

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

February 3, 2020

**BOARD MEMBERS PRESENT:**

Bruce Schmidt, Chairman	John Neal	Heather Tucker
Justin Hyjeck	Brett Sanderson	

**STAFF PRESENT:**

Scott Murphy	Ulla Cook
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**OTHERS PRESENT:**

Steve Ankuda	Aaron Galley	Kyle Obenauer
Scott Baitz	Tom Kennedy	Marissa Selleck
Ron Bixby	Pete Kolenda	Laura Stone
Donna Dwyer	Otis Munroe	Todd Sumner
Frank Dwyer	Logan Nicoll	Eric Chattergee(Okemo Valley-TV)

**1. Call to Order**

- A. Bruce Schmidt called the meeting to order at 7:00 p.m. All members present.
- B. Bruce Schmidt led the meeting in the Pledge of Allegiance.

**2. Consideration of any Changes, Additions or Removals to the Agenda**

- A. Scott Murphy said none are needed.

**3. Approve Minutes of Previous Meetings**

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of January 6, 2020 and the Special Meetings of January 20, 2020 and January 24, 2020.
- B. **MOTION by Brett Sanderson and seconded by John Neal to approve the minutes of the regular meeting of January 6, 2020 and the Special Meetings of January 20, 2020 and January 24, 2020 as presented. Motion passed unanimously.**

**4. Comments from Citizens**

- A. There were none.

**5. Liquor License Renewals**

- A. Scott Murphy advised that Ulla Cook has presented them together, with only one page for the board members to sign. Chief Billings has signed off on them.
- B. Bruce Schmidt said they will vote as listed below.

**Applicant**

Barrich Corporation  
Brewfest Beverage Company  
Brockton Corporation  
DuJour VT, LLC  
KMS Inc.  
O&V Restaurant LLC  
Petrogas Group New England Inc.  
Quan Tro, LLC  
Rose Douglas and Ann  
Twelve Thirty Four, LLC

**Business Name**

Pot Belly Pub  
Brewfest Beverage Company  
Shaw's Beer and Wine  
Du Jour VT  
The Hatchery  
D.J's Restaurant  
Applegreen  
Pettigrew Inn  
Rose Douglas and Ann  
MOJO Café

- C. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve the liquor license renewals as presented. Motion passed unanimously.**

**Applicant**

Stuart, Leslie Pearson  
46 Depot Street Annex, LLC

**Business Name**

The Wine and Cheese Depot  
Stemwinder

- D. John Neal recused himself from this vote.

- E. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve the liquor license renewals as presented. Motion passed unanimously**

**Applicant**

Okemo Mountain Food and Beverage

**Business Name**

EPIC  
Willie Dunn's Grille  
Sitting Bull Lounge-Base Lodge  
Smoky Joe's Grill  
Sky Bar  
Jackson Gore Inn  
Corner Store at Jackson Gore

- F. Bruce Schmidt recused himself from this vote.

- G. John Neal recused himself from this vote.

- H. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve the liquor license renewals as presented. Motion passed unanimously**

6. **Review Fire Tank Bids & Possibly Award Contract**

- A. Scott Murphy advised that there were two bids and one of them came in by email.  
B. Pete Kolenda said that originally, the department planned to purchase 10 breathing apparatus, but found out that if they purchased 12, they would get an additional air pack. The department had voted to purchase 5, but they will vote to purchase the 6<sup>th</sup>, at their meeting tomorrow.  
C. Scott Murphy gave the bids to Pete Kolenda to review.  
D. Bruce Schmidt asked what is the protocol for securing electronic bids.  
E. Scott Murphy said there is no way to keep electronic bids unopened. When we receive them, we print them and put them in a sealed bid file.

- F. John Neal asked what the RFP said.
- G. Scott Murphy said people could submit electronically.
- H. Bruce Schmidt said he would prefer the bids come in together.

<u>Bidder</u>	<u>Quote</u>
Fire Tech & Safety of New England	\$77,602 (\$7,000 trade-in allowance)
Municipal Emergency Services	\$79,688

- I. Pete Kolenda said that he and Ron Bixby reviewed the bids and both meet the specifications. They recommend accepting the bid from Fire Tech & Safety.

- J. **MOTION by John Neal and seconded by Bruce Schmidt to accept the bid from Fire Tech & Safety of New England for \$77,602.00 as presented. Motion passed unanimously.**

7. **Town Attorney Steve Ankuda to Discuss the Tax Sale & Voting Methods**

A. Tax Sale

- i. Town attorney, Steve Ankuda advised that the town will be holding a tax sale on Thursday, February 6<sup>th</sup>. The town has advertised these sales for 3 consecutive weeks and property owners have been notified by certified mail. If they have not responded, they were sent notice by regular mail. The town announces a minimum bid and if the owner does not pay up the owed amounts, others may bid on the property. If the property owner does not pay up within one year, the tax collector will issue a deed to the person who was the bidder on the property. If no one bids on the property, the town may bid on the property for taxes, penalties and other costs, such as clean-up of hazardous wastes. Again, the owner has one year to pay or the tax collector will issue a deed to the town. If no one bids, and the town does not bid, the property remains on the uncollected debts lists of the town and the debt continues to grow. He suggested that the town may want to consider bidding on some of the properties that have been uncollected for a while.
- ii. Bruce Schmidt asked the town's financial exposure.
- iii. Scott Murphy said there are 7 or 8 properties going up for tax sale and 2 are older; one from 2014 and the other from 2015. These are the only 2 the town would consider bidding on. He said the board may designate a Select Board member or the Municipal Manager to act as agent to bid.
- iv. John Neal asked what the financial impact is on those two properties.
- v. Scott Murphy said one is \$2,200, but the other is \$18,900.
- vi. John Neal asked if the impact less for the municipality if we do the clean-up work.
- vii. Steve Ankuda said yes, there is protection to the town for hazardous waste.
- viii. Scott Murphy said that the one from 2014, Evergreen land, is the \$18,900 one. He said that if no one else bids on it, and the town does, it stops the clock on the penalties and gets the property back on the tax rolls after one year.
- ix. Steve Ankuda said the town may not bid less than the taxes, penalties and costs owed. The town may not make a profit on the property, but may include maintenance and other costs for work done by the town crew.
- x. Bruce Schmidt took a consensus of the board and all agreed to bid on this property if no one else does.
- xi. **MOTION by Brett Sanderson and seconded by John Neal to appoint Scott Murphy as agent of the town to bid on that property. Motion passed unanimously.**

B. Voting Methods

- i. Bruce Schmidt said that there will be a vote on a petition at Town Meeting to hold all votes by Australian ballot. He said that presently, we are expected to hold floor votes. He asked why some towns are allowed to do some votes by floor and others by Australian ballot.
- ii. Steve Ankuda said that some towns have charters that allow the Select Board to choose. The state statute says that towns may vote to have issues by Australian ballot. Elections are by Australian ballot. The last vote on this issue, in Ludlow was in 1989 and it was defeated. Now, any votes, not required by statute, such as elections, must be floor votes.
- iii. Bruce Schmidt asked about bond votes.
- iv. Steve Ankuda said the statute says they will be by Australian ballot. He said that past Australian votes, that should have been floor votes, could be challenged.
- v. Bruce Schmidt said this board will be asked at Town Meeting for a vote on floor votes or Australian ballots. If the town goes with Australian ballot, it will take away from Town Meeting and we would just have informational meetings.
- vi. Steve Ankuda said they will have to have the voters vote on the petition as presented.
- vii. Aaron Galley asked if there is a contentious issue, is there a framework to have that issue voted on by Australian ballot.
- viii. Steve Ankuda said the town would have to warn and hold a special meeting to vote on whether they could vote on that issue by Australian ballot, then, it would be voted on at the next town meeting or duly warned special meeting.
- ix. Bruce Schmidt asked if the people can call for a paper vote.
- x. Ulla Cook said the moderator can determine that.
- xi. Steve Ankuda said the Select Board can ask for an advisory vote by Australian ballot.
- xii. Bruce Schmidt said we could look into a charter, and asked what are the negatives.
- xiii. Scott Murphy said Bennington tried, but it didn't go well with the state through the legislature.

8. **Agency of Transportation Presentation RE: Mill Street Bridge Replacement**

- A. Scott Murphy advised that the state did a scoping survey of the bridge.
- B. Laura Stone said that the AOT had done the scoping survey of the bridge. The process involved is to look at the existing conditions, present alternatives, present the recommended alternative, get input from the town, discuss maintenance of traffic control, schedule the project and the project is on the construction schedule for 2023. Project definition includes funding resources, constraints, getting public participation and consensus. After this part is complete, the design stage will come, followed by the bidding process. The town share is lowered by 50% because the bridge is already closed. If we do rehabilitation, it is lowered by 2.5% or if total replacement, it is lowered by 5%. The bridge is closed, the structure is deficient. The deck surface is in serious condition, the abutments are cracked and the bridge does not meet minimum width for standard bridge nor does it meet hydraulic standards. The bridge acts as a dam during flooding conditions. The superstructure is in critical condition and the substructure is in poor condition. It is an historic structure, in the FEMA flood plain, is pre-contact Native American, the wing wall is outside of the ROW. It has a 9 foot travel lane without shoulders. Current bridge requirements are to have 2 foot shoulders on each side. The alternatives are:
  - i. No action. The state will disinvest and remove the structure.
  - ii. Disinvest with new pedestrian bridge
  - iii. truss rehabilitation
  - iv. Full bridge replacement.

Laura Stone said the scoping survey recommends removing the existing truss and replacing it with a new pedestrian bridge. It would be 8 feet wide and would lower future maintenance costs. It would have a shallow superstructure and would be cambered. While under construction, there would be pedestrian detour signs.

- C. Bruce Schmidt noted that the town share would be about \$15,510.
- D. Scott Murphy asked how much would it be raised above BFE.
- E. Laura Stone said it would be about the same.
- F. Scott Murphy said if they raise the center, would it allow more flow.
- G. Laura Stone said it would still dam up, but less.
- H. Scott Murphy said they did a pedestrian bridge in Wilmington, but they had to remove and reinstall it.
- I. Laura Stone said they can't move the ends, they have to stay fixed.
- J. Heather Tucker asked how often it dams.
- K. John Neal said over the last 3 floods.
- L. Frank Dwyer asked what the town can afford.
- M. Bruce Schmidt said we still have time to work on it, but we can afford that.
- N. Laura Stone said at this point, the AOT is waiting for the town to respond. Once the town gives the approval to go forward, we will develop the conceptual plans. If the town wants, we can hold another public informational meeting. Then will we put together the process agreements and work on the ROW process.
- O. Donna Dwyer asked what would happen if they chose to do nothing.
- P. Todd Sumner said they would put in a turn-around.
- Q. Laura Stone said that eventually, something will have to be done. This project will be 80% federally funded, with the state funding at 10% plus part of the town's percentage depending on what the town decides to do.
- R. Heather Tucker said a lot of children cross the bridge to walk to school.
- S. Scott Murphy said the town will send its response.

9. **Execute 2020 Town Certificate of Highway Mileage**

- A. Scott Murphy said this is an annual process, required by the state and makes Ludlow eligible for highway grants. There are no changes in mileage since last year.
- B. **MOTION by John Neal and seconded by Brett Sanderson to approve and execute the 2020 Town Certificate of Highway Mileage. Motion passed unanimously.**

10. **Consider & Approve Amendment to the Town of Ludlow's Vacant & Dangerous Buildings Ordinance**

- A. Scott Murphy said that this is an amendment to the ordinance and takes care of the removal after demolition. He said the Trustees passed the amendment last month. He said that the changes made are to sections 3.04, 3.06, 5.01, 5.03, 5.05, 5.08 and 5.09. He said that section 5.05 provides for the removal of the demolition. He said if approved tonight, it will become effective on April 3, 2020, providing that there are no petitions against it.
- B. **MOTION by John Neal and seconded by Brett Sanderson to approve the amendment to the Town of Ludlow's Vacant and Dangerous Buildings Ordinance. Motion passed unanimously.**
- C. Justin Hyjeck asked about fines.

- D. Scott Murphy said \$100 and no more than \$500 per day. He said there are a handful of these in the village.

11. **Personnel Policy 1<sup>st</sup> Review**

- A. Scott Murphy said that this is the first step. He is asking board members to review and comment on the draft. He said that when comments are received, Pam Cruickshank, Diane Knight and he will review the comments and integrate them into the draft. He will have a rough draft for their May meeting. They will submit that to a human resources attorney. VLCT has already seen it. When this is done, it will come back to the Select Board for final review. He told the board that the last time this was done was in 2005 and the town could be subject to law suits.

12. **Department Head Reports**

- A. Bruce Schmidt advised that all reports are in. He noted that the Listers' expenditures for 7 months are at \$80,000 and their budget is \$94,000.
- B. Scott Murphy said the reappraisal is a separate fund.
- C. Bruce Schmidt asked if she will true it up.
- D. Scott Murphy said yes.

13. **Municipal Manager Updates**

- A. Lamere Street Bridge
  - i. Scott Murphy advised that the bridge opened today and looks nice.
- B. Vacation
  - i. Scott Murphy advised that he will be on vacation from March 11 to March 20, 2020.
- C. Tower on Rod & Gun Club Road
  - i. Scott Murphy advised that ATT will be making modifications to the tower.

14. **Other Business**

- A. Personnel Meeting
  - i. Scott Murphy said it will be at 6:00 p.m. next month.
- B. Black River Independent School
  - i. Justin Hyjeck asked about its progress.
  - ii. Heather Tucker said it is subject to Board of Education approval. They do have a walk-through scheduled and have submitted a budget.
  - iii. Justin Hyjeck asked if they are signing up students.
  - iv. Scott Murphy said there are 33 students interested.
- C. Buses
  - i. Heather Tucker asked about the bus situation.
  - ii. Scott Murphy said that the town agreed to lease a bus to the school for \$1.00 and the school would pay for the retrofit to meet state school bus standards. Meg Powden told him that the school may not do it and may buy a bus. Scott Murphy said the town had offered to sell them at bus at ½ market value. Meg Powden said the school board would be meeting next week.

D. John Neal

- i. Bruce Schmidt advised that this will be John Neal's last official meeting. He thanked John Neal for his guidance and years of service to the community.
- ii. John Neal said that he has worked with the last 5 town managers.
- iii. Bruce Schmidt said that he has learned a lot from John and that the Public Safety Building and the Armory would not have happened without John's guidance. It has been a pleasure to work with John. He will recognize John at Town Meeting.

15. Set Date for Next Meeting & Possible Agenda Items

- A. The next regular meeting will be on April 6, 2020.

16. Sign Warrant Orders

- A. Warrant orders have been signed.

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

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

18. Adjourn

- A. MOTION by Brett Sanderson and seconded by Heather Tucker to adjourn. Motion passed unanimously.
- B. Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Lisha Klaiber

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Bruce Schmidt, Chairman

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Brett Sanderson

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Justin Hyjeck

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Heather Tucker

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John Neal