

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

October 4, 2021

**REGULAR MEETING
Heald Auditorium**

6:00 P.M.

BOARD MEMBERS PRESENT:

| | | |
|-------------------------|-----------------|----------------|
| Bruce Schmidt, Chairman | Justin Hyjek | Heather Tucker |
| Scott Baitz | Brett Sanderson | |

STAFF PRESENT:

| | |
|--------------|------------------|
| Scott Murphy | Stephanie Grover |
|--------------|------------------|

OTHERS PRESENT:

| | | |
|---------------------|-------------------|-----------------------------------|
| George Abraham | Sharon Huntley | Marissa Selleck |
| Jim Alic | Chris Hurka | Lucinda West |
| Bob Brandt | Courtney McGuire | Vincent West |
| Jeanne Burns | Mariel Meringolo | Eric Chatterjee (Okemo Valley-TV) |
| Jacalyn Diesenhouse | Chris Miele | Sarah Devereux |
| Andrea Goldman | Meredith Milliken | |

1. CALL TO ORDER

- A. Bruce Schmidt called the meeting to order at 6:00 p.m. He led the meeting in the Pledge of Allegiance.

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

- A. Scott Murphy advised that a change is needed – an additional liquor license. There will be an Executive Session

3. APPROVE MINUTES OF PREVIOUS MEETINGS

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of September 14, 2021 and the Special Meeting of September 23, 2021.
- B. **MOTION by Brett Sanderson and seconded by Justin Hyjek to approve the minutes of the regular meeting of September 14, 2021 and the Special Meeting of September 23, 2021 as presented. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

- A. There were none.

5. **LIQUOR CONTROL**

- A. Scott Murphy advised that they have one third class license to be renewed. Chief Billings has signed off on it.

| <u>Applicant</u> | <u>Business Name</u> | <u>Additional Outside</u> |
|------------------|----------------------|---------------------------|
|------------------|----------------------|---------------------------|

| | | |
|-----------------------|-------------|--|
| Outback of Ludlow LLC | Mangiamao's | |
|-----------------------|-------------|--|

- B. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve the liquor license renewal for Mangiamos. Motion passed unanimously.**

- C. Scott Murphy advised that they also received a late request from:

| <u>Applicant</u> | <u>Business Name</u> | <u>Additional Outside</u> |
|------------------|----------------------|---------------------------|
|------------------|----------------------|---------------------------|

| | | |
|--------------|-----------|--|
| Moon Calhoun | Game Bird | |
|--------------|-----------|--|

- D. Scott Murphy explained that Abby and Rogan Lechthaler are the owners. It will be an old-style gaming arcade, with food and liquor.

- E. Bruce Schmidt asked if the Chief of Police had approved it.

- F. Scott Murphy said yes.

- G. **MOTION by Brett Sanderson and seconded by Justin Hyjek to approve the 1st class Liquor license. Motion approved unanimously.**

6. **MIELE PROPERTY OPTIONS**

- A. Scott Murphy advised that they have 5 mitigation options. He said that the board had asked him to provide some options. He said that he met with Chris Miele last week. He said that 3 of the options came from consultants. The third is from a new state program with ARPA funding and this situation would probably be applicable. The deadline to apply is October 31, 2021, but requires property owner approval. He said that Connie and Chris Miele have said no to this option. He said that the Property Owner Initiative would revive the FEMA plans and the design is 70%. This is not realistic. He said that the Eminent domain is a negative public process.

| <u>Project Description</u> | <u>Pros</u> | <u>Cons</u> | <u>Project Cost</u> |
|--|--|--|--|
| Construct Retaining Wall | - Should handle regular water events | - looks bad - will not stop large events - reduces the driveway size | \$20 to \$30 K |
| Regrade Westerly Side & Construct Retaining Wall | - Divert water around the house - should work with retaining wall option | - Could affect properties downstream - Could affect neighbors | \$10 to \$15 K \$20 to \$30 K for retaining wall \$30 - \$45 K overall |
| VEM Flood Resilient Communities Fund | - Brand new - 100% financing - Fits situation - Eliminates property | - Requires homeowner approval | \$0 |
| Property Owner Initiative | - Revives FEAM plans | - Fully funded by taxpayers | \$1,000,000.00 |

| | | | |
|----------------|-------------------------------|---------------------------|-----------|
| | - Aids multiple properties | - Not realistic | |
| Eminent Domain | - Eliminates problem property | - Negative public process | \$150,000 |

- B. Justin Hyjek said that would eliminate the property.
- C. Bruce Schmidt said they would eliminate the building.
- D. Chris Miele said that they (he and Connie Miele) do not want the options to remove the property. He said the town would tear the building down, but that would not solve the problem. He said that both the federal and local engineers say that the culvert needs to be replaced. We need to fix this before there is another event and it washed out Route 103. He said that with a \$1,000,000 project, the increase in the tax rate would be about \$.06. He asked if the town has a Hazard Mitigation plan.
- E. Scott Murphy said yes. It is a plan for procedures during an incident.
- F. Chris Miele asked if certain areas were noted.
- G. Scott Murphy said the flood plains.
- H. Chris Miele asked about bridges and culverts.
- I. Scott Murphy said the town has mapping of bridges and culverts that are ranged from adequate to need work to need repair now. The town does not have the funds to do all of them at one time.
- J. Chris Miele asked if this culvert is on the list.
- K. Scott Murphy said yes.
- L. Chris Miele said that there are Hazard Mitigation grants available.
- M. Scott Murphy said it would be a small contribution – less than \$100,000.
- N. Chris Miele said that if the town does receive that, it would leave \$900,000 to fund. The board voted to spend \$30,000 to clean up the Stone House debris. The box culvert would help. He has spoken to the neighbors and they are all on board.
- O. Scott Murphy said that the engineering is complete to 70%, including culvert, highway and infrastructure. The flood plain is also affected. The box culvert is not fully vetted by the state and there is also the issue with Fish & Wildlife.
- P. Bruce Schmidt said if the property is removed, the water will expand. He thinks that the town needs more understanding and no one wants to do Eminent Domain. He suggested looking at a couple of the options and asked how bad the retaining wall would be.
- Q. Chris Miele said they do not want to be bought out. We have known about the problem for over 20 years. He said when Irene hit, the water did spread. He said there are different types of culverts now. They have to cross the road to fix this. He asked when they cross Route 103, is that the responsibility of the town or state.
- R. Bruce Schmidt said probably the town.
- S. Chris Miele asked the board to look into the Hazard Mitigation grants.
- T. Bruce Schmidt said this board is committed to looking at the options.
- U. Justin Hyjek suggested looking at the retaining wall.
- V. Heather Tucker suggested looking into the grant.
- W. Bruce Schmidt asked Scott Murphy to research information on the Hazard Mitigation grant and suggested looking at temporary fixes such as the retaining wall.
- X. Chris Miele said he spoke to the engineer about opening the back culvert, raising the driveway and building a carport. He asked who would pay for the carport. He said that until 1980, there was an addition on the back of the house.
- Y. Brett Sanderson said there is also a catch basin in the driveway that would have to be removed. They could put up a retaining wall as a temporary fix.

- Z. Bruce Schmidt said the board should look at both options for the retaining wall and look into grants. We do not want to do Eminent Domain or the VEM Flood Resilient Communities Fund option. He said this item will stay on the agenda.

7. **DISCUSS PROCEDURES FOR NOVEMBER 1, 2021 PUBLIC INFORMATION MEETING ON CANNABIS VOTE**

- A. Scott Murphy said they put this on the agenda to discuss the procedure for November 1st. He suggested a moderator, with time limits put on speakers. OR to have him do a presentation about the voting procedure, not the merits or demerits of cannabis. He said that Chief Billings and Stephanie Grover will be present.
- B. Brett Sanderson, Heather Tucker and Justin Hyjek all agreed on a moderator.
- C. Scott Murphy said he had asked George Thomson.
- D. Bruce Schmidt said they could discuss the process for selling cannabis.
- E. Justin Hyjek said the board can explain the process, benefits and merits.
- F. Bruce Schmidt said there would be limited financial impact to the town, possibly licensing fees.
- G. Scott Murphy said that people may vote with absentee ballots. They can call town hall or go on the website to ask for them.

8. **LUDLOW AMBULANCE VEHICLE STATUS**

- A. Stephanie Grover explained that one of the ambulances is due for replacement this year and we put it off. There is \$10,000 in the budget for repairs and we have already spent \$8,000. One option is to remount – about \$215,000. A new unit would be \$247,000 plus. There is a demo unit at a dealer that will be available at the end of October, but would be sold to the first entity with money.
- B. Brett Sanderson asked if there is any money in the capital budget.
- C. Scott Murphy said there is no money left in it.
- D. Stephanie said it is recommended that units be replaced every 8 years and this one is a 2013 model. There is also a chip shortage. She said that to order a new unit, or remount, would take about 1 ½ years for delivery.
- E. Bruce Schmidt asked how much time they were out of service.
- F. Stephanie Grover said they do have 2 units; one was out 3 times in the last 2 months for a week at a time.
- G. Bruce Schmidt voiced concern about being without a unit in the winter.
- H. Scott Murphy said they could patch them through the winter and have new snow tires.
- I. Bruce Schmidt said there is no option for the demo unit as there is no money in the budget.
- J. Scott Murphy said that there may possibly be ARPA funding applicable. The town share is \$150,000, but the state suggests waiting to spend it.
- K. Bruce Schmidt said they would have to hold a public hearing for that, but it could be an option. We can put it on the budget for next year.
- L. Stephanie Grover said that they could place an order now, contingent upon town meeting. If voted down, they could cancel the order.
- M. Scott Murphy said that they have done that in the past, subject to approval at town meeting.
- N. Bruce Schmidt said that \$15,000 to \$20,000 for maintenance isn't bad. What scares him is a separate bond vote. We have discussed a regional service, but other towns are not interested. We do want to have the ambulance there when we need it.

- O. Justin Hyjek asked Stephanie Grover about her next budget.
- P. Stephanie Grover said she doesn't have an accurate capital fund budget, yet. She said the power loaders are about \$21,000, monitors about \$30,000 to \$35,000. She said we may be able to sell our ambulance for about \$20,000.
- Q. Justin Hyjek suggested restructuring our fee schedule based on call locations.
- R. Bruce Schmidt said they should be putting at least \$50,000 to \$75,000 in the capital budget each year.
- S. Stephanie Grover said they also need to start replacing the radios that were bought in 2002.
- T. Scott Murphy said that the service is staying within budget this year
- U. Bruce Schmidt said they could enter into a contract to start the purchase process based on the results of town meeting.
- V. **MOTION by Brett Sanderson and seconded by Scott Baitz to enter into a purchase agreement with the contingency that the vote to purchase pass at town meeting vote.**
- W. Stephanie Grover said that the ambulance has to be specified to fit our needs and that is difficult. We are looking at and RFP to specify the company. They are looking at Sourcewell.
- X. Scott Murphy asked about a generic ambulance.
- Y. Stephanie Grover said there may be lower bids, but they wouldn't be tailored to our needs. A generic ambulance may not suit our needs.
- Z. Justin Hyjek asked about the used ambulance market.
- AA. Stephanie Grover said it is not as good as it used to be – we'd be buying someone else's problem. It is the same thing with monitors.
- BB. Bruce Schmidt said we will look to you for guidance with an RFQ.
- CC. Stephanie Grover said she had met with 2 dealers. She commented that a unit manufactured in Arizona is not as well insulated as one manufactured in the north and would be cheaper.
- DD. Bruce Schmidt said he struggles with not using the bid process. He said that they don't always take the least expensive quote if there is an RFP. He said that sometimes the vendor wants to discuss the quote. This may be a unique situation, but he wants to see the bid process.
- EE. Brett Sanderson said they have to write specifications for RFPs for fire trucks because you can't miss anything. The vendors need to bid what is needed.
- FF. Stephanie Grover said that Sourcewell is a way to bid the ambulance with specs.
- GG. Scott Murphy said that he doesn't know much about Sourcewell.
- HH. Bruce Schmidt said the motion needs to be worded that we can back out, if not, we aren't bidding.
- II. Scott Murphy said the board would see the bid process. There will be one or two bids.
- JJ. **Motion passed unanimously.**

9. **DEPARTMENT HEAD REPORTS**

- A. Bruce Schmidt noted that all reports are in.
- B. Marissa Selleck said that she is on the Recreation Committee and would like to give an update. The committee is discussing the tennis courts at Dorsey and possible uses for the Back 40 by the schools.
- C. Bruce Schmidt asked how the dog park is doing.
- D. Marissa Selleck said good. There was a minor issue with 2 dogs –someone was already in the park and someone else came in.
- E. Scott Baitz said they keep 2 gates locked.
- F. Scott Murphy said this was prior to putting up signs. There have been surprisingly few problems.

- G. Justin Hyjek asked about the Back 40.
- H. Marissa Selleck said they are considering a mountain bike path with pump tracks. She said they are also looking into the liability with the ropes course.
- I. Chris Hurka said it wouldn't be just for bikes, but also for hiking and they are looking into possibly making it wheelchair assessable.
- J. Scott Baitz said there is a lot of interest.
- K. Justin Hyjek suggested they look into VOREC grants.

10. **MUNICIPAL MANAGER UPDATES**

- A. **COVID STAFF PROTOCOLS**
 - i. Scott Murphy advised that they are keeping with the Vermont Department of Health and CDC guidelines.
- B. **SPEED DATA REPORTS**
 - i. Scott Murphy advised that the results showed that there is not as much speeding as they expected.
 - ii. Justin Hyjek said they did one study mid-week. They need to do them on Friday nights.
- C. **RED BRIDGE ATTORNEY LETTER**
 - i. Scott Murphy advised that they need to discuss this in Executive Session.
- D. **FINANCIAL UPDATE**
 - i. Scott Murphy advised that the delinquent taxes are lower than last year - \$116,000 this year and \$186,000 last year. The auditors are coming this week and have been requesting more information remotely, putting more work on our staff. He said that all departments are on their year-to-date projections. The Ambulance Service is a primary concern. There is a staff shortage at the Police department.

11. **OTHER BUSINESS**

- A. **Vail Bridge**
 - i. Scott Murphy said that when they went under the bridge, they found that a stormwater culvert pipe was eroded and soil underneath was also eroded and also the concrete abutment. The state is coming this Friday to inspect it. Their project costs were based on the abutments being in good condition.

12. **SET DATE FOR NEXT MEETING & POSSIBLE AGENDA ITEMS**

- A. Bruce Schmidt said that the next meeting would be November 1, 2021.
- B. Set FY 2023 Budget Review Dates
 - i. Scott Murphy said that the informational meeting would also be that night and suggested that there may be too much on the agenda. He suggested starting the budget review on either November 8 or 22.
 - ii. Bruce Schmidt said to put it on the agenda for November 1st and if the meeting runs too long, they can table it.
 - iii. Brett Sanderson agreed that they should get started.
 - iv. Justin Hyjek said he would not be at that meeting.

- v. Scott Murphy said they could start on November 1st and have a second meeting on November 15th.

13. **NEXT MEETING AGENDA ITEMS**

- A. Information meeting for Cannabis vote
- B. Start FY2023 budget review.

14. **SIGN WARRANT ORDERS**

- A. Bruce Schmidt said that warrant orders have been signed.

15. **POSSIBLE EXECUTIVE SESSION/PERSONNEL/CONTRACTS/LEGAL**

- A. Scott Murphy advised that an Executive Session is needed for legal matters.
- B. **MOTION by Brett Sanderson and seconded by Scott Baitz to enter into Executive Session. Motion passed unanimously.**
- C. Board entered Executive Session at 7:12 p.m.
- D. Board exited Executive Session at 7:30 p.m.

16. **ADJOURN**

- A. **MOTION by Brett Sanderson and seconded by Justin Hyjek to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:31 p.m.

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt, Chairman

Brett Sanderson

Scott Baitz

Heather Tucker

Justin Hyjek