get in.
- M. Scott Murphy said he will arrange for them to get in the building.
- N. Pat Pullinen said they have received a lot of support from the community.

12. **RE-ADDRESS POSSIBLE WAIVER OF DELINQUENT TAX PENALTIES & INTEREST DUE TO COVID-19**

- A. Scott Murphy said that at the June meeting, the board decided that they would not waive penalties and interest for delinquent payments, but would review that decision in August. The August 15th payment is now due August 24th. He would like to check back with the board after August 24th. The 4th quarter delinquencies are less than \$100,000 and that is not extraordinary. Ulla Cook doesn't think the delinquencies are COVID related. We have only received a few letters from disgruntled taxpayers.
- B. Bruce Schmidt said we can bring this up again at the September meeting.
- C. Scott Murphy said he would like to give credit to Ulla Cook and Pam Todt for getting the tax bills out so quickly. He said that some people paid right away. He added that with regard to the note in anticipation of delinquent taxes, we have not set it up.
- D. Bruce Schmidt tabled this discussion until the September meeting.

13. **REVIEW DRAFT OF PERSONNEL RULES & POLICY MANUAL**

- A. Scott Murphy asked that board members submit additional comments to Pam Cruickshank. After the Select Board approves the draft, it will be sent to a Human Resources attorney for review and comments. The attorney will return it to this board for final approval.
- B. Bruce Schmidt referred to page 28 and asked why Christmas Eve is marked with the asterisk with the note about at the Municipal Manager's discretion.
- C. Scott Murphy said that's the way it has been. He doesn't know why it's in red.
- D. Bruce Schmidt referred to page 29 and the note that the VLCT suggests bumping up the years of service for retention. Bruce Schmidt said he doesn't recall, but thought that was removed from the Police contract. This policy should be the same as what is in the Police contract.
- E. Scott Murphy said he would check.
- F. Bruce Schmidt referred to page 30 – Vacation Leave Buyout. He said that he has only seen that done once before. He doesn't like it and thinks that it should be that the Municipal Manager makes a proposal to the Select Board. He said that staff needs to take their vacations. He said that Irene was an extenuating circumstance. He is in favor of removing that from the manual.
- G. Scott Murphy said the Police contract has it in and that the non-Police union personnel felt that it was not available to them. There were a couple of key employees this year that weren't able to take vacation due to COVID. He does agree that people should take their vacations.
- H. Scott Baitz said that people can take it in individual days.
- I. Bruce Schmidt said to remove it from the manual and give the Municipal Manager the discretion to figure out what to do if key people can't take their vacations. It is not healthy to not take vacations. He said that they have done a good job on the manual.
- J. Scott Murphy asked if there are any other comments to please send them to him or Pam Cruickshank.
- K. Bruce Schmidt asked about the time frame.
- L. Scott Murphy said as soon as possible.

14. **DEPARTMENT HEAD REPORTS**

- A. Bruce Schmidt advised that all reports are in and asked for comments.
- B. There were none.

15. **MUNICIPAL MANAGER UPDATES**

- A. Feral Cats
 - i. Scott Murphy advised that at the July meeting, they received complaints about feral cats on Main Street and by Mojo's. A skunk, a raccoon and several cats have since been removed. They still do not have the name of the woman who is feeding the cats. The Springfield Humane Society has been helpful. There is more work to do.
- B. Town Office Closure

- i. Scott Murphy advised that the town office building will be closed on Wednesday, August 5, 2020 for sewer line repairs. There was a break this winter and now they will do the permanent repair work. M& M won the bid to do the repairs.
- C. 2020 Census
 - i. Scott Murphy encouraged local voters to sign up and complete the 2020 census. Ludlow is not responding to the census well. The link is: my2020census.gov. He said that responding to this will help Ludlow in the future.

16. **OTHER BUSINESS**

- A. TDS Outages
 - i. Bruce Schmidt suggested that Scott Murphy contact TDS about the recent outages as the Town.
 - ii. Scott Murphy said there was only one recent event.
 - iii. Bruce Schmidt said there was one caused by a breakup at White River.
 - iv. Scott Murphy said he contacted TDS last fall. He said the one this past Friday was caused by an accident. He will follow-up.
 - v. Bruce Schmidt said it is alarming for people and we should contact TDS as a town.
- B. Town Charter
 - i. Bruce Schmidt asked Scott Murphy about changing the charter for how we can do Australian ballots.
 - ii. Scott Murphy said that he looked into it this past winter.
 - iii. Bruce Schmidt asked what our Police Department does about citations and what the role of the State's Attorney is.
 - iv. Scott Murphy said our Police have the option to cite a person. It is up to the Chief or arresting officer to issue the citation. They can put a case together and send it to the State's Attorney. It is up to the State's Attorney to prosecute.
 - v. Bruce Schmidt said that a recent meeting, the Planning Commission was having a discussion about using grant funds to look into merging the Town and Village. We should not be spending any money on a merger until the Trustees and Water Commissioners come to this board to request it.
 - vi. Scott Murphy said he had just thrown it out to them along with other ideas.
 - vii. Bruce Schmidt said he is not discussing a merger until the Trustees and Water Commissioners come in to this board.
 - viii. Scott Murphy said he has spoken to the Trustees in the past, but there is now a new board.
- C. Thank You to the owner of the Hatchery
 - i. Bruce Schmidt thanked the owner of the Hatchery for removing the trash from the full trash cans on the sidewalk. It was great to see people pitching in to help.
 - ii. Scott Murphy said that he worked with Kevin McPherson.

17. **SET DATE FOR NEXT MEETING**

- A. Bruce Schmidt that the next regular meeting would be September 21, 2020 at 6:00 p.m.
- B. Scott Murphy said if needed, the board may call a special meeting.

18. **NEXT MEETING ITEMS**

- A. None listed

19. **SIGN WARRANT ORDERS**

- A. Bruce Schmidt and Brett Sanderson have signed Warrant orders.

20. **POSSIBLE EXECUTIVE SESSION/PERSONNEL/CONTRACTS/LEGAL ISSUES – POSSIBLY APPROVE WAGE INCREASES**

- A. Scott Murphy advised that an Executive Session is needed.

- B. **MOTION by Heather Tucker and seconded by Brett Sanderson to enter into Executive Session. Motion passed unanimously.**
- C. Board entered into Executive Session at 7:03 p.m.
- D. The Select Board came out of Ex Session at 7:12 p.m.
- E. MOTION by Brett Sanderson and seconded by Heather Tucker to approve the employee raises as presented. Motion passed unanimously.

21. **ADJOURN**

- A. **MOTION by Brett Sanderson and seconded by Heather Tucker to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:15 p.m.

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt, Chairman

Brett Sanderson

Scott Baitz

Heather Tucker

Justin Hyjek