

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

June 1, 2020
6:00 P.M.

ZOOM ELECTRONIC CONFERENCE
ID # 918 689 646

JOIN URL: [HTTPS://US02WEB.ZOOM.US/J/918689646](https://us02web.zoom.us/j/918689646)

(Note: You must first sign up for a free ZOOM account by going to: <https://zoom.us/signup>)

BOARD MEMBERS PRESENT:

Bruce Schmidt, Chairman	Justin Hyjeck	Brett Sanderson
Scott Baitz		Heather Tucker

STAFF PRESENT:

Scott Murphy	Ulla Cook	Rose Goings
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OTHERS PRESENT:

Paul Orzechowski	Venissa White	Eric Chattergee (Okemo Valley-TV)
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1. Call to Order

- A. Bruce Schmidt called the meeting to order at 6:00 p.m.
- B. Scott Murphy recounted the Electronic Meeting Guidelines included in the Select Board minutes of April 6, 2020, are being followed.
- C. Bruce Schmidt took a roll call of Select Board members:
Bruce Schmidt – aye
Brett Sanderson – aye
Justin Hyjeck – aye
Heather Tucker – aye
Scott Baitz – aye
- D. Bruce Schmidt led the meeting in the Pledge of Allegiance.

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

- A. Venissa White asked to discuss the Summer Camp Program at this time.
- B. Scott Murphy said that West Hill is basically ready for the camp and they will be maintaining COVID-19 parameters.
- C. Venissa White advised that they will be having the Fire Inspection on Wednesday. They have a 12-page COVID-19 handbook that is posted on the TRSU website. She has worked with Scott Murphy and Ludlow community members. They feel that it is important to get the kids outside. They have 78 campers signed up. She said the camp is also good for the mental health of the students, but also helps with childcare.

- D. Bruce Schmidt said he is glad to hear that the program will continue this summer and acknowledged that there will be some apprehension. The camp will provide a little bit of normality to the students. He added that liability has been taken care of.

3. **Comments from Citizens**

- A. There were none.

4. **Approve Minutes of Previous Meetings**

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of May 4, 2020.
- B. **MOTION by Justin Hyjeck and seconded by Brett Sanderson to approve the minutes of the regular meeting of May 4, 2020 as presented. Motion passed unanimously.**

5. **Liquor Control Board**

- A. Scott Murphy said the applications are for outside consumption permits. He advised that the state, as of ten days ago, had loosened the parameters for outside consumption. He advised that restaurants may now start serving outside without a permit, as long as the application has been submitted. Chief Billings has reviewed both restaurants and is okay with both. Scott Murphy added that Dujour VT did start serving 2 weekends ago; they expanded the area and then constrained it.

<u>Applicant</u>	<u>Business Name</u>	<u>Additional Outside</u>
Dujour VT	Dujour VT	X
Outback of Ludlow	Mangiarno	X

- B. **MOTION by Justin Hyjeck and seconded by Brett Sanderson to approve liquor license as indicated. Motion passed unanimously.**

6. **Possibly Award Western Star 4700 Tandem Dump Truck Bid**

- A. Scott Murphy advised that they received 2 close bids, explaining that both bidders are using the same body. The low bidder was ATG Westminster and we have purchased from them before. He said that the base bid was \$121,037 and the fix up cost was \$70,700. Their trade-in credit is \$32,000, for a net cost of \$159,737.
- B. **MOTION by Brett Sanderson and seconded by Justin Hyjeck to accept the bid from ATG Westminster for \$159,737.00 as presented. Motion passed unanimously.**

7. **Possibly Award 2021 Summer Paving Bids**

- A. Scott Murphy advised that they received 5 very competitive bids for paving South Hill Road and reclaiming Bixby Road. Fuller is the low bidder and they are already in town, which

lessened their mobilization costs. We have budgeted \$116,000 and we estimate that the total will be about \$123,000. Low oil prices were a component of lower bids.

- B. **MOTION by Brett Sanderson and seconded by Heather Tucker to accept the bid, as presented, by Fuller Paving. Motion passed unanimously.**
- C. Brett Sanderson advised that on Commonwealth Avenue, the contractor is not cutting into the driveway approaches properly and the aprons will break up into the roads.
- D. Bruce Schmidt said that the noticed that also. He said the contractor needs to come back and fix it.
- E. Brett Sanderson said normally, they sure pack, but that won't work.
- F. Bruce Schmidt asked Scott Murphy to talk to the contractor.
- G. Scott Murphy said he will take care of that.

8. **Review & Possibly Approve Purchase & Sale Contract for High School Building**

- A. Scott Murphy advised that a draft of the Purchase and Sales Agreement was enclosed in their packets. He said that the town and school district attorneys have been having a difficult time contacting each other. There a couple of issues that our attorney, Steve Ankuda is not comfortable with.
 - i. Page 2, Item #5 says, "The town shall pay the District's reasonable attorney's fees incurred in effectuating the transfer of the parcel..." Scott Murphy said that he is not in favor of the town paying the District's attorney's fees.
 - ii. Page 3, Item #9(b) – Scott Murphy said that they need to prepare an easement for the town on both sides of the building. They also need to allow for an easement for the Ludlow Elementary students to access the "back 40 land".
- B. Scott Murphy said that he had hoped to have the final document for the board this evening. He added that if the board is comfortable with the changes, does the board want to go forward. He would like to have this completed by June 30th.
- C. Bruce Schmidt asked why it matters to have it completed by June 30th.
- D. Scott Murphy said that it is not essential, but would make it cleaner.
- E. Bruce Schmidt asked Scott Murphy to tell the attorneys that this board wants a clean copy. He is not comfortable with signing the document as it is.
- F. Justin Hyjeck noted that in Item #1 on page 1, it says the parcel in the back is 32.8+/- acres. He thought it was 40 acres.
- G. Scott Murphy said that it was only referred to as the "back 40."
- H. Bruce Schmidt said their part is 16 acres.
- I. Scott Murphy said they are separating the elementary school property from the rest.
- J. Justin Hyjeck asked about compensating the district if the town sells the property within 5 years of purchasing it.
- K. Scott Murphy said that is state law, but the only capital improvement the district made was windows.
- L. Bruce Schmidt asked who has to sign the deed.
- M. Scott Murphy said that the board may authorize him to sign the deed.
- N. Justin Hyjeck asked about the attorney's costs.
- O. Scott Murphy said that Steve Ankuda would like the amount of fees that the town has to pay to be capped. We are only paying \$1.00 for this purchase, but we would like the fees to be reasonable.
- P. Justin Hyjeck said he doesn't like the language and a cap would be worthy.
- Q. Bruce Schmidt asked board members how they feel. Would they like to go forward with the changes discussed or do they want to table this for the next meeting.

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- R. Justin Hyjeck asked if we have re-tweaked the budget to include occupants.
 - S. Scott Murphy said no.
 - T. Justin Hyjeck said the budget is for about \$65,000-\$66,000. He asked if they want Scott Murphy to sign or bring it back to the board or have Bruce Schmidt and Scott Murphy sign.
 - U. Bruce Schmidt said it is not an issue to authorize Scott Murphy to sign the document. He said that he is making a statement (to the attorneys) to bring a clean document.
 - V. **MOTION by Justin Hyjeck and seconded by Scott Baitz to authorize Scott Murphy to sign the amended Purchase and Sales Agreement.**
 - W. Bruce Schmidt said that he, as a citizen and graduate of Black River High School that he does not like that the district has put in dumpsters next to the building before graduation. It is not good they should be embarrassed what they have done to the students.
 - X. **MOTION passed unanimously.**
 - Y. Scott Murphy said that if there are any other changes to the document other than those discussed tonight, he will bring it back to this board.
 - Z. Paul Orzechowski said he does not think there will be any more changes.

9. **Possibly Waive Penalty & Interest on Future Delinquent Property Tax Payments (S.344)**

- A. Scott Murphy advised that on May 14th, the governor signed S344 into law. This law will allow towns to waive penalties and interest fees for late payments of property taxes. The last payment date was May 15th. We have sent out between 400 and 500 late tax notices and only about 10 to 12 people have called. Overall, there is \$47,000 delinquencies. This year the total is about \$89,000 and last year it was \$86,000. If the Select Board waives the 4th quarter payments, there is a possibility that the town may have to borrow to meet expenses.
- B. Justin Hyjeck said that we did not have a bad winter and we had raised the amount budgeted for Sand and Salt.
- C. Scott Murphy said it was all used.
- D. Bruce Schmidt said there was a lot of rain and ice. He asked what our exposure is.
- E. Scott Murphy said about \$79,925 and the interest is \$22,621.
- F. Bruce Schmidt asked if that is current.
- G. Scott Murphy said yes. The interest is 1% and penalties are 8%.
- H. Bruce Schmidt said if someone hadn't paid since August 2019; possibly just waive the fees for this last quarter.
- I. Scott Murphy said that is possible. If we do that, it would be \$80,000 plus \$22,000 interest.
- J. Justin Hyjeck said possibly forgive the interest and not the penalties.
- K. Scott Murphy said that could be done, but it would not make much difference.
- L. Bruce Schmidt said if \$47,000 is the penalties, what is owed in taxes.
- M. Scott Murphy said the \$47,000 is overall delinquencies compared to last year. We have received payments.
- N. Bruce Schmidt asked what the real amount is – 8% of \$47,000 is less than \$4,700. He is trying to understand the amounts.
- O. Scott Murphy said that delinquent taxes, shown on page 1 of the report, are \$825,269.98 as of the 4th quarter.
- P. Bruce Schmidt asked Scott Murphy what is the recommendation.
- Q. Scott Murphy said that he and Ulla Cook agree that there is very little difference between this year and last year. We have been lucky as our property owners have been making payments. At this time, although it may get worse, we think it is not necessary to waive the next payments. The next payment is due August 15th. Ulla Cook feels that payments will be late,

- because the state has not posted education taxes and there will be a late revenue stream because out tax bills may be delayed. We can look at this again next month.
- R. Bruce Schmidt suggested holding off and look at the August 15th payments. He took a consensus of board members.
 - S. Consensus to hold off and see what will be happening at a later date.
 - T. Ulla Cook said that the overall delinquencies are not much more than last year. She added that none of the primary homeowners have asked about this. She agreed that we should leave things as they are for now.

10. Continue Discussion on Short Term Rentals

- A. Scott Murphy advised that at their May meeting, the board agreed that they would like to start discussions on this and asked him to gather some information. He included information from Killington, Woodstock, Burlington and Brattleboro.
- B. Bruce Schmidt asked what prompted this discussion.
- C. Scott Murphy said that Justin Hyjeck brought it to him. He said that Rose Goings has also been discussing it. He said that lots of 2nd home owners have gone with Air B&B and there is no way to track or regulate these properties.
- D. Rose Goings said that she has discussed this with John Fey, Permit Specialist for the State of Vermont, and Ludlow is number 2 or 3 in the state for numbers of short term rentals. She said that we are not handling this. One problem is that one 3-bedroom house may have 15 cars. John Fey said that people are supposed to register these properties with the state. The state has septic guidelines that many properties are not complying with. He said that these properties are supposed to be paying rooms and meals taxes. She added that the Fire Marshals also have regulations. We ask people who are building second homes if they will be renting them. The biggest concerns are garbage, safety, parking and septic.
- E. Justin Hyjeck said that he had gotten the ball rolling and was looking into what other mountain towns are doing. Parking is an issue. He said that short term rentals are crushing our year round rentals because the properties are going to short term rentals. We need to try to recapture the housing.
- F. Rose Goings said that if we had the 1% Local Options tax, Air B&B would pay into that.
- G. Justin Hyjeck said he wants people to come to Ludlow, but he worries about housing and the schools.
- H. Scott Baitz asked how this would be enforced.
- I. Rose Goings said only through the fire marshal.
- J. Scott Baitz asked how much can we enforce.
- K. Rose Goings said Woodstock does not require permits, but does require properties to register with the town. They look at septic, parking and shielding garbage. There is no real enforcement.
- L. Justin Hyjeck said that Air B&B does report to some municipalities and work with them.
- M. Rose Goings asked if that is due to the 1% tax.
- N. Scott Baitz asked for numbers.
- O. Justin Hyjeck said he thinks it is based on how much money is earned by visits.
- P. Bruce Schmidt said Rose Goings brings up some good points. There is an affordable housing issue in Ludlow. We need to think about why we are trying to do this. Is it to level the playing field? Having there been any complaints. We need to make sure we are going at this for the right reasons.

- Q. Justin Hyjeck said some short term rentals are putting 10 people in a bedroom. That is an unlevel playing field. Can we regulate them with parking restrictions and working with the fire marshal? We can make compromises.
- R. Scott Baitz asked for all or just for Air B&B.
- S. Justin Hyjeck said all short term rentals. He said there are regulations for other properties.
- T. Bruce Schmidt said we could do some of this as business owners. He asked how people can bring families up if cars are limited. He said that no one else has said there is a problem and are we getting complaints.
- U. Justin Hyjeck said this is not personal for him. He reads trade publications and other states are starting to regulate these. He is looking toward the future of the town.
- V. Bruce Schmidt said we do have an affordable housing issue and Air B&B is not helping. He asked how big of a problem do we have.
- W. Rose Goings said many of the houses have always been rented. She said that so many of our homes are second homes and overloading is a problem in Ludlow. We need to be proactive and look into some regulations, but not to overkill the regulations. Zoning is about safety, health and welfare. She said that putting 15 people into 3 bedrooms is not safe. If the septic fails, the state regulates that and it has to be fixed. These single family homes have several cars and we do not know if they are safe. We need to limit the number of persons per bedroom. The state limits it to 2 people per bedroom. We can work with the Planning Commission and Regional Planning Commission on this.
- X. Bruce Schmidt said he would like to work with Rose Goings on this. He said that affordable housing is challenging. He said that Air B&B does change the playing field. He said that sometimes, when we do something that we think is right, it affects many other things. We need to think this through. He asked Rose Goings to send Scott Baitz the information this board received before he became a member.
- Y. Rose Goings said she would.
- Z. Scott Baitz said we need to look at something. If the Planning Commission writes up something, it may end up being a waste of their time. He said this is a tough situation.
- AA. Bruce Schmidt said the Planning Commission is very good at these types of things.
- BB. Justin Hyjeck said that in one town, if a primary resident partitions the property, the regulations don't apply.
- CC. Rose Goings said that may be about an accessory (Mother-in-law) apartment. It allows for 30% of the structure to be used for family members and is not rented for Air B&B.
- DD. Bruce Schmidt asked Rose Goings to have the Planning Commission to look into this.

11. **Execute FY2021 Equipment Note Renewals**

- A. Scott Murphy advised that this year we have 2 notes, one for a transit bus (\$4,500) and the other for fire station improvements (\$9,800.) If the buses are sold, we will pay that note off.
- B. Bruce Schmidt said we need everyone to sign the notes by Friday.
- C. Scott Murphy said at least 3 of the board members.
- D. **MOTION by Brett Sanderson and seconded by Justin Hyjeck to execute the Equipment Note Renewals as presented. Motion passed unanimously.**
- E. Scott Murphy advised that the front door to town hall is open and the back door is locked.

12. **COVID-19 Municipal Update**

- A. Scott Murphy advised the town is in decent shape with regard to staffing and services. We have made accommodations as the state has required them. We do have reduced staff levels and have a hiring freeze. We are doing what we can to help people and businesses. All persons required to wear masks are wearing them and we have shields up in the offices. We are following state guidelines.
- B. Bruce Schmidt said he thought the state required masks for all businesses.
- C. Scott Murphy said retail.
- D. Heather Tucker asked if the emergency services, Fire, Ambulance and Police are wearing protective gear.
- E. Scott Murphy said masks are worn and other protective gear as required.

13. **Department Head Reports**

- A. Bruce Schmidt advised that all reports are in.
- B. Justin Hyjeck said that Nick Miele and his staff did a great job at Dorsey Park.
- C. Scott Murphy said they made improvements to the Skate Park.

14. **Municipal Manager Updates**

- A. Heating and Propane
 - i. Scott Murphy advised that they locked in prices for oil, propane and diesel with Suburban and will save over \$6,000.
- B. Lovejoy Brook Project
 - i. Scott Murphy advised that the project as started
 - ii. Bruce Schmidt asked if one is on Andover Street.
 - iii. Scott Murphy said yes.
- C. Commonwealth Avenue Paving
 - i. Scott Murphy advised that the pavers will do the final coat tomorrow. This project is in the FY2020 budget and must be complete by June 30th. He will talk to the contractor tomorrow about the driveway approaches.
- D. Mail Slot
 - i. Scott Murphy advised that they now have a mail slot in the front of the town hall building for people to drop off their payments and other mail without coming into the building.
- E. Transfer Station
 - i. Justin Hyjeck asked about the new state regulations effective July 1st.
 - ii. Scott Murphy said that the town received its composting permit this week and we have our own composting system that has been approved by the state.

15. **Other Business**

- A. Alan Isaacson Resignation from the Planning Commission
 - i. Scott Murphy said he received an email resignation from his position on the Planning Commission from Alan Isaacson. He said that he thanked Alan for his many years of service on the board.
 - ii. Rose Goings said there may be another opening on the Planning Commission as George Tucker, Jr. is moving to Alaska.

- iii. Scott Murphy said he will put an advertisement of the opening/s in the paper. He said that Alan's position expires in 2022 and the Select Board will appoint his replacement.
 - iv. Bruce Schmidt asked how many members are on the Planning Commission.
 - v. Rose Goings said 5, but there used to be 7.
- B. Flood Hazard Regulations
- i. Bruce Schmidt asked Rose Goings about the flood hazard regulations' comment from John Broker-Campbell.
 - ii. Rose Goings said that the issue is the floodway. After Irene, the areas by the Timber Inn and the Harte's property were flooded. There had been problems with FEMA about overbuilding in that area, including from the Black River Mobile Park down Route 103. All of that is in the floodway. FEMA was not happy with all of that building, but the state had approved the building. Some of the building was pre-zoning regulations. She added that Sam's also looked into a buyout. We changed our regulations because FEMA threatened to pull our NFIB and put us on probation. Our current regulations are strict and FEMA is happy with them. When John Broker-Campbell made the comments at the meeting about the Timber Inn, she was surprised. It was John Broker-Campbell who recommended that Ludlow be put on probation. She said that she emailed John Broker-Campbell about this and he said that non-residential structures should be pulled, like the sewer plant. She said that she took this to the Planning Commission and they are not keen on changing the regulations.
 - iii. Bruce Schmidt said that this board can give guidance to the Planning Commission if they would like.
 - iv. Rose Goings said that the town went through a hard time with FEMA for 5 years. She said that the sewer plant did have to get a variance and she asked what's the deal about leaving it. The Planning Commission will discuss it this month, but there are only 3 members at this time. At this time, the area is a no-build zone.
 - v. Bruce Schmidt said he will put it on future Select Board agendas. He said the town spent extra time and money on the sewer plant because they had to get a variance.
 - vi. Scott Murphy said that John Broker-Campbell said there should be some wiggle-room and space to move. There was no way to do the project without a variance. The snowmobile trail has to be removed and the area planted with trees and bushes.
 - vii. Rose Goings said that there was also a problem with the state over the river corridor. It changed after Irene and the maps were incorrect. We brought the problems with the maps to their attention, but the maps were not changed. They has Julie Nicoll's house in the river corridor. We did not adopt the river corridor. After Irene, the regulations were put in place to appease FEMA.

16. Set Date for Next Meeting

- A. Bruce Schmidt that the next regular meeting would be July 6, 2020 at 6:00 p.m.
- B. Scott Murphy said we will try to meet in person in the Frank Heald Auditorium.

17. Possible Agenda Items for Next Meeting

- A. None listed

18. Sign Warrant Orders

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

19. **Possible Executive Session/Personnel/Contracts/Legal Issues**

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

20. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Justin Hyjeck to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:22 p.m.

See attached for ZOOM Meeting Information by Computer or Phone

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt, Chairman

Brett Sanderson

Scott Baitz

Heather Tucker

Justin Hyjeck

Topic: Ludlow Select Board Zoom Meeting

Time: Monday, May 4, 2020 - 6:00 PM Eastern Time (US and Canada)

Please download and import the following iCalendar (.ics) files to your calendar system.

Monthly: <https://us02web.zoom.us/meeting/tJUIceGhqD8sy7VA8yV7PGxHH8kd95f2-g/ics?icsToken=98tyKuCppj0iE9KRtl39Z6oqE6vlb9-5kWgZnIIFhSmyMwdLSiuuPeYbZ7QtXd-B>

Join Zoom Meeting Link:

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Meeting ID: 918 689 646

One tap mobile (cell phone):

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Dial by your location:

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