

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

July 2, 2018

BOARD MEMBERS PRESENT:

Bruce Schmidt., Vice Chairman Logan Nicoll
John Neal Brett Sanderson

STAFF PRESENT:

Scott Murphy

OTHERS PRESENT:

Paul Orzechowski Ted Reeves Terry Thayne
Ralph Pace Ron Tarbell Ed McEaney (Okemo Valley-TV)

1. Call to Order

A. Vice Chairman Bruce Schmidt called the meeting to order at 7:00 p.m.

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

A. No changes.

3. Approve Minutes of Previous Meetings

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of June 18, 2018.
- B. Scott Murphy noted that on page 2, item 9A – under proposed Residential Rates – should read \$25.00
- C. Scott Murphy noted that on page 5, item 10 R – vote should read 3 in favor, Brett Sanderson abstain.
- D. **MOTION by John Neal and seconded by Brett Sanderson to approve the minutes of the regular meeting of June 18, 2017 as amended. Motion passed unanimously.**

4. Comments from Citizens

A. Paul Orzechowski advised that there will be a Special Meeting of the school board on July 11, 2018 at 6:30 p.m. at the Mount Holly School. The purpose of the meeting will be to discuss whether to close Black River High School in 2019 or 2020.

5. DRB Appointments

- A. Scott Murphy advised that the applicants have all submitted their letters of interest. Candidates and terms listed:

<u>Candidate for 2019</u>	<u>Term</u>
Linda Petty	2-year to 2020
John Boehrer	1 year to 2019
Dana Wilson	1 year to 2019

- B. **MOTION by Brett Sanderson and seconded by John Neal to appoint DRB members as indicated. Motion passed unanimously**

6. **Possibly Approve Proposed Zoning Fees**

- A. Scott Murphy advised that Rose Goings has asked the board to consider increases in the Zoning Fees and wrote an explanation for the request. (See attached.) The proposed changes are:

	<u>Current Rate</u>	<u>Proposed Rate</u>
Residences	\$150.00/ unit; \$0.10 per sq. ft., after 2,500 sq. ft.	\$150.00 per unit; \$0.10 per sq. ft.
Appeals of Zoning Administrator	\$150.00	\$300.00

- B. John Neal said it does make sense to cover our costs.
C. Logan Nicoll asked why Bianchi searches were not included in the new rates.
D. Bruce Schmidt said the increase in the Appeals of Zoning Administrator feels like it is a deterrent to making an appeal. He said that the town puts money into the Planning Department. He asked how many appeals we get per year.
E. Scott Murphy said he does not know, but doesn't think it is a huge number.
F. Bruce Schmidt said the increase seems steep. He would like to look at the entire schedule and see if the fees are right for the town.
G. **MOTION by Brett Sanderson and seconded by Logan Nicoll to table this discussion until the August meeting.**
H. Logan Nicoll said he would like to know how our fees compare to other similar towns.
I. Brett Sanderson said he would like Rose Goings to be at the August meeting.
J. **Motion passed unanimously.**

7. **Approve Summer Paving Contract for Town**

- A. Scott Murphy said there are quotes for the town and village and Fuller was low on both. This is for one mile of shim and overlay on West Hill Road. Fuller was \$66/T.
B. **MOTION by Brett Sanderson and seconded by John Neal to award the bid for paving to Fuller for \$66/T. Motion passed unanimously.**

8. **Approve Rod & Gun Club Bridge Contract**

- A. Scott Murphy advised that there were 2 competitive bids; Daniels and Miller. Daniels was the low bidder, with a quote of \$179,745. He said the bridge is in terrible shape and that it was hoped that the construction would be this summer, but it was not required in the RFP. He said that Daniels put in their bid, that the construction will be completed by the end of the 2018 construction season.
- B. Brett Sanderson asked if the quotes are “apples to apples.”
- C. Scott Murphy said yes.
- D. **MOTION by Brett Sanderson and seconded by Logan Nicoll to award the bid for Rod & Gun Club Bridge to Daniels Construction. Motion passed unanimously.**

9. **Board of Listers’ Grievance Update**

- A. Terry Thayne advised that there were 54 appeals: 34 denied and 20 approved. Bill Krajeski from New England Municipal Consultants (NEMC) helped with the appeals. This year’s Grand List (GL) is \$1,355,570,800 and last year’s was \$1,341,700,400, an increase of \$13,870,400. There were 2 appeals from 2017 that went to the State Appraiser. One was denied through mutual agreement and we are waiting to hear the State’s decision on the other. The new GL has a CLA of 96.62 and the COD was 16.96. We are a little concerned about the COD, because if it hits 20, the state will require a reappraisal. The Listers are putting together an RFP for a 3 year, town-wide reappraisal which will include the resort. We have been very happy with the work NEMC has done and wondered if the RFP has to go to bid.
- B. Scott Murphy said it does.
- C. Logan Nicoll said that their work can be taken into consideration when the bids are reviewed.

10. **Consider Moving 1st Quarter Tax Payment Due Date to September 1st**

- A. Scott Murphy said that this item is not needed today, but said that he would like to board to meet on Friday to set the tax rate.
- B. Bruce Schmidt said they could meet at 8:00 A.M.

11. **Consider Adopting a Public Records Policy & Request Form**

- A. Scott Murphy advised that Ludlow does not have this in place and it is recommended by VLCT. It helps people find records and documents. It is not required that people sign it, but most people will. He said that the State has recently passed new laws and requests for general documents must be responded to within 3 business days and archived documents within 7 business days. We can charge a fee for archived items.
- B. Ted Reeves asked if this is more towards the Freedom of Information Act or to restrict access to documents.
- C. Scott Murphy said the Freedom of Information Act is federal. Vermont adapted it. It is not to restrict access to records.
- D. Ted Reeves asked if he needed to look up something in the Town Clerk’s vault, would he still be able to.
- E. Scott Murphy said yes. He added that there are over 200 types of exempted documents. He said the policy and form are very helpful with controversial documents, with the press and if there is a problem. He said that certain documents are exempt and do not get handed out.

- F. **MOTION by Brett Sanderson and seconded by Logan Nicoll to adopt a Public Records Policy and Request Form. Motion passed unanimously.**

12. **Consider Changes & Re-adopt Local Emergency Operations Plan (LEOP)**

- A. Scott Murphy said this is an annual plan and normally done in April or May. He said this is only to remove Frank Heald and add Scott Murphy.
- B. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve the changes to the Local Emergency Operations Plan. Motion passed unanimously.**

13. **Select Board to Solicit Interest to Fill Vacant Select Board Seat**

- A. Scott Murphy advised that this board can craft the process as it chooses. The Notice of Vacancy was dated effective June 18, 2018. The Letter of Interest request will be published with a deadline to receive them by August 2, 2018. We already have one letter. You will review the letters at the August meeting.
- B. Bruce Schmidt encouraged the board, that if there are more than one applicant, to hold the vote by Australian ballot, to avoid potential problems.
- C. Brett Sanderson asked about several applicants.
- D. Bruce Schmidt said we can ask them to come in.
- E. **MOTION by Brett Sanderson and seconded by Logan Nicoll to authorize Bruce Schmidt to sign the Notice of Vacancy. Motion passed unanimously.**

14. **Department Head Reports**

- A. Bruce Schmidt advised that all reports are in April.

15. **Municipal Manager Updates**

- A. **Okemo Access Road**
i. Scott Murphy said that there is a slope failure and he had met with a representative from Better Roads (part of VTRANS.) He thinks we should be able to get funding. The cost of the repairs will be about \$41,000 with possibly an 80% grant. Grant applications are due in the fall of 2018.
- B. **West Hill Fireworks**
i. Scott Murphy advised that arrangements for the fireworks at West Hill on July 4th are set. There will be games, a band and foods. There will be buses to Stearn's Pit for parking.
- C. **Bridge Street Project**
i. Scott Murphy said that project is delayed because the contractor is overburdened. He has tried to contact them several times and they are not responding. Springfield and Cavendish are having the same problems with that contractor. The project should have been done by now. He will keep the board informed.
- D. **VLCT Ergonomics**
i. Scott Murphy said that a representative from VLCT who specializes in ergonomics walked around the offices and the staff got a good report. The intent is to be able to work

comfortably, without injuries. Scott Murphy said that the person gave him some pointers that really helped him. There is a woman who was out that day, and the representative from VLCT is coming back to work with her.

- E. AEDs
 - i. Scott Murphy advised that two AEDs were installed in town hall and staff from the Ambulance Service will give us instructions.
 - ii. Brett Sanderson said that there are instructions on the inside of the box that tell you how to use it.

16. Other Business

- A. Solar Project
 - i. Bruce Schmidt asked for an update on the Solar project.
 - ii. Scott Murphy said that they met with the Emergency Response people last week to set up a protocol in case of an emergency. The meeting went well. They will ramp up the work schedule throughout the summer, peaking with about 180 workers from mid-August through mid-September. They are letting the town use Stearn's Pit for parking for the 4th of July. They are looking for completion in December and are aware that winter comes earlier here.
- B. Planning Commission
 - i. Logan Nicoll advised that the Planning Commission will be having pizza again at its July 17th meeting. A representative from the Windham-Windsor Housing Trust will make a presentation. The Planning Commission hopes to get some input from residents on the zoning regulations with regard to drive-up windows.
- C. Stone House on the Corner of Main and Commonwealth
 - i. Brett Sanderson asked whose jurisdiction it is to get something done about the stone house where there was an inside explosion. It is dangerous.
 - ii. Bruce Schmidt said there is an ordinance for unsafe properties.
 - iii. Scott Murphy said that he will check into it and keep the board informed.

17. Set Date for Next Meeting

- A. Bruce Schmidt advised that the next regular meeting would be August 6, 2018 at 7:00 p.m.

18. Possible Agenda Items for Next Meeting

- A. Consider Wage Increase for Union & Non-Union Employees
- B. Review/Interview Potential Candidates to Fill Vacant Select Board Position
- C. Bruce Schmidt said there will be a public hearing on the proposed Interim Zoning at that meeting. He said that the zoning becomes effective that night unless the board votes against it.
- D. Scott Murphy said the Select Board may also set an effective date for the zoning.

19. Sign Warrant Orders

- A. Warrant orders have been signed.

20. **Possible Executive Session/Personnel/Contracts/Real Estate Issues**

- A. Scott Murphy advised that an Executive Session is needed.
- B. **MOTION by Brett Sanderson and seconded by John Neal 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. **Contracts**

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 7:38 p.m.
- D. Executive session ended at 7:45 p.m.
- E. **MOTION by John Neal and seconded by Logan Nicoll to authorize the Municipal Manager to sign any necessary documents relating to the sale of Town owned property at 8 Terrace Ave (former Spaulding residence.) Motion passed unanimously.**

21. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by John Neal to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:46 p.m.

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll

Explanation of New Fees

Appeal fee from \$150 to \$300 – Main reason to raise this fee is because the cost of advertising for a Public Hearing Notice is \$156.00. The fee doesn't cover the ad cost. To appeal, we must notify all abutters with mailings (unknown cost depends on how many abutters), and send interested parties and applicants mailing by Certified mail with return receipt, cost for this is \$6.70 each. The \$300 also helps cover supplies, DRB member's fees, and office fees. It also is the same cost to hold any other Public Hearing. We lose money if someone appeals as it is now.

Change in Single Family Home fees to match Village – I'm asking for the -2500 sq. foot cost to be removed because when it was included in April 2000 houses were incredibly large and many locals were still building and that's why it was put in place. At this time, house building is slower, smaller, and no locals are building. The houses that are being built are getting square footage credit for the house they are tearing down to use the lot to rebuild on which lowers their fee. This does not apply to additions and renovations. The fees have not been changed since April 17, 2000.

Rose
