

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

May 4, 2020
6:00 P.M.

ZOOM ELECTRONIC CONFERENCE
ID # 918 689 646

JOIN URL: <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

OTHERS PRESENT:

Julie Abraham	Donna Heitsmith	Pat Rumrill
Susan Starr-Adams	Glenn Heitsmith	Marissa Selleck
John Broker-Campbell	Sharon Huntley	Sean Williams
Susan Buckley	Pam O'Neil	Summers Williams
Paul Carrocchio	Melissa Perrino	Eric Chattergee (Okemo Valley-TV)
Andrew Fersch	Pat Pullinen	
Kristin Garvey	Jim Rumrill	

1. Call to Order

- A. Scott Murphy called the meeting to order at 6:00 p.m. He advised the Electronic Meeting Guidelines included in the Select Board minutes of April 6, 2020, are being followed.
- B. 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
- C. Bruce Schmidt 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 changes are necessary.

3. Comments from Citizens

- A. Pat Pullinen introduced the new Head of School for the Black River Independent School, Andrew Fersch.

4. Approve Minutes of Previous Meetings

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

5. Liquor Control Board

- A. Scott Murphy said the applicant is for the business to be located at the former La Tavola building. The owner is Pam Rapport. He added that Chief Billings had no comments. He added that the board only needs to sign the one form provided by Ulla Cook that covers all of the licenses.

-
- | <u>Applicant</u> | <u>Business Name</u> | <u>Additional
Outside</u> |
|------------------|----------------------|-------------------------------|
|------------------|----------------------|-------------------------------|
- B. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve liquor license as indicated. Motion passed unanimously.**
6. **Appoint Southern Windsor/Windham County Solid Waste Management District Representative & Alternate**
- A. Scott Murphy advised that he will continue to be Representative and John Denner will continue to be the Alternate.
- B. **MOTION by Brett Sanderson and seconded by Heather Tucker to appoint Scott Murphy as representative and John Denner as Alternate to the Southern Windsor/Windham County Solid Waste Management District. Motion passed unanimously.**
7. **Appoint Black River Valley Senior Center Representative**
- A. Scott Murphy advised that at their meeting last month, the board noted that there are 2 applicants, Tara Lichtensteiger and Herb Van Guilder for one position. The Board decided to table this until this meeting.
- B. Bruce Schmidt asked if there are any concerns from the senior center. How are things going?
- C. Scott Murphy said things are going well. He said that Doug Sheehan is on the board and had been giving him updates.
- D. Bruce Schmidt said he would like to have a ballot vote for this and if there is no demand to fill the position at the present time, would like to table a vote until they can have an Australian ballot or come up with a way to do it.
- E. Consensus of the board to table the vote for the Representative to the Black River Valley Senior Center until next month.
8. **Continue Timber Inn Possible Future FEMA Buyout Discussion**
- A. Scott Murphy advised that at their meeting last month, Glenn and Donna Heitsmith had asked the board for their support as they are in the process of a possible FEMA buyout. If they do go forward that at the end of the process, the town would buy the property and demolish the structures. The board had a couple of questions.
- i. What are the other properties in town that have done the FEMA buyout – Scott Murphy noted that there are 2 other properties, 24 and 30 East Hill Road. The tax losses on those properties are \$161 and \$390, respectively. The Timber Inn property is valued at about \$700,000 and the tax loss would be about \$2,200/year.
- ii. Scott Murphy explained that it is more difficult to build or expand existing buildings in the flood plain.
- iii. John Broker-Campbell said that Ludlow’s regulations prohibit building in the flood plain. It is permitted to build in the fringe. The only big areas are the Timber Inn property and the Brookhaven property. He added that the regulations made the recent project at the water treatment facility more difficult.
- iv. Scott Baitz asked if there are any other potential buildings that may be eligible for the buyout.
- v. John Broker-Campbell said any other structures would have to do a benefit cost analysis. The Timber Inn is a solid case for this
- B. Bruce Schmidt said that he thinks to board will give its support to move forward. It will be at no cost to the town except for the tax loss.
- C. John Broker-Campbell said that in the process, the town will be the applicant, but the town will not be committed until you actually purchase the property.
- D. Justin Hyjeck asked how much land in Ludlow is in the DFIRM Floodway.
- E. John Broker-Campbell said that he was not able to get that information because he is working at home and he was not able to get a good connection to the computer at work from home. He will do if when he is able to get back to the office.
- F. Bruce Schmidt questioned a tax loss of \$2,200 on a \$700,000 property.
- G. Scott Murphy said the \$2,200 is the town share of the taxes. The balance (about 80% more) is the state education share.
- H. Bruce Schmidt said that this board owes direction to Mr. and Mrs. Heitsmith. He said that he is in favor of giving them this board’s support to move forward. At this point, we can still back out. He said this is a sad situation and they will still incur costs. He polled the board.
- I. Scott Baitz agreed.

- J. Brett Sanderson agreed.
- K. Heather Tucker said she 100% agreed.
- L. Justin Hyjeck agreed.
- M. Bruce Schmidt said this board will try to support them as they go forward with the process.
- N. Donna Heitsmith said while they don't want to do this, they feel it is the right thing to do.
- O. Scott Murphy said that he has discussed the flood plain restrictions in the town plan and zoning regulations with John Broker-Campbell,
- P. John Broker-Campbell said that Ludlow is one of very few towns that have unique, strict prohibitions on building in the flood plain. He said that the water treatment plant project was affected by them. He said the town may want to revisit those regulations and lessen the restrictions.

9. **Possibly Approve Black River Independent School's Rental of the Black River High School Building**

- A. Scott Murphy advised that at last month's meeting, the Independent school brought its first request to this board regarding leasing space in the high school building. This board requested more information. The group has submitted a 5-year plan.
- B. Andrew Fersch, the new Head of School, introduced himself saying that he has had 15 years in education and founded a high school program. He said that the philosophy of that school was similar to the philosophy of this school. The school will serve the student and community.
- C. Scott Baitz asked why there would only be 14 students for the first year. He asked how many students had applied.
- D. Andrew Fersch said that about two dozen families had gotten in touch with the school committee. They need to have a number of students that will be sustainable for the school to acquire additional funds over this coming year.
- E. Marissa Selleck said the school will be opening as a pilot program and they do have 14 students committed.
- F. Scott Baitz asked if there were 2 dozen inquiries, will there only be 14 for this coming year.
- G. Andrew Fersch said yes. They hope to get the best fit for the first year.
- H. Scott Baitz commented that if they lose the 9th grade students this year, they may not get them back.
- I. Andrew Fersch said most of the inquiries have been for 7th and 8th graders. This also gives us the opportunity to show that what we are doing is a high-quality option.
- J. Justin Hyjeck asked what will be left in the school building.
- K. Scott Murphy said there is a transition team that is compiling a list. They may take what they need and leave the rest.
- L. Pat Pullinen said the board has not spoken to the Ludlow/Mount Holly district about the transfer of contents.
- M. Justin Hyjeck said that the budget for the building is \$65,950 and asked if the numbers have changed with 14 students. Do we have new estimates?
- N. Scott Murphy said they have not updated the estimates. He said our budget was based on no occupancy. We allotted \$22,000 for heat, \$18,000 for electricity and \$10,000 for repairs/maintenance.
- O. Justin Hyjeck asked how much fund raising do they have and what is the plan for the 2nd year.
- P. Sean Williams said the 1st year is 100% private and philanthropically funded. Funding for the 2nd year will happen over the next year and we will apply to the state for funds. The AOT wants to see a large amount of money in the bank. Even if we receive public funding, the funds we have raised are for the 1st year and we have a flexible budget. We are planning to continue fund raising over the next year. We have \$80,000.00.
- Q. Justin Hyjeck asked if there was a contract drafted for the town.
- R. Andrew Fersch said that the idea was to get an agreement for the use of the building for more than one year. Our goal is that benchmarks be met for the lease to continue. The school will be responsible to meet those benchmarks.
- S. Sean Williams said that the school is asking the town to take a risk for a higher reward. The goal is to have a publicly funded independent school.
- T. Andrew Fersch said they are asking the town to have faith in the school.
- U. Justin Hyjeck asked Scott Murphy if there are any state incentives for utilities.
- V. Scott Murphy said he doesn't know. We were planning to close on the purchase of the building on July 1st, but he is sensing a delay as the town has not received a Purchase and Sales Agreement. He does not think the closing will be on July 1st.
- W. Bruce Schmidt said that he struggles with this. He appreciates that the school is asking the town to "have faith." We – the Select Board – are also committed to the tax payers. We would be giving \$65,000 or more, as a donation to the school. He said he would like to see a school. He added that it is ironic that the town voted to close the school. He is concerned that there would be no lease rent for the first year. Where would we draw the line if other groups

wanted to lease town owned buildings in the future. He does not know if the town should be in a 5-year plan with the school. He would be happier with a 2-year plan with possible renewals. This is a tough decision. He would like to see if the school could show growth after 2 years. The town does have to do something with the building. He does not want to wait 5 years to sell it. It is not in the best interest of the taxpayers of Ludlow.

- X. Justin Hyjeck said that he definitely agrees with a shorter lease.
- Y. Bruce Schmidt said that the group probably would like some direction tonight, but 5 years is too long. He asked Scott Murphy for input.
- Z. Scott Murphy said he agrees. Now is not the time to talk about terms of the lease. The town does not own the building. He would like to give the group some support so that they can make applications to the state.
- AA. Bruce Schmidt said the town would be on the hook for \$65,900, \$150,000 over 2 years. He added that the town does plow the driveway for the elementary school.
- BB. Justin Hyjeck suggested letting the group move forward.
- CC. Heather Tucker agreed.
- DD. Brett Sanderson agreed.
- EE. Bruce Schmidt said they will look closer at the terms of the agreement at a later date.
- FF. Andrew Fersch said this would be nearly impossible without the support of the town.
- GG. Justin Hyjeck said it is important to have a school in the town.
- HH. There was consensus among board members to support the school going forward.
- II. Sean Williams said the 5-year plan was to give the board an idea of our vision for the future.

10. **Authorize Municipal Manager to Approve Lease Agreements to Outside Sources for Town Owned Property**

- A. Scott Murphy advised they received a memo in their packets about this. To facilitate renewing leases, such as Stearn's Pit, he is asking authorization to approve renewal lease agreements. He said that any new leases would come to this board.
- B. Bruce Schmidt said that he does not disagree, but would like to make that any agreement less than \$100,000. Anything over that and any new leases would come to the Select Board.
- C. There was general consensus among board members to approve this.

11. **Possibly Consider & Execute Stearn's Pit Lease Agreement with VELCO from August 2 to November 30th.**

- A. Scott Murphy advised that this would be a new lease agreement. VELCO initially wanted to lease this property for 6 months, but due to the lease with Okemo, they may only lease it for 4 months. They will use it for mobilization for laying poles and equipment. They will be replacing electric transmission lines and old poles. The lease will be for 4 months at \$2,000 per month, totaling \$8,000.00. The lease agreement is in simple language.
- B. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve and execute the Stearn's Pit lease agreement with VELCO as presented. Motion passed unanimously.**

12. **Possibly Adjust Property Tax Payment Due Date**

- A. Scott Murphy advised that the State Legislature is discussing a bill that would allow towns to defer tax payments for taxpayer. If towns do defer payments, the towns would still be responsible for submitting the Education Fund portion of the taxes to the State. If the was late, the State would assess an 8% penalty to the Towns. Currently, the next scheduled payment date is August 15th (after the May 15th payment). It looks like the State may be late in sending towns the Education tax rate and therefore our bills to the taxpayers may go out late (since the taxpayer needs to have 30 days after receiving the bill before having to pay it.) He added that Ludlow's yearly Education tax payment to the State is \$8,800,000.
- B. Bruce Schmidt said that he would almost like to take this to court- charging an 8% penalty. He asked Scott Murphy to contact Logan Nicoll and Alice Nitka.
- C. Scott Murphy said we will discuss this again next month.

13. **Department Head Reports**

- A. Bruce Schmidt advised that all reports are in.
- B. Justin Hyjeck asked what is the budget for the Skate Park.
- C. Heather Tucker said \$2,632 to be spent in the current fiscal year.
- D. Justin Hyjeck asked if it has been spent.

- E. Scott Murphy said that it has. He said that Nick Miele and crew have been working for the last 2 to 3 weeks to get it ready. There was a big surprise when they found that the support beams and rafters are in poor shape, causing a hazard and dangerous condition. They have been working to fix that up and make it safer. They have been working almost daily, except when it rains.

14. Municipal Manager Updates

- A. LED Street light Conversion
 - i. Scott Murphy advised that the project has started for conversions in the town and village. The town has 118 street lights and the village has 106. The wattages vary from 100 to 400 watts. Ludlow Electric fronted the money and is doing the installations at no cost to the town or village. We can get rebates from Efficiency Vermont. This will give us safer, better lights at less cost.
 - ii. Brett Sanderson said 26 conversions have been completed to date.
 - iii. Bruce Schmidt asked Scott Murphy to send a letter of appreciation to Ludlow Electric for their contribution and work for the community.
- B. Junk Vehicle Ordinance Violation
 - i. Scott Murphy advised that the enforcement process has been started for a couple of junk vehicles.
 - ii. Bruce Schmidt asked if one is on Andover Street.
 - iii. Scott Murphy said yes.
- C. Board of Listers Reappraisal Update
 - i. Scott Murphy advised that the reappraisal process is changing gear due to the COVID situation. They are no longer going into the houses. They are going to the homes, with the Listers' cards and looking at the homes from the outside. They send a notice to the home owners on how to contact them with questions or comments. They hope to complete the process within the next year. There will be an RFP going out for reappraisal of Okemo properties. They need a group with different experience.
 - ii. Bruce Schmidt asked about the homes where the appraisers have already gone in.
 - iii. Scott Murphy said that appraisal will stay.
- D. COVID Update
 - i. Scott Murphy said that with the changing COVID requirements, they have been working to accommodate staff members while continuing to serve the taxpayers. Staff is doing a great job.

15. Other Business

- A. In Person Meetings
 - i. Brett Sanderson noted that the Select Board is holding its meetings via ZOOM and asked why the Fire Department is allowed to hold in person meetings. One is scheduled for Wednesday.
 - ii. Scott Murphy said that he was not aware of this, but the meeting would have a 10-person limit.
 - iii. Brett Sanderson asked Scott Murphy to inform the Fire Department about this.
 - iv. Scott Murphy said he will.

16. Set Date for Next Meeting

- A. Bruce Schmidt that the next regular meeting would be June 1, 2020 at 6:00 p.m.

17. Possible Agenda Items for Next Meeting

- A. Review of Personnel Policy Draft
 - i. Scott Murphy said this will be on the agenda for the next meeting.
- B. Flood Plain Restrictions
 - i. Bruce Schmidt asked if there should be a discussion with the Planning Commission regarding the comments that John Broker-Campbell made about our restrictions in the flood plain. We may want to ask for their comments and suggestions.
 - ii. Scott Murphy said the Waste Water Treatment Plant had to "go through hoops" because of the restrictions.

C. Short Term Rentals

- i. Bruce Schmidt asked if board members wanted to discuss short term rentals.
- ii. Justin Hyjeck said he would like to keep the conversation going, but it can be shelved for the time being.
- iii. Scott Murphy said he has begun collecting data.

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 Justin Hyjeck and seconded by Brett Sanderson to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:07 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=98tyKuCppj0iE9KRtl39Z6oqE6vIb9-5kWgZnIIFhSmyMwdLSiuuPeYbZ7QtXd-B>

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