

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**February 1, 2021**

**ZOOM ELECTRONIC MEETING  
6:00 P.M.**

**Join Zoom Meeting:**

<https://us02web.zoom.us/j/86937713325?pwd=TDB0Wk9HVU54WmY2aFRNOVc5cEZGdz09>

**Meeting ID:**

**869 3771 3325**

**Passcode: 583569**

**Dial in by phone: +1 929 436 2866AGENDA**

**BOARD MEMBERS PRESENT:**

Bruce Schmidt, Chairman  
Scott Baitz

Justin Hyjek  
Brett Sanderson

Heather Tucker

**STAFF PRESENT:**

Scott Murphy

Ulla Cook

Ron Tarbell

**OTHERS PRESENT:**

Eric Alden  
Jim Alic  
Jacalyn Diesenhouse

Kevin Golmont  
Sharon Huntley  
Jill Laramie

Kate Warner  
Bruce Zanca  
Eric Chattergee (Okemo Valley-TV)

**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. He asked Scott Murphy to read the guidelines for Zoom meetings.
- B. Scott Murphy said that this open meeting of the Town of Ludlow Select Board is being conducted remotely consistent with Governor Scott's Executive Addendum #6 of Order of 01-20 Act 92, due to the current State of Emergency given the outbreak of the coronavirus.

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

- A. No changes were needed.

**3. APPROVE MINUTES OF PREVIOUS MEETINGS**

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of January 4, 2021, the Special Budget Workshop on January 11, 2021 and the Special Meeting to sign the warning and budget on January 21, 2021.
- B. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve the minutes of the regular meeting of January 4, 2021, the Special Budget Workshop on January 11, 2021 and the Special Meeting to sign the warning and budget on January 21, 2021 as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. There were none.

5. **LIQUOR CONTROL BOARD – Liquor License Renewals**

- A. Scott Murphy advised that Ulla Cook has presented them together, with only one page for the board members to sign. Chief Billings has signed off on them.
- B. Bruce Schmidt suggested that the board vote separately on Homestyle Hostel and Main and Mountain.
- C. There was board consensus to do so.
- D. Bruce Schmidt said they will vote on Homestyle Hostel and Main and Mountain Motel.

<b><u>Applicant</u></b>	<b><u>Business Name</u></b>
Homestyle Hostel LLC	Homestyle Hostel
Homestyle Hostel	Main and Mountain Motel

- E. Justin Hyjek recused himself from this vote.
- F. **MOTION by Scott Baitz and seconded by Heather Tucker to approve the liquor license renewals as presented. Motion passed unanimously.**
- G. Bruce Schmidt said they will vote on the remaining licenses as listed below.

<b><u>Applicant</u></b>	<b><u>Business Name</u></b>
Aminah & Rayhan LLC	Ludlow Shell
Brewfest Beverage Company	Brewfest Beverage Company
J W Sandri	Sunoco Station
KMS Inc.	The Hatchery
Proud Bear LLC	Proud Bear Inn
Twelve Thirty-Four, LLC	MOJO Café
O&V Restaurant LLC	D.J's Restaurant
Beer Mountain LLC	Beer Mountain
46 Depot Street Annex, LLC	Stemwinder
Stuart, Leslie Pearson	The Wine and Cheese Depot
Petrogas Group New England Inc.	Applegreen
L V P, LLC	Ludlow Village Pizza
Night Owl LLC	Kingfisher

- H. **MOTION by Justin Hyjek and seconded by Brett Sanderson to approve the liquor license renewals as presented. Motion passed unanimously.**

- I. Bruce Schmidt advised that there is a new Outside Consumption permit for Okemo. He said that this is for the board's information only and Ulla Cook signs this one.

6. **POSSIBLY WAIVE PENALTY FOR LATE HOMESTEAD FILERS**

- A. Scott Murphy advised that this is an annual list and, in the past, we have waived the penalty for first time late filers, but not repeat filers. This year, there are 6 properties on the list and Ulla Cook recommends that due to COVID, we waive the penalty on all of them.
- B. Bruce Schmidt asked why it would be different this year.
- C. Ulla Cook said that earlier in the year, this board thought it would be good to give the tax payers something.
- D. Bruce Schmidt said we have always given one "freebie". There are 3 repeats and 3 new.
- E. **MOTION by Justin Hyjek and seconded by Heather Tucker accept the recommendation made by Ulla Cook and waive penalties for all 6 late filers. Motion passed – 2 against, Bruce Schmidt and Heather Tucker.**

7. **COMMENDATION FOR OFFICER KATE WARNER RE: Fire at Kettlebrook Condominiums on January 12, 2021**

- A. Bruce Schmidt advised that on January 12, 2021, there was a fire at Kettlebrook and Kate Warner responded to the alarm, along with the Fire Department. During the response, a second call was received to discontinue the first alarm. The Fire Department discontinued, but Officer Warner did not and then the renter came out and said there was a fire.
- B. **MOTION by Scott Baitz and seconded by Justin Hyjek to officially recognize Officer Warner's efforts and for the Select Board to sign the commendation (copy attached.) Motion passed unanimously.**
- C. Officer Warner thanked the board and said that this shows that our 911 system is really helpful. She also thanked the Fire Department for their quick response and Scott Baitz for arriving so quickly with the key.

8. **LAKE RESCUE ASSOCIATION UPDATE FOR THE SELECT BOARD**

- A. Bruce Zanca advised that the Lake Rescue Association is a 501c3 corporation founded in 1933. They currently have over 150 members. Their main goals are to protect the ecology and health of Lakes Rescue and Pauline. Of particular concern are Eurasian milfoil, sedimentation and run-off from the Black River, culverts and gullies. They have started projects to improve these.
- B. Kevin Golmont showed slides of a sandbar that was forming from sediment in 2018 and another where it was dry land in 2020. He said that adding to this sandbar are the catch basins at East Lake Road and Ellison Road. We tried to clean them out and also requested help from Vermont River Management that was denied. VT River Management did recommend steps to be taken to minimize erosion that included repairing the road and driveways down East Lake Road. There is a stream that runs across East Lake Road onto private property. We tried to get a grant from Better Roads in 2019 to upgrade the culvert, reshape the swale and stone line the stream, but were denied. We will try again. He said that private homeowners on Tepper and Scot's Landing Roads have been clearing ditches and cleaning out culverts. This is a recurring situation. They have been working with the Town of Ludlow on its Storm Water Master Plan

and have visited 4 to 5 sites of particular concern. He said that hurricane Irene weakened the tributaries into the lakes. He said that the association did a dredging project in 2013 that cost \$86,000. They have a 5-year permit to dredge the lakes and hope to do it in 2022. Their estimated cost for that will be \$125,000. He said that the ANR will not allow us to do as much as we need. They limit the amount of dredging. He said their permit was issued in 2020 and is go through October 2025. They want to stretch it out. He said they don't have a solution to slow sediment build up. They monitor the situation.

- C. Bruce Zanca said that they have been doing fund raising and their goal is \$250,000. He said that the milfoil attaches itself to the lake bottom. He said they have divers go down and hand pull it out. He said that last year they put in 48 bottom barriers – about 10' x 50' and this year they hired a DASH boat for suction harvesting. In 2014, they spent \$5,600, in 2020 - \$35,000 and expect to spend \$48,000 trying to get rid of the milfoil. He said that they have purchased a pontoon boat and are converting it into a DASH boat. He said that property owners have been helping to pull the milfoil. He said that the town has allowed us to take it to the transfer station. They have a strategic plan to help control the milfoil that includes:
- i. the DASH boat for suction harvesting
  - ii. bottom barriers
  - iii. hand harvesting
  - iv. boat inspection
  - v. training local residents for hand harvesting and patrolling in kayaks.
- D. Bruce Zanca said that they hope for more help with the dredging
- E. Bruce Schmidt thanked them for a god presentation. He asked Ron Tarbell for his thoughts on the road and if the town can help in any way.
- F. Ron Tarbell said that some of the sediment ponds are on private property and we can't do anything about that.
- G. Bruce Schmidt asked about paving East Lake Road. He said this has been discussed before and rejected by the residents.
- H. Bruce Zanca said he would like to have it paved. It would make a huge difference, but he knows that other residents are against it.
- I. Ron Tarbell said it would be a big help and it is a Class II road.
- J. Kevin Golmont said he thinks that it would help.
- K. Bruce Zanca said the association has not voted on it.
- L. Bruce Schmidt said we have looked at it before and opted not to do it. One of the reasons for not paving is the speed on the road.
- M. Bruce Zanca said that speed is a problem. He would like to see the town put up a speed sign like they have by the fire station that shows driver's speed.
- N. Brett Sanderson asked if the association has sent out a mailing and filed for a grant.
- O. Bruce Zanca said they will survey the membership.
- P. Bruce Schmidt asked them to get feedback from the membership to the Select Board.

9. **POSSIBLY AMEND HOLIDAY COMPENSATION IN THE TOWN & VILLAGE PERSONNEL POLICY**

- A. Scott Murphy advised that there is a discrepancy in the holiday policy. The Police - through the union agreement – receive overtime hours plus 8 hours regular pay. This was in the previous personnel policy for non-Police union personnel, but was inadvertently not updated in this policy. It was listed as “additional compensation.” This is of very high interest to many of our staff members particularly highway and water/wastewater.

- B. Ron Tarbell said it is a big issue and he has been employed by the Town for 31 years and this has always been the policy. We are entitled to the holiday. We are entitled to the overtime hours plus the 8 hours extra.
- C. Bruce Schmidt asked if the policy was always that way.
- D. Ron Tarbell said yes.
- E. Bruce Schmidt said it wasn't specifically written that way, it was left open as "additional compensation."
- F. Ron Tarbell said that if it is not in the policy, when it snows on Christmas or Thanksgiving and he calls for staff, they may not answer their phones.
- G. Bruce Schmidt said that the board has to decide:
  - i. Don't put this in the policy
  - ii. put it in the policy
  - iii. or put in a date to discontinue the practice
- H. Bruce Schmidt said he does not think that it amounts to a lot of money. Consider \$20/hour for 8 hours. The Police have this benefit. He said he would feel comfortable that the managers are mindful of costs and we have never had a problem getting staff out when needed. He thinks it should be written into the policy.
- I. Brett Sanderson agreed, adding that we have good staff.
- J. Bruce Schmidt asked Scott Murphy to write this into the policy and bring it back to the board at their next meeting. Bruce Schmidt asked what if there is a snow or weather event over Washington's Birthday.
- K. Scott Murphy said if there is a board consensus, that's how staff will be paid.
- L. Ron Tarbell said it would be good if he can take that back to staff.
- M. Justin Hyjek asked how many official holidays are there.
- N. Ron Tarbell said 10 to 12 and this usually only affects us in the winter.
- O. Bruce Schmidt said the team has done a great job with all of the small storms this year.
- P. Justin Hyjek said that, as a business owner, he sends kudos to the staff.
- Q. Scott Baitz said that he lives on West Hill and the staff has done a great job there – whatever they are doing works.

#### 10. **CONFLICT OF INTEREST POLICY UPDATE**

- A. Scott Murphy said that about 2 years ago, the board discussed and rejected a Conflict of Interest Policy. The Trustees adopted it. He said that Pam Cruickshank recently found a Conflict of Interest Policy that was adopted in 2002 and has not been amended or rescinded. It is still in effect and meets state requirements. He said it is more stringent than the policy suggested 2 years ago.
- B. Bruce Schmidt asked Scott Murphy to have the 2 documents compared and bring it back to the next meeting.

#### 11. **CERTIFY HIGHWAY MILEAGE FOR VTRANS**

- A. Scott Murphy said this is an annual process, required by the state and makes Ludlow eligible for highway grants. There are no changes in mileage since last year. This must be submitted to VTRANS by February 22, 2021. Due to COVID, only one signature is required.
- B. **MOTION by Justin Hyjek and seconded by Brett Sanderson to approve and execute the 2021 Town Certificate of Highway Mileage. Motion passed unanimously.**

12. **DEPARTMENT HEAD REPORTS**

- A. Bruce Schmidt noted that all reports are in. There were no comments.

13. **MUNICIPAL MANAGER UPDATES**

A. High Street Water/Sewer Project

- i. Scott Murphy advised that the High Street Water/Sewer Project is moving along. They have received great funding opportunities. There will be temporary road closures and detours during construction. There is a pre-bid meeting scheduled on February 16th and all comments from that meeting will be sent to the engineer after the meeting. If this moves along, the construction will be this coming summer. He asked Select Board members to forward any comments or suggestions regarding detours or closures to him or the Trustees.

B. Assessor Update

- i. Scott Murphy said that this Thursday there will be a meeting of the listers, office staff, and Ulla Cook, to discuss listers and issues. Margot Martel has prepared a list of duties.
- ii. Bruce Schmidt asked the time frame for Margot Martel. He said that Terry Thayne is still there and they also have Tomieka MacPherson. Do they have until the end of June?
- iii. Scott Murphy said that the plan is to replace Margot Martel with someone with experience. She knows all of the systems and we can't do it with current staff. We will be getting a new person. The thought is to hire an assessor to train our staff and hopefully wean away as they are trained.
- iv. Bruce Schmidt asked if there is money in the budget for the rest of this year.
- v. Scott Murphy said he believes so.
- vi. Bruce Schmidt said we need to continue to talk about this. He asked if we need to have a town vote if we eliminate the listers.
- vii. Scott Murphy said we can keep the listers in place and hire an assessor who would create the lists and present them to the listers. This would have lister oversight and keep local knowledge. We would not need to vote on this. He said he thinks this would be the best way to go.
- viii. Bruce Schmidt said we will keep this on the agenda.

14. **OTHER BUSINESS**

A. High Street – Jill Laramie

- i. Jill Laramie said that she lives on High Street and asked if the sewer line runs along the north, middle or south side of the road.
- ii. Scott Murphy said that he doesn't know and asked her to call him in the office tomorrow.
- iii. Jill Laramie asked if the road would be repaved after the project.

- iv. Scott Murphy said yes.
- v. Jill Laramie said that water gathers in front of her house and freezes in the winter. She asked if they do repave the street, is there some way to look at this. The road peaks in the center and drops more to the south side. She said there is no curb and no berm there. She asked what she needs to do to make sure this is fixed.
- vi. Bruce Schmidt said this is a Trustees' issue and told her that they will be meeting, via ZOOM at 6:00 tomorrow night. He suggested she do it under "Comments from Citizens."
- vii. Scott Murphy said she can call in and he will make sure to bring this up at that meeting.

B. Grants

- i. Justin Hyjek said he had read that Scott Murphy has worked with the Chamber to apply for a grant for decorated picnic tables for outside seating and said it was a good idea. He asked about the grant that the Planning Commission has received and asked what it will encompass.
- ii. Scott Murphy said he has a copy of the project overview and will send it to Justin Hyjek. He said they will re-look at the downtown and assist property owners with COVID recovery. They will look at the variances for outside seating, take-out windows and tents that have been allowed during COVID.

15. SET DATE FOR NEXT MEETING

- A. Bruce Schmidt said the Public Informational Meeting for Town Meeting would be February 22, 2021 at 6:00 p.m. It will be live and via ZOOM.
- B. Bruce Schmidt said he would like to have a regular meeting on March 1, 2021 at 6:00 p.m.
- C. Bruce Schmidt said that the Annual Town Meeting will be on March 2, 2021 from 10:00 AM to 7:00 PM
- D. Bruce Schmidt said the Select Board would hold its Re-Organizational Meeting on April 5, 2021 at 6:00 p.m.

16. SIGN WARRANT ORDERS

- A. Warrant orders have been signed by Brett Sanderson.

17. POSSIBLE EXECUTIVE SESSION/PERSONNEL/CONTRACTS/LEGAL

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

18. ADJOURN

- A. MOTION by Brett Sanderson and seconded by Justin Hyjek to adjourn. Motion passed unanimously.
- B. Meeting adjourned at 7:10 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





**COMMENDATION**  
**LUDLOW POLICE DEPARTMENT**  
**OFFICER CATHERINE WARNER**

The Ludlow Select Board commends you for a job well done during the week of January 12, 2021. Your swift action to the fire at the Kettle Brook Condominiums on the night of January 12<sup>th</sup> may have saved lives and prevented further damage to the condominium complex on Okemo Mountain Resort.

You continue to have a positive impact on our community and serve as an example for others to follow. We commend you for a job well done. We have signed this Commendation officially and caused the Executive Seal of the Ludlow Select Board to be affixed this 1<sup>st</sup> day of February, 2021.

**LUDLOW SELECT BOARD**

Bruce Schmidt, Chairman

Heather Tucker, Clerk

Brett Sanderson, Vice Chair

Justin Hyjek

Scott Baitz

Jeffrey P. Billings  
Chief of Police  
P.O. Box B  
Ludlow, VT 05149-0250



Municipal Offices  
Ph. 802-228-4411  
Fax 802-228-5505  
police@ludlow.vt.us

**Ludlow, Vermont**  
*A Better Place To Live, Work & Play*

January 21, 2021

To: Catherine Warner  
Re: Letter of Commendation

On January 12, at approximately 1:45 hours dispatch received a fire alarm call for Kettlebrook #J6. Dispatch toned out the Ludlow Fire Department and also notified Officer Warner. Officer Warner responded to the alarm along with the fire department. During the response to the alarm a second call was received by dispatch to discontinue. That the alarm was false. Ludlow Fire did discontinue but Officer Warner did not and she continued to the alarm. Once at Kettlebrook she met with the renter and he advised her all was well and that he thought it was just a plugged flue but it was fine now. Officer Warner started to drive away but then saw the renter come running out of the building yelling there is a fire.

Officer Warner your continued response to the alarm and your quick actions after knowing there was a fire no doubt saved some of the building and may have kept people from getting hurt. By being there you were able to get the fire department rolling to the scene quicker and got people out of the building. Like the fire department and many of us after hearing an alarm is false, we do not respond. I think I speak for everyone when I say we are great full you did.

I want to commend you for your professionalism. You are a credit to the Department and law Enforcement.

Respectfully;

  
Chief Jeffrey Billings

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