

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**December 6, 2021**

**REGULAR MEETING  
Heald Auditorium**

**6:00 P.M.**

**BOARD MEMBERS PRESENT:**

Bruce Schmidt, Chairman	Justin Hyjek (by phone)	Heather Tucker
Scott Baitz	Brett Sanderson	

**STAFF PRESENT:**

Scott Murphy	Stephanie Grover
Jeff Billings	Peter Kolenda

**OTHERS PRESENT:**

George Abraham	John Murphy	Jean Strong
Bob Brandt	Logan Nicoll	Ken Tedford
Andrea Goldman	Marissa Selleck	Rebecca Devereux (Okemo Valley-TV)
Meredith Milliken		

**1. CALL TO ORDER**

- A. Bruce Schmidt called the meeting to order at 6:02 p.m. He led the meeting in the Pledge of Allegiance.

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

- A. Scott Murphy advised that no change is needed.

**3. APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Bruce Schmidt advised that the minutes to be approved are from the Public Information Meeting and regular meeting of November 1, 2021 and the Special Meeting/Budget Workshop of November 15, 2021.
- B. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve the minutes of the Public Information Meeting and regular meeting of November 1, 2021 and the Special Meeting/Budget Workshop of November 15, 2021. As presented. Motion passed unanimously.**

**4. COMMENTS FROM CITIZENS**

- A. There were none

5. **LIQUOR CONTROL**

- A. Scott Murphy advised that there are 3 applications for liquor licenses. Chief Billings has signed off on it. The location is the former Christopher's at the Mill.

B.

<u>Applicant</u>	<u>Business Name</u>	<u>License</u>
Johnny's Kitchen, LLP	Johnny's Kitchen, 126 Main Street	First class
Pond LLC	The Pond, 64 Pond Street	First, Third and Outside
Monte, LLC	Monte	First and Third Class

- C. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve the liquor licenses as presented. Motion passed unanimously.**

6. **POSSIBLY CONSIDER SIDEHILL CRONCHERS SNOWMOBILE CLUB ROAD CLOSURE REQUEST**

- A. Scott Murphy advised that they received a request from the Sidehill Cronchers Snowmobile Club for the road closures as they have requested in the past.

B. John Murphy said all of the roads are the same.

- C. **MOTION by Scott Baitz and seconded by Justin Hyjek to approve the request from the Sidehill Cronchers for road closures as in the past. Motion passed unanimously.**

7. **POSSIBLY SIGN THE WARNING FOR A SPECIAL TOWN MEETING RE-VOTE FOR THE CANNABIS OPT-IN**

- A. Scott Murphy advised that this board needs to set the date between January 6<sup>th</sup> and the 16<sup>th</sup>. He suggested January 11, 2022 – a Tuesday, saying that most of the town votes are on Tuesdays. He said that we have 60 days from the date of receipt of the petition which was November 16, 2021.

- B. **MOTION by Scott Baitz and seconded by Heather Tucker to set the date for the re-vote for the Cannabis Opt-in on January 11, 2022. Motion passed unanimously.**

8. **POSSIBLY APPROVE MOTION TO ADOPT PROPOSED TOWN CHARTER**

- A. Scott Murphy advised that there is a copy of an email from their attorney in their packets. The first step was the Charter Committee. We need a motion from the board to allow the Select Board to hold a public vote. This will be filed with the Town Clerk. Then, they will need to hold 2 public meetings within 10 days. If the vote is positive, they will send it to the state Legislature. The Legislature is being difficult lately. Ours is a simple change with only one question.

- B. **MOTION by Justin Hyjek and seconded by Heather Tucker to move that the Select Board proposes a Charter provision, pursuant to 17 VA 2645 as follows: on an Article to be voted on: There is hereby created a Town of Ludlow Charter which shall provide the Town of Ludlow with all of the rights and duties as provided by Vermont Statutes, and**

**with a special provision providing : Unless otherwise required by law and not withstanding 17 VA Section 2680, the Select Board shall be vested with the sole authority as to warning town meeting articles by floor vote or by the Australian ballot system of voting.**

- C. Bruce Schmidt asked Logan Nicoll if he would support this.
- D. Logan Nicoll said he would get this drafted and introduced as a bill to the legislature. He said this may not happen this year as they are working on redistricting. He said that other towns have this ability. He said there is a back log since COVID. He said he will talk to GOVOPS and will get this on their list.
- E. **Motion passed unanimously.**

9. **DISCUSS AND POSSIBLY APPROVE TOWN ORDINANCE REQUIRING AN INDOOR MASK MANDATE**

- A. Scott Murphy said that the state has given towns and villages the authorization to institute a mask mandate for public spaces to be effective immediately. It could be effective for 45 days and renewable in 30-day increments. This would not be subject to petition. It would require all individuals to wear face coverings while indoors at locations that are open to the public. It would be through education and voluntary. If adopted, it would have to be posted in 5 places in town and in the newspaper of record.
- B. Justin Hyjek said that at his businesses, they have had a mask mandate since the summer. He is not sure if this should be left to the businesses or town. There have been a record number of COVID cases.
- C. Heather Tucker said there will be an influx of tourists within the next month and it is a smart thing to do.
- D. Justin Hyjek said if it was a blanket rule in town, it would be less hard for the business to enforce.
- E. Heather Tucker suggested putting up LUDLOW – MASK UP signs.
- F. George Abraham asked if private offices would be exempt.
- G. Scott Murphy said that the state rules are ambiguous.
- H. Justin Hyjek said that private offices may be by appointment.
- I. Justin Hyjek asked about Burlington.
- J. Scott Murphy said, if a person can prove vaccinations, they don't have to wear masks.
- K. Scott Baitz said that they have been letting the bars and restaurants slide, but not the retail stores.
- L. Heather Tucker said that if kids can spend 7 hours per day at school and wear masks, adults can do it.
- M. Scott Murphy said the board can pass with ordinance without exemptions.
- N. Bruce Schmidt read the exemptions:
  - 1) Children under 2 years of age
  - 2) Persons with a disability who cannot wear a face covering or cannot safely wear a face covering for reasons related to the disability
  - 3) A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the workplace risk assessment,
  - 4) Any person while eating or drinking inside any establishment that serves food or beverage
- O. Scott Murphy said they can look online for the parameters.
- P. Justin Hyjek said 30 days.
- Q. Scott Murphy said that initially it can be for 45 days and renewable for 30-day increments.
- R. Bruce Schmidt said they need to make sure of the dates.
- S. Scott Baitz asked who would enforce it.

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- T. Scott Murphy said peer pressure or allowing businesses to put up signs...not the police.
- U. Chief Billings said that he does not have the manpower to enforce it. He would only enforce it if it ends in a criminal offence such as a tussle.
- V. Justin Hyjek said he is not in favor of enforcing it with tickets.
- W. Bruce Schmidt said he is frustrated that it would be a town ordinance and the police chief will not enforce it. Why hasn't there been any middle of the road discussions.
- X. Justin Hyjek said they have never had a scene at his businesses. He said they carry disposable masks and he can't imagine calling the police for it. This would give the businesses buffer if it was a town wide initiative.
- Y. Bruce Schmidt asked who we are doing this for if there is no enforcement.
- Z. Brett Sanderson said to leave it to the businesses.
- AA. Justin Hyjek said we are doing this for safety for employees and patrons. It will help mitigate the process if it is a town mandate. It's our prerogative.
- BB. Bruce Schmidt asked if they want to do this tonight.
- CC. Justin Hyjek said it is one of the busiest times
- DD. Heather Tucker said it will protect the community.
- EE. Justin Hyjek suggested 30 days and reassess after that.
- FF. Bruce Schmidt said 45 days and look at it at our January 3<sup>rd</sup> meeting.
- GG. Scott Murphy said that would be about January 21<sup>st</sup>.
- HH. Justin Hyjek said that would cover MLK weekend.
- II. Heather Tucker said then the additional 30 days would cover February break.
- JJ. Scott Baitz said that we will get phone calls.
- KK. Bruce Schmidt said many of the businesses in town are doing it.
- LL. Chief Billings said that the last time, there was not public education at all and most of the calls came from Okemo.
- MM. Andrea Goldman asked if they could authorize the businesses to refuse service.
- NN. Justin Hyjek said that businesses do have the right to refuse to serve. Justin Hyjek said it would have no teeth, but would show that we are looking at the number of cases and doing what's best for the community.
- OO. Scott Murphy said that Rutland Town is doing it, but not enforcing it and Warren's police are not writing tickets.
- PP. Chief Billings said that some towns are leaving enforcement to the Fire Departments.
- QQ. **MOTION by Justin Hyjek and seconded by Heather Tucker to institute a 45-day mandate without penalty or enforcement as a safeguard and tool kit for local businesses to use. Motion passed 3 to 1 (Brett Sanderson against.)**
- RR. Scott Murphy said that it is effective immediately.
- SS. Bruce Schmidt asked what if the Trustees do not approve a mask ordinance.
- TT. Scott Murphy said since there would be no enforcement; it should not be a problem. The message will still get out there.
- UU. Bruce Schmidt asked if we have any jurisdiction for businesses within the village.
- VV. Scott Murphy said that he asked VLCT, but had not received an answer.

#### 10. **FY 2023 BUDGET WORKSHOP**

- A. Police Department
- 1) Scott Murphy said that the budget includes a new cruiser and repairs to dispatch cabinets and desk tops. He said that they are down service officers so overtime is up. Overall, the expenses are up 2.3%.
  - 2) Chief Billings said that dispatch and wages are up. He said that he kept budget bare bones.

- 3) Bruce Schmidt asked if this is a contract year coming up and said they should put money in to be ready.
- 4) Scott Murphy said that he asked to extend the contract for one year with changes in the administration, but one person on the committee was not in favor of it.
- 5) Bruce Schmidt said he does not see a plan for wages.
- 6) Scott Murphy said that his suggestion is to get as much done tonight and meet again next week.
- 7) Bruce Schmidt said he thought that was the plan. We will have to go back through all of the departments again. He said the union will not settle for a 3% increase.
- 8) Chief Billings said we will have to increase our wages as other police departments pay higher wages and are busier. He said the officers learn more with them. We have to hire quality people and have to be in the ballpark with wages. We are not getting young recruits from the academy. He said the academy is not getting applicants none are available
- 9) Bruce Schmidt said we have to increase our wages. He said that Scott Murphy has a list of wages from the VLCT. We usually put in a lump sum as a place holder. He said that this board has to look at the total picture and increase our wages. He said we will have to cut expenses elsewhere. He asked Chief Billings about cameras.
- 10) Chief Billings said all of the equipment is in good shape. He said we will get through the winter.
- 11) Bruce Schmidt asked about revenue and said that we have talked about charging for dispatch by property.
- 12) Scott Murphy said that was for the Ambulance. He said that Stephanie Grover met with the Plymouth board about taking over the whole town (half now is served by Woodstock.)
- 13) Bruce Schmidt said we should think about dispatch.

B. Fire Department

- 1) Scott Murphy said the ongoing expenses with truck repairs and that pay for volunteers is up a little. He said that they need a new pump and pick up next year. He added that in a few years, they will need a new aerial platform truck.
- 2) Chief Kolenda said there is 20-year replacement expectancy on the 2 main engines. He said that engine #3 is due for replacement in 2024 and the aerial platform is also due for replacement in 2024 at about \$1.5 million
- 3) Brett Sanderson suggested \$2.0 million, adding that the time frame for delivery may exceed one year.
- 4) Chief Kolenda said we will have to look at them next year. He added that the numbers for workmen's comp don't seem right.
- 5) Bruce Schmidt said we need accurate data.
- 6) Chief Kolenda said that they have included Health Evaluations and have been talking with Ludlow Health Center about them. They should include more for that.
- 7) Scott Murphy said he would get back to the board about workmen's comp.
- 8) Heather Tucker asked about revenue from the auction.
- 9) Chief Kolenda said this was one of the best years ever. They donated \$150,000 to the Equipment Fund.
- 10) Bruce Schmidt noticed the increase in payroll from \$50,000 to \$55,000.
- 11) Chief Kolenda said because the actual is based on historic data.
- 12) Bruce Schmidt asked if we should increase the hourly wage.
- 13) Chief Kolenda said he hadn't put in any extra money.
- 14) Heather Tucker asked how many staff do they have.

- 15) Chief Kolenda said we could use another 10 people. We have 15 to 20 active and maybe 25 to 30 on the roster.

C. Ambulance

- 1) Stephanie Grover said that pay is an issue. She said that with the changing costs in supplies, it is not possible to estimate what number to put in for supplies.
- 2) Scott Murphy said that he thinks that the budget is realistic. The difficulty is replacement of the ambulance. They will also need a stretcher and power loader. Scott Murphy said that Stephanie Grover got a grant to buy more stretchers.
- 3) Stephanie Grover said a grant from VLCT for \$4,000 and another possible for \$13,000. They will purchase a stretcher and maintenance plan. She said that all of the equipment will need to be replaced within the next 4 years.
- 4) Justin Hyjek asked about calls
- 5) Stephanie Grover said we lost about 1/3 of the volume due to COVID and have not regained them yet. Hopefully in 2 – 3 years we will be back to pre-pandemic conditions.
- 6) Heather Tucker asked if the billing service is helping.
- 7) Stephanie Grover said it is helping a lot; it was too much for our staff.
- 8) Bruce Schmidt noted that total expenses were \$738,170.
- 9) Scott Murphy said that is correct. He said that call volume is tricky.
- 10) Justin Hyjek said that they will need to purchase one ambulance this year and one next year.
- 11) Stephanie Grover said that was correct.
- 12) Justin Hyjek asked how they will absorb the costs.
- 13) Stephanie Grover said she has proposed to Plymouth to take over the rest of the town and they have started billing other towns where we do the pick up because they can't do it. She said that we don't have a capital fund for replacements.
- 14) Justin Hyjek asked about call volume and how it is broken down.
- 15) Stephanie Grover said not by address, but by area such as Okemo, Jackson Gore and the Gill Home.
- 16) Justin Hyjek said that we need to find ways to sustain the Ambulance Service.
- 17) Scott Murphy said that this is not new. He said that other departments do have capital plans and Stephanie Grover is giving us a heads up.

D. Transfer Station

- 1) Scott Murphy said that Patti Potter is not feeling well. She said that they added a full-time position under Attendants and there is also an increase in Insurance. This added about \$16,000, but they are fully staffed. He said that the increased volume is starting to level off.
- 2) Bruce Schmidt said that expenses are projected at \$261,426 for Solid waste and \$179,000 for Disposal.
- 3) Justin Hyjek asked about town bags.
- 4) Scott Murphy said there would be no change there.
- 5) Bruce Schmidt asked about Attendants.
- 6) Scott Murphy said there are still some on all part time attendants.
- 7) Bruce Schmidt asked, if we added a full-time person, do we still need part time.
- 8) Scott Murphy said it was lowered and she will bring them on as needed. He doesn't have an answer.
- 9) Bruce Schmidt asked Scott Murphy to look into it.
- 10) Brett Sanderson asked about rates. He also asked about the backhoe that the Transfer Station uses.

- 11) Scott Murphy said we had a 40% grant opportunity, but the state would still own it. We did not use the grant.
  - 12) Justin Hyjek asked about running water.
  - 13) Scott Murphy said they installed water, but have no plans for indoor plumbing. He said that the structure is not in great shape.
  - 14) Bruce Schmidt said we should get an engineer up there to look at septic and leech field. We wanted a price on that before. We should look at the charges. He said that he would like to see fees for April/May and by the end of January. He asked Scott Murphy to bring back answers about attendants. He asked about the tractor that we were going to trade in.
- E. Administration
- 1) Scott Murphy said that due to Pam Cruickshank's resignation, they will be making changes. They will add a part time person for 2 days per week. This person will be working 3 days in the Planning Office.
  - 2) Justin Hyjek asked about the Animal Control person.
  - 3) Brett Sanderson said that Steve Laskevich is back on call.
  - 4) Justin Hyjek asked about wildlife at the cemetery. He said that there is fox on High Street.
  - 5) Bruce Schmidt noticed that the Clerk is up 4.7% and asked if there were 2 days' worth of work not getting done.
  - 6) Scott Murphy said that the person who was there was going over and above their job.
- F. Total to Be Raised in Taxes
- G. Bruce Schmidt said that on page 27, it shows 3,4%
- H. Scott Murphy said with the changes in Zoning, it would be about 3%
- I. Bruce Schmidt said this board needs accurate numbers. We all have to have the same numbers. He said he wouldn't dare approve this until we all have the same numbers.
- J. High School Building
- 1) Justin Hyjek asked where we stand about the rental.
  - 2) Scott Murphy said that we did not receive rent in FY2021. We are getting \$500 per month this year –possibly from the After School program.
  - 3) Justin Hyjek noted that our costs are up from \$66,000 to \$100,000.
  - 4) Scott Murphy said that the increases are based on numbers provided by TRSU. He said that in the FY 2021, we did not receive any rent, but are not receiving \$500/month. We also may be receiving from the After School Program.
  - 5) Justin Hyjek noted that the costs went from \$66,000 to \$100,000.
  - 6) Scott Murphy said that the \$66,000 was best guess base on the numbers provided by TRSU. He said that fuel costs are up. He said that they left a half year before. We are now getting a better handle on the costs.
  - 7) Bruce Schmidt asked what is the next step for the building.
  - 8) Scott Murphy said they are talking about acquiring the building.
  - 9) Bruce Schmidt said we will finish this at their next meeting. He asked where we will stand with numbers year to date.
- K. Justin Hyjek said that on 1/11/2021, we approved \$30,000 to resurface the skate park, but it ended up at \$20,000. The skate park did not get the additional \$10,000 back and we would like to use it in the spring. We only have the \$20,000 now.
- L. Scott Murphy said it would be in the General Fund. He said that Ulla Cook would transfer it at the end of the year or on demand.
- M. Justin Hyjek said he wants to know the total of what we have for FY 2023.
- N. Scott Murphy said he will send the numbers within the next couple of days.
- O. Justin Hyjek said he is working with the Recreation Department.

- P. Bruce Schmidt said it is odd to have a Select Board member using money for the skate park. It is better to work with the Rec Department, the Skate Park is part of the Rec Department.
- Q. Justin Hyjek said he has been working with Nick Mile and not as a Select Board member, but as a Skate Park committee member. He said it will be an asset to the town when rebuilt.

#### 11. **DEPARTMENT HEAD REPORTS**

- A. Bruce Schmidt noted that if a department head does not submit a report, it should not be done by a person in the town office.

#### 12. **MUNICIPAL MANAGER UPDATES**

- A. Trailside DRB Permit Legal Defense
  - 1) Scott Murphy advised that Trailside is appealing a DRB decision. When Richard Harrison was Fire Chief, he said that the water and fire protection supplies at Trailside were never correct. Now, they have been in violation over all of these years. As a result, we are not issuing any further building permits until this is corrected and we need a plan for correction. The appeal is going to the Environmental Court. They sealed the fire hydrants shut. There will be legal costs.
  
- B. Waste Line Break Near Timber Inn
  - 1) Scott Murphy said that the water line break found that the pipe is not in good shape. It was installed in about 1972 and has deteriorated. They dug two test holes, one by the car wash and one by the intersection of Pleasant Street Extension and Soapstone Road. They were both okay. They will dig two more, in the spring, closer to the Timber Inn.
  - 2) Justin Hyjek asked about the water main down Main Street.
  - 3) Scott Murphy said it is about 100 years old and not in bad shape.
  - 4) Bruce Schmidt asked if they could sleeve it.
  - 5) Scott Murphy said they are looking into it.
  - 6) Scott Murphy said that it is cleaned up and the top soil is done.

#### 13. **OTHER BUSINESS**

- A. FY 2023 Budget Discussion
  - 1) Bruce Schmidt suggested meeting on Tuesday, December 14<sup>th</sup> at 6:00 p.m.
  - 2) Scott Murphy said that they would need to get the finished report to the printer by 1/21/2022. He said they would need to finish up during the week of January 10 through 14<sup>th</sup>.
  
- B. Short Term Rental Discussion
  - 1) Justin Hyjek asked for an update on the discussions.
  - 2) Scott Murphy said it would be on the agenda for a future meeting.
  - 3) Bruce Schmidt suggested they include the Trustees.

#### 14. **SET POSSIBLE DATES FOR NEXT MEETING**



- A. December 14, 2021 - Budget Workshop
- B. January 4, 2022 – Regular Meeting

15. **SIGN WARRANT ORDERS**

- A. Bruce Schmidt said the warrant orders are signed.

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

- A. Scott Murphy advised that an Executive Session is not needed.

17. **ADJOURN**

- A. **MOTION by Brett Sanderson and seconded by Justin Hyjek to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:48 p.m.

Respectfully submitted,

Lisha Klaiber

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Bruce Schmidt, Chairman

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Brett Sanderson

\_\_\_\_\_  
Scott Baitz

\_\_\_\_\_  
Heather Tucker

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Justin Hyjek