

***PRELIMINARY MINUTES***

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

November 2, 2020  
6:00 P.M.

HEALD AUDITORIUM

**BOARD MEMBERS PRESENT:**

Bruce Schmidt, Chairman      Justin Hyjek  
Scott Baitz                              Brett Sanderson

**BOARD MEMBERS ABSENT:**

Heather Tucker

**STAFF PRESENT:**

Scott Murphy

**OTHERS PRESENT:**

Sharon Huntley                      John Neal                              Patrick Cody (Okemo Valley-TV)

**1. CALL TO ORDER**

- A. Bruce Schmidt called the meeting to order at 6:00 p.m. and led the meeting in the Pledge of Allegiance. All members present except Heather Tucker

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

- A. Bruce Schmidt requested that Agenda Item #9 be addressed after Comments from Citizens as John Neal has another meeting that he has to attend.  
B. Board members agreed.  
C. Minutes will be in agenda order.

**3. APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Bruce Schmidt advised October 5, 2020.  
B. **MOTION by Justin Hyjek and seconded by Brett Sanderson to approve the minutes of the regular meeting and the public meeting of October 5, 2020 as presented. Motion passed unanimously.**

**4. COMMENTS FROM CITIZENS**

- A. There were none.

**5. LIQUOR CONTROL BOARD**

- A. Scott Murphy said the application is for a Third-Class Liquor License.

<u><b>Applicant</b></u>	<u><b>Business Name</b></u>
Outback of Ludlow	Mangiamo

- i. Scott Murphy advised that they are current on the taxes and Chief Billings has reviewed and is okay with the liquor license.
- ii. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve the liquor license as presented. Motion passed unanimously.**

**6. POSSIBLY AWARD VAIL BRIDGE EMERGENCY REPAIR TO DANIELS CONSTRUCTION**

- A. Scott Murphy advised that there is a hole in the bridge deck and it must be repaired. He said that the last repair on the bridge was about 18 months ago. We are on path with the State for repairs in 2022. The state reviewed the bridge in April and the state said that the substructure is fine. The town will assist by providing a backhoe and operator to remove the pavement, unload and set the steel plate into position and help spread out the new pavement. The original quote was for \$9,200, but by the town providing assistance, the total cost will be \$7,700. This is an emergency situation.
- B. **MOTION by Brett Sanderson and seconded by Justin Hyjek to award the project to Daniels Construction for \$7,700.00.**
- C. Sharon Huntley asked when the project will be done.
- D. Scott Murphy said as soon as possible. Daniels did a similar project in 2019 and is familiar with the bridge. Scott Murphy said he will pressure them to start as soon as possible, but they are busy.
- E. **Motion passed unanimously.**

**7. REVIEW ENGINEERING STUDY OF 6 COMMONWEALTH AVENUE (MIELE PROPERTY)**

- A. Scott Murphy advised that they have worked with Todd Hinderger from Heritage Engineering on this. He submitted his report and there really is no easy solution. The property is susceptible to water events. Scott Murphy said that he had summarized the four options described in Mr. Hinderger's report:

<u><b>PROJECT DESCRIPTON</b></u>	<u><b>PROS</b></u>	<u><b>CONS</b></u>	<u><b>PROJECT COSTS</b></u>
A. Construct retaining wall	Should handle regular water events	- Looks bad - Will not stop large events - Reduces the driveway size	\$20 to \$20 K
B. Replace Existing Foundation -New full basement -slab	No basement flooding	- May not be allowed - Costly without clear protection - No more basement storage	\$60 - \$90 K
C. Re-grade Westerly side	-Divert Water around the house - Should work with retaining wall option	-Could affect properties downstream -Could affect neighbors	\$10 - \$15 K \$20 - \$30 K for a retaining wall

D.FEMA Flood Mitigation Buyout	-Removes house & problem -Makes owner whole -Opens up area for larger drainage project	-Cost to town -Long process	\$50 K
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- B. Scott Murphy said that the ideal solution would be the FEMA buyout and demolition of the house, but that would remove the house from the tax roll. We did get what we asked for from Mr. Hindinger. He said that he gave a copy of the report to Connie Miele.
- C. Justin Hyjek asked if the best option would be to regrade.
- D. Scott Murphy said then we would have to put in a retainer wall. He said that they have been trying to work with FEMA on a buyout since 2011.
- E. Justin Hyjek noted that in his report, Todd Hindinger was not keen on options A or B.
- F. Scott Murphy said he thought Connie Miele would be here tonight. He had sent her an email and called her.
- G. Bruce Schmidt suggested that they table this until the next meeting and ask Scott Murphy to talk to Mrs. Miele. Any solution will probably not happen until the spring. He noted that in his report, Mr. Hindinger also noted:  
 “In any case it would be reasonable to complete some modest in-stream maintenance of the stream channel just upstream of the pipe arch inlet to remove debris and accumulated deposits which are restricting the flow of the system. This work can be coordinated with the State of Vermont Stream Alteration permit process.”
- H. Scott Murphy said he will talk to Mrs. Miele and look into the permit process.
- I. Scott Baitz asked about the knotweed.
- J. Bruce Schmidt said this is the time to do it, but you need a permit. You have to kill it.
- K. Scott Baitz said it is very thick up there.
- L. Bruce Schmidt said if Scott Murphy finds out it, we should give him a motion to start the permit process at his discretion.
- M. **MOTION by Scott Baitz and seconded by Brett Sanderson to look into and start the permit process. Motion passed unanimously.**
- N. Justin Hyjek asked about replacing the foundation.
- O. Scott Murphy said it falls back on the FEMA regulations. The property has been repaired too many times.

8. **POSSIBLY EXECUTE LETTER OF INTENT TO PARTICIPATE IN THE MUNICIPAL ROADS GRANT-IN-AID FUNDING**

- A. Scott Murphy said this is an annual process. We are eligible for grant plus 20% matching funds. Last year, we used the funds for work on Trailside and this year before on Weston Road. The purpose is to bring roads into compliance. Due to time constraints, Scott Murphy said that he signed off on this in order to get it submitted by 11/1/2020.
- B. **MOTION by Justin Hyjek and seconded by Scott Baitz to go forward with the letter of intent to participate in the Municipal Roads Grant-in Aid Funding. Motion passed unanimously.**

9. **POSSIBLY APPROVE STEARNS PIT LEASE WITH OKEMO**

- A. Scott Murphy advised that they had received a request from Okemo that instead of a seasonal lease, they lease the lot on a per diem basis. This will allow them to use the lot as needed. Scott

Murphy said that they will most likely need it during holiday periods. All of the other terms and conditions of the lease will be the same. He said that he had been asked about ACT 250, but ACT 250 said that it is up to the permittee to self-regulate.

- B. John Neal said that Okemo is expecting that the visitor volume will not be as large as in the past. He said that Scott Murphy's efforts are appreciated.
- C. Justin Hyjek asked if the lease sets a minimum number of days.
- D. Scott Murphy said no. He said that Okemo maintains the lot for the town.
- E. Bruce Schmidt recused himself from the vote.
- F. **MOTION by Scott Baitz and seconded by Brett Sanderson to approve Stearn's Pit Lease with as presented. Motion passed unanimously.**

10. **REVIEW & POSSIBLY APPROVE AMENDED PERSONNEL RULES & POLICY MANUAL WITH HR ATTORNEY RECOMMENDATIONS**

- A. Scott Murphy advised this has been a long process and this has been before the board in previous meetings. We did consult with a HR attorney and recommended changes were made. He said that the manual will continue to change and would need to be reviewed annually.
- B. Bruce Schmidt asked if this draft includes all of the changes desired by the Select Board.
- C. Scott Murphy said yes. There are no surprises. He brought their attention to page 21 – Holiday Compensation. He said that the Police/Dispatchers contract includes time and a half plus 8 hours.
- D. Bruce Schmidt asked if Scott Murphy is looking for an action.
- E. Scott Murphy said it could be included in this contract.
- F. Justin Hyjek asked how many people it may affect.
- G. Bruce Schmidt said Ambulance, Fire, Water/Waste water and Highway.
- H. Brett Sanderson said the number varies, but that he doesn't think it should be included in this manual.
- I. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve the Amended Personnel Rules & Policy Manual as presented. Motion passed unanimously.**

11. **POSSIBLY CONSIDER & APPROVE AMENDMENTS TO THE TOWN & VILLAGE OF LUDLOW PURCHASING POLICY**

- A. Bruce Schmidt said that he has asked for this to be put on the agenda. He said that the Village Trustees had changed the procedure for bids.
- B. Scott Murphy said that the change was on page 2 of the procedure. He said that the addition of this language would provide for a more open process. The following was added:  
"The Bid Opening shall be Warned and open to the public, with minutes recorded including the bid results (subject to review) and a projected timeline of when it may be submitted to the Village Trustees for possible approval."
- C. Bruce Schmidt said that the process had been followed in the past and since the Trustees have added it, he thinks that it should be added to the town policy.
- D. **MOTION by Brett Sanderson and seconded by Justin Hyjek to include the above language in the Town Purchasing Policy. Motion passed unanimously.**

12. **FY 2022 BUDGET WORKSHOPS – SET DATE FOR FUTURE WORKSHOPS**

- A. Scott Murphy said that the board members have limited information and will have more at the next meeting, in two weeks.

B. Administration

- i. Bruce Schmidt asked about the increase in the stipend for the Health Officer.
- ii. Scott Murphy said that in the past, we did a lot in-house. He said that he does not know why the Health Officer position was not paid in the past.
- iii. Bruce Schmidt asked about Statute.
- iv. Scott Murphy said the only thing the Statute says is that you must have one. He said they are difficult to come by.
- v. Bruce Schmidt said that the Administration Budget is up about 4.7%. He said that he is concerned about the future and it is the little things that catch us. He said that the Web Page Maintenance was budgeted in FY2020 for \$3,000 and the actual was \$900. Why have FY2021 and FY2022 been budgeted for \$2,000. In some cases, we never reach the budgeted amount. We need to find out how many hours the Health Officer puts in.
- vi. Justin Hyjek asked about the Miscellaneous line item
- vii. Scott Murphy said he does not have that information with him, but will have it for the next meeting.
- viii. Bruce Schmidt asked about the \$14,415 for the Tax Sale Attorney expense and \$12,908 in revenue. He asked if it should be put in the 2022 budget.
- ix. Scott Murphy said that it should be there, but that the delinquent tax list is low this year.
- x. Justin Hyjek asked about the budgeted revenue for Stearn's Pit.
- xi. Scott Murphy said it should be about \$49,000.

C. Appropriations

- i. Scott Murphy said there are a couple of minor changes. Black River Museum is asking for an additional \$500 for heat and utilities, Green-Up Vermont has decreased its request by \$50.00 and Okemo Valley TV has increased its request by \$250. He said that there was letter with a new request from Vermont Family Network for \$500.00. We need to find out how many Ludlow families it serves.
- ii. Bruce Schmidt said that in the past, new requests need to send a letter and the first year they are handled as an Article and voted for on the floor.

D. Town Clerk/Treasurer

- i. Scott Murphy said that the treasurer receives about \$5,000 for Vault Preservation. He said that Recording Fees were up about \$4,000 and that is reflective of increased real estate sales.
- ii. Bruce Schmidt asked if the board wants to give the treasurer an increase that we can live with of no more than 1 ½ to 2%. He said that he is concerned about what the winter will bring.
- iii. Scott Murphy said that the board will have one or 2 more major situations, the Ambulance Service is one. They have been losing money. We will have a hard decision to make. We need to keep the line items low.
- iv. Bruce Schmidt said that salary and wages are over one half of the budget.
- v. Scott Murphy said we tried to create some interest in a Regional Ambulance.
- vi. Bruce Schmidt said we will have to look at that. He said that the board is looking for a flat budget or low increase. He said 0 to 2% increase.
- vii. Justin Hyjek said he will not be here on November 16<sup>th</sup>.
- viii. Add up to 3 new panels.
- ix. Install 3 hybrid cables with junction boxes.
- x. Relocate 6 radios from inside the shelter to the tower top
- xi. Add up to 3 radios to the tower
- xii. Remove any unused equipment from the tower
- xiii. The tower height and ground space will not be changing, unless it is an outdoor cabinet it will have a cabinet swap and potentially a battery cabinet add
- xiv. Next budget meeting will be on November 23 at 5:00 p.m.

13. **DEPARTMENT HEAD REPORTS**

- A. Bruce Schmidt advised that all reports are in and asked for comments. He asked about the purchase of a sander for Buildings and Grounds.
- B. Scott Murphy said that the old one failed and was too small. They bought a used one and it works great.
- C. Bruce Schmidt asked if there had been a change in the Listers.
- D. Scott Murphy said yes.
- E. Bruce Schmidt asked Scott Murphy to advise the board of such changes.
- F. Bruce Schmidt asked Scott Murphy about the conference call with TDS.
- G. Scott Murphy said it went well. They are trying to fix the problem. He said that Ludlow is in a U-shape and that TDS found a new vendor and they hope to have everything in place in the next few months. They were very responsive and helpful.

14. **MUNICIPAL MANAGER UPDATES**

- A. Micro-Transit Grant Study
  - i. Scott Murphy advised that they are looking into a grant to study a supplemental shuttle in the evenings for in town and from the mountain
- B. Trunk-or-Treat
  - i. Scott Murphy advised that they had about 350 trunk-or-treaters. Fire and Ambulance departments were there. They did it in groups of 20 and it was a great, safe night.
- C. Highway and Structures Grants
  - i. Scott Murphy advised that the State advised that there would not be Town Highway or Structures grants this year. We will receive about \$26,500. Since we didn't have a project in application for this year, we will not be in the queue for next year.
- D. Veterans' Day Parade and Flyover
  - i. Scott Murphy advised that the Legion has cancelled these activities for this year.
- E. Town Charter Update
  - i. Scott Murphy advised that he contacted a Charter Attorney regarding possible language that would allow the Select Board to decide on a per case basis, if they would use Australian ballots for voting. The state does not give the Select Board that authority. You can hold a special town meeting to have a vote to allow the Select Board to use Australian ballots for certain, specific cases, without a charter. He said that the charter process is expensive and lengthy and that the Legislature would review and may accept or reject it. We are looking at one item, Australian ballots on specific topics and trying to find an easier way to allow the Select Board to use the Australian ballot process. We have done it in the past, but it was not legal. If we have a specific theme, we may be able to circumvent the charter.
  - ii. Bruce Schmidt asked how much it would cost.
  - iii. Scott Murphy said he does not have an estimate.
  - iv. Bruce Schmidt asked if there are any other things that the board should consider. He said this is important. If people go behind the curtain for every vote, it would limit Town meeting. We need more information. Would we be able to get it into the next Legislative session?
  - v. Scott Murphy said he thinks we would have time.

15. **OTHER BUSINESS**

A. None listed.

16. **SET DATE FOR NEXT MEETING**

- A. Bruce Schmidt that the next regular meeting would be December 7, 2020 at 6:00 p.m.
- B. There will be a special Budget meeting on November 23, 2020 at 5:00 p.m.

17. **NEXT MEETING ITEMS**

- i. None stated

18. **SIGN WARRANT ORDERS**

- A. Warrant orders have been signed.

19. **POSSIBLE EXECUTIVE SESSION/PERSONNEL/CONTRACTS/LEGAL ISSUES - TO Discuss Negotiating or Securing Real Estate Purchase or Lease Options 1 VSA § 313(a)(2).**

- A. Scott Murphy advised that an Executive Session is needed for Real Estate Purchase or Lease Options.
- B. **MOTION by Brett Sanderson and seconded by Scott Baitz to enter into Executive Session for Real Estate Purchase or Lease Options. Motion passed unanimously.**
- C. Board exited Executive Session at 7:15. No action taken.

20. **ADJOURN**

- A. **MOTION by Brett Sanderson and seconded by Justin Hyjek to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:16 p.m.

Respectfully submitted,

Lisha Klaiber

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Bruce Schmidt, Chairman

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Brett Sanderson

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Scott Baitz

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Heather Tucker

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Justin Hyjek