

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

September 21, 2020
6:00 P.M.

HEALD AUDITORIUM

BOARD MEMBERS PRESENT:

Bruce Schmidt, Chairman
Scott Baitz

Justin Hyjek
Brett Sanderson

Heather Tucker

STAFF PRESENT:

Scott Murphy

OTHERS PRESENT:

Jason Baker
Sharon Bixby
Bob Brandt
Georgia Brehm

Alan Couch
Rich Dunseith
Carol Hastings
Sharon Huntley

Josh Litwhiter
Nadine Litwhiter
Sue Pollender
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.

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

- A. Scott Murphy advised that Agenda Item #15 will be pulled and addressed at their next meeting. They are still gathering information.

3. **APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of August 3, 2020 and the public meeting (Dam Rehabilitation) of August 3, 2020.
- B. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve the minutes of the regular meeting of August 3, 2020 and the public meeting (Dam Rehabilitation) of August 3, 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 liquor and outside consumption permits.

<u>Applicant</u>	<u>Business Name</u>
Beer Mountain LLC	Beer Mountain

- i. Scott Murphy advised that Chief Billings has reviewed and is okay with the liquor license.
- ii. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve the liquor license. Motion passed unanimously.**

6. **Consider Ludlow Garden Club Request for Christmas Tree in Kesman Memorial Park**

- A. Bruce Schmidt said this is an annual event.
- B. **MOTION by Justin Hyjek and seconded by Brett Sanderson to approve the request from the Garden Club for a Christmas tree and lights at Kesman Memorial Park as presented. Motion passed unanimously.**

7. **POSSIBLY APPROVE & AWARD POLICE CRUISER BID**

- A. Scott Murphy advised that they received one bid from Kelley Sales in Springfield. Their quote of \$21,566, was under our budgeted amount (\$42,500 less \$5,000 trade-in = \$37,500). Delivery will be in May 2021.
- B. Bruce Schmidt asked if we can wait until then.
- C. Scott Murphy said hopefully there will not be too many repairs.
- D. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve and award the Police Cruiser bid to Kelley Sales for \$21,566.00. Motion passed unanimously.**

8. **POSSIBLY APPROVE & AWARD WINTER SAND BID**

- A. Scott Murphy said two bids were received and Eastman Sand & Gravel was the low bidder. They were also the low bidder last year.
- B. **MOTION by Brett Sanderson and seconded by Heather Tucker to approve and award the contract for winter sand to Eastman Sand & Gravel. Motion passed unanimously.**

9. **POSSIBLY APPROVE & AWARD RECREATION TRACTOR BID**

- A. Scott Murphy advised that they had received 4 quotes from 2 vendors. Only one of the bids was within our budget. The bid was from Town Line Equipment, Option #1 for a 2020 Kubota L4701F, 2-wheel drive unit for \$24,749 (our budget was \$25,000.) He said that the 3 other quotes included bells and whistles that we didn't need.
- B. Bruce Schmidt asked about 2-wheel drive
- C. Scott Murphy said that is the same as we currently have and is more than sufficient.
- D. **MOTION by Justin Hyjek and seconded by Heather Tucker to approve and award the bid to Town Lines Equipment, Option #1 as presented. Motion passed unanimously.**

10. **POSSIBLY APPOINT NEW PLANNING COMMISSION MEMBER**

- A. Scott Murphy advised board members that there is one opening and 2 letters of interest had been received. Eric Alden has been attending Planning Commission meetings via ZOOM and has been

- very helpful. He lives in Boston and owns properties in Ludlow. Phoebe Tucker is a resident of Vermont and lives in Ludlow. Her grandfather, Norm Vanasse was a long time Planning Commission member.
- B. Alan Couch said that Eric Alden has a wealth of knowledge and has been very helpful. The Rules of Procedure for the Planning Commission allow for one out of town member and we already have Ted Stryhas who lives out of town. The board decided to keep the rules as they are. He has not seen Phoebe Tucker's qualifications, but thinks that Eric Alden would continue to contribute if not appointed.
 - C. Bruce Schmidt asked that board if they want to do a paper vote or floor vote.
 - D. Scott Murphy said he has spoken to Mr. Alden regarding some of his properties but not about his role here.
 - E. Bruce Schmidt said that he feels that we should continue to follow the wishes of the Planning Commission and stay with only one out of town member.
 - F. Alan Couch said that when he first joined the Planning Commission, there were 7 members, but that was reduced to 5 and there was talk this past winter of lowering it to 3. If we get more interest, we could possibly increase it back to 7 and open it to another out of town person.
 - G. **MOTION by Justin Hyjek and seconded by Scott Baitz to appoint Phoebe Tucker to the Planning Commission. Motion passed unanimously.**
 - H. Justin Hyjek said that he is not opposed to increasing it back to 7 members.
 - I. Bruce Schmidt said that when Alan Couch runs the Planning Commission meetings, he is very inclusive. He said that he reads the Planning Commission minutes and Alan Couch is doing a good job and there is good energy there.

11. POSSIBLY CONSIDER BLACK RIVER MUSEUM'S REQUEST FOR \$18,760 FOR ASBESTOS REMOVAL

- A. Scott Murphy advised that they had received a letter from the Black River Academy advising us that they had recently found out they have asbestos in the basement and it should be removed. The town gives \$25,000 to them and an additional \$15,500 for fuel and utilities.
- B. Rich Dunseith advised that they do not have the funds to have the work done. He said that Wright Construction has discovered it when they were working on renovations in the basement. Wright brought in an expert on asbestos remediation and the quote from them was \$18,760. They have not been able to do fund raising this year because of COVID.
- C. Bruce Schmidt asked about timing for removal.
- D. Rich Dunseith said other than for boiler service and Georgia Brehm, who goes down to the basement once a week to flush the boiler, no one else goes down there. If you leave asbestos alone, there usually are no problems. The asbestos was only disturbed where Wright did their work.
- E. Scott Baitz asked the name of the contractor that Wright brought in.
- F. Rich Dunseith did not know.
- G. Bruce Schmidt said that this board has 2 to 3 options: we can find the money now; do we have time to put it on the ballot for the general election in November and when would the work be done or we can wait until town meeting.
- H. Scott Murphy said that we have time to get it on the agenda for the general election ballot, but that the work would have to wait for July 2021.
- I. Bruce Schmidt asked if the work can wait until July.
- J. Rich Dunseith said yes as they are not using the space.
- K. Bruce Schmidt said this board can put it on the budget for next year's town meeting. The Academy is running a \$12,000 deficit
- L. Justin Hyjek said to put it off until town meeting.
- M. Bruce Schmidt asked if it should be a floor vote or be put in the budget.

- N. Brett Sanderson asked Scott Murphy if there might be any COVID related money available.
- O. Scott Murphy said he would check.
- P. Bruce Schmidt said that no action is needed at this time. The consensus is to prepare it as an Article for town meeting. He added that this board does not want to let that building go; we want to protect and preserve it. We will commit to prepare it as an article for town meeting. We will need someone from the academy to come to town meeting.

12. **POSSIBLY APPROVE U.S. CELLUAR TOWER UPGRADE ON OKEMO MOUNTAIN**

- A. Scott Murphy said that they have received a request to upgrade the U.S. Cellular tower on Okemo. He said this has to go through the Select Board. The following work will be done:
 - i. Replace some existing panels
 - ii. Add up to 3 new panels.
 - iii. Install 3 hybrid cables with junction boxes.
 - iv. Relocate 6 radios from inside the shelter to the tower top
 - v. Add up to 3 radios to the tower
 - vi. Remove any unused equipment from the tower
 - vii. 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
- B. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve the cell tower upgrade as presented. Motion passed unanimously.**

13. **REVIEW DRAFT OF PERSONNEL RULES & POLICY MANUAL**

- A. Scott Murphy asked that there was a change on page 9 that is reflected on pages 10, 14 and 16. It is the definition of full-time employee. He said he would like to move this along. The next step after the Select Board approves the draft, it will be sent to a Human Resources attorney for review and comments. The attorney will return it to this board for final approval. Any substantial changes made tonight will be incorporated into the draft.
- B. Justin Hyjek asked about the highlighted paragraph on page 24 referring to Vacation Leave Buyout.
- C. Scott Murphy said it was discussed at their last meeting. It shouldn't be in there.
- D. Brett Sanderson said it does say at the discretion of the Municipal Manager.
- E. Bruce Schmidt referred to page 12, item E and said that the probationary period should be 90 days, not 180. He said that after 3 months, they should be part of the team.
- F. Scott Murphy said he agrees, but with the Police Department, they want it longer and that is in their contract.
- G. Brett Sanderson said it looks good to send off.
- H. Justin Hyjek agreed.
- I. Scott Murphy said he will send it off to the HR attorney.

14. **SPRINGFIELD MEDICAL SYSTEMS REQUEST FOR PROPERTY TAX EXEMPTON AND REBATE**

- A. Scott Murphy asked that they had received a request for abatement of Taxes from July 1, 2016 through June 30, 2019 for their properties at 1 Elm Street and 8 Main Street. He said this is for the board's information only. He said that Margot Martel responded in August and explained the process and they may not go back to past years. She told them the process for next April.

15. **REVIEW HEALTH INSURANCE COSTS FOR FORMER UNION MEMBERS**

- A. Item pulled and will be discussed at the October meeting.

16. **POSSIBLE TOWN CHARTER NEXT STEPS**

- A. Bruce Schmidt said this started with discussion last year regarding Australian ballots.
- B. Scott Murphy said it can be submitted to the voters by the Select Board. The Select Board must hold 2 public hearings; the first within 30 days before town meeting and the second within 10 days after the first public hearing. If approved by the voters, it will go to the Legislature. In the past few years, the Legislature has become more involved than in the past. Some towns have been approved, while others have been denied. The Legislature has been evaluating requests more closely. We have to make sure we follow the process and have the town attorney involved. The next step would be to form a Charter Committee with 2 to 3 Select Board members and the rest voters. Possible items to consider would be merging the Town and Village and a local 1% Options tax.
- C. Bruce Schmidt said that the town does not have to go to the Legislature for the 1% Options tax because we are a “Gold Town.” He asked if there would be any ramifications for the town if we do this.
- D. Scott Murphy said this allows the town to do things differently. The Village has a charter.
- E. Bruce Schmidt said we need to change the Australian ballot rules. We will put this on the agenda for the October meeting.

17. **DEPARTMENT HEAD REPORTS**

- A. Bruce Schmidt advised that all reports are in and asked for comments.
- B. Ambulance Service Commendations – Scott Murphy advised that Ludlow received two strong letters of commendation for actions of its members
 - i. Cameron Harbeson – We received a letter from the Springfield Police Department advising and thanking us for his extremely helpful role in the initial moments of a crash at the scene. He was a passerby and was on the scene before the police. He “rendered first aid to the operator without hesitation and that he maintained a calm, cool and collective composure while assessing the operator’s injuries. He stayed on the scene and assisted members of the Springfield Ambulance.”
 - ii. Dan Stoughton – a commendation was issued by the Ludlow Ambulance Service to member Daniel Stoughton. Dan responded to the Plymouth State Park/Echo Lake for a report of a mail patient drowning. Without hesitation, he donned a life jacket and entered the water searching for the patient. The last point seen was approximately 40 yards from shore and Dan made this swim multiple times. When the call turned from a rescue to a recovery, Dan continued to go above and beyond. He assisted Vermont Fish and Game on the boat to safely bring the patient to shore. This happened to be Dan’s last day as a full-time paramedic and this was the last call before he enjoyed retirement.
- C. Heather Tucker advised that Stephanie Grover recently obtained \$22,000 in grants for the Ambulance Service.
- D. Scott Murphy said the grant was for State Health Care Providers Stabilization.
- E. Bruce Schmidt said Stephanie Grover is doing a great job.

18. MUNICIPAL MANAGER UPDATES

A. TDS Service Update

- i. Scott Murphy advised that the recent collapse in service was due to a switch failure in New York and another happening at the same time in White River Junction. TDS was not able to reroute service. They are looking for a solution to these problems.

B. Auditorium Sound System

- i. Scott Murphy advised that they have new equipment and a new snake. It should make meetings more audible. They will look for a more permanent solution. This is a joint Town/Fola project.
- ii. Patrick Cody said one thing that would really help would be for the group to meet on the stage. He said the mikes would be behind the speakers. The PA system is controlled from the stage.
- iii. Bruce Schmidt said he would like this to be in good shape for town meeting. He would rather not sit on the stage. He asked if the speakers could be moved.
- iv. Patrick Cody said it would be expensive and he does not know how the wires are. He suggested that if they hold a big meeting, they may want to hire a sound system person.
- v. Bruce Schmidt asked if we need another set of speakers.
- vi. Patrick Cody said they have a set of speakers that could be used.
- vii. Bruce Schmidt said the way it is, it is difficult for people with hearing deficiencies. Can we look into fixing this?

C. Gill Terrace Project

- i. Scott Murphy advised that they expect to start the major Gill Terrace Project on October 5th and finish before winter.

ii.

D. Tree Removal

- i. Scott Murphy advised that they will be removing two trees, one at Kesman Park and one at Veterans' Park. They will be replaced in the spring. He said they will also be doing some trimming.
- ii. Bruce Schmidt asked if the replacements would be big trees.
- iii. Scott Murphy said yes, they will not be saplings.

E. Goose Hunting at West Hill Area

- i. Scott Murphy advised that goose hunting runs from September 1 to September 25 and from 10/10 to 11/8. In the past, geese have been a recurring problem at West Hill. Since they have been using West Hill more and with the hunting, the goose problem has been reduced. They put a stop on hunting this year on September 3rd and will start again on 10/1. They have NO HUNTING signs posted. Should they allow groups to hunt geese with designated times for hunting and no shooting when people might be on the trails.
- ii. Scott Baitz said they should not mix uses of a recreational area for families and walking with hunting. It is an accident looking for a place to happen. There are always families on the back side of the dam. The Recreation program is helping with the geese problem. He said he is not anti-hunting, but it is not safe there. He sees people there all of the time. We will never get rid of all the geese. In the spring, we are planning to stock the pond with trout.
- iii. Scott Murphy said that in the past, we have had nesting permits, but they have expired. This was to remove nests in the spring. It is different from hunting. We have to apply for another permit.
- iv. Scott Baitz asked who removes the nests.

- v. Scott Murphy said our Animal Control person.
- vi. Heather Tucker said we used to swim there. It needs to be a safer area.
- vii. Scott Baitz said we need to have faith that what we are doing will eliminate the geese. In the past, when the area was used all of the time, there were no geese.
- viii. Bruce Schmidt said we need to apply every year for a nesting permit. It is dangerous to mix hunting with a recreational area. He added that there are lots of houses up there. He is in favor of standing down on the hunting and dealing with this with the nesting permits. We have put money into West Hill to encourage people to use it. He said that the hunters are being as safe as they can be, but he thinks we should still stand down.
- ix. Justin Hyjek said he agrees that we should get a nesting permit and not allow hunting.
- x. Brett Sanderson said we would be leaving ourselves open if there were an accident.
- xi. Scott Murphy said we can give it a try and see how things go with more activity.
- xii. Heather Tucker asked if they stock fish there, will there be a fishing derby.
- xiii. Scott Baitz said they are thinking about it.

F. Dog Park at West Hill Area

- i. Brett Sanderson asked about the dog park.
- ii. Scott Murphy said the neighbors didn't want it there. It will be at Fletcher Farm. He added that there was also a property line issue.
- iii. Scott Baitz asked if there is no parking there.
- iv. Scott Murphy said the property line is diagonal.
- v. Bruce Schmidt asked if we have, in the past, been parking on their property.
- vi. Scott Murphy said yes.
- vii. Bruce Schmidt said Fletcher Farm is a better location.
- viii. Scott Murphy said there is an RFP out for the work.

19. OTHER BUSINESS

A. Sidewalks Downtown

- i. Justin Hyjek asked when they will be done.
- ii. Scott Murphy said the contract was awarded and the contractor told us they would start within 2 weeks – that was 3 weeks ago. He said he reached out to them, but they haven't gotten back to him.
- iii. Bruce Schmidt said there was one caused by a breakup at White River.
- iv. Scott Murphy said he contacted TDS last fall. He said the one this past Friday was caused by an accident. He will follow-up.
- v. Bruce Schmidt said it is alarming for people and we should contact TDS as a town.

B. Commonwealth Avenue Issues

- i. Bruce Schmidt asked Scott Murphy about this.
- ii. Scott Murphy said that at their last meeting, they agreed to hire Todd Hindinger. He looked at it and an emergency job came up, so he stopped. He is supposed to be at your October meeting.
- iii. Bruce Schmidt said that Connie Miele will show you the damage. We should clean up about 150 feet. It may help. It's all Japanese Knotwood, but you need a permit to get rid of it.

20. SET DATE FOR NEXT MEETING

- A. Bruce Schmidt that the next regular meeting would be October 5, 2020 at 6:00 p.m.

21. **NEXT MEETING ITEMS**

- A. Planning Commission to Discuss Short-Term Rentals.
 - i. Scott Murphy said the Planning Commission will be here to discuss short term rentals and a registry. They want your feedback before they go any further. They have been doing research.
 - ii. Bruce Schmidt said the Planning Commission has been doing a lot of work. He said that they had the fire marshal at their last meeting and a lot can happen with these rentals.
 - iii. Alan Couch said the Planning Commission is trying to figure out how far they want to go. They want a registry and their main concerns are Health, Welfare and Public Safety. They want to know how the Select Board feels about this.
 - iv. Bruce Schmidt said he would hate to see them go any further and then have the Select Board not want to go any further.

22. **SIGN WARRANT ORDERS**

- A. Warrant orders have been signed.

23. **POSSIBLE EXECUTIVE SESSION/PERSONNEL/CONTRACTS/LEGAL ISSUES**

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

24. **ADJOURN**

- A. **MOTION by Brett Sanderson and seconded by Scott Baitz to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 6:59 p.m.

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt, Chairman

Brett Sanderson

Scott Baitz

Heather Tucker

Justin Hyjek