

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

**PUBLIC HEARING and
REGULAR MEETING**

October 5 2020

BOARD MEMBERS PRESENT:

Bruce Schmidt, Chairman
Scott Baitz

Justin Hyjek
Brett Sanderson

Heather Tucker

STAFF PRESENT:

Scott Murphy

Rose Goings (by Phone)

OTHERS PRESENT:

Eric Alden
Bob Brandt
Terry Carter
Jacalyn Diesenhouse

Sharon Huntley
Marissa Selleck
Ryan Silvestri
Laura Stone – AOT (phone)

Ted Stryhas
Mark Verespy
Fred Wilson
Eric Chattergee –OV-TV

**PUBLIC HEARING
6:00 P.M.**

The Select Board for the Town of Ludlow will conduct a Regional Concerns Meeting for the Culvert Replacement Project on Route 100 Heald Auditorium. The meeting will an overview of this culvert replacement project and will be held by the Vermont Agency of Transportation and the Town of Ludlow.

1. Bruce Schmidt opened this meeting at 6:00 p.m. and led the Pledge of Allegiance. He advised that this is a Special Meeting receive information regarding the culvert replacement for the bridge # 102. He asked anyone who would be speaking to please leave their masks on.
2. Scott Murphy introduced Laura Stone from the Agency of Transportation (AOT) who is joining the meeting by telephone.
3. Laura Stone said this is a regional meeting to discuss the replacement of bridge #102. She said the bridge is located by the Tyson Store, just south of the Ludlow/Plymouth border.
 - A. The purpose of the meeting is to:
 - Provide an understanding of the AOT approach to the project
 - Provide an overview of the project constraints
 - Discuss the AOT selected alternative
 - Provide an opportunity to ask questions and voice concerns.
 - B. Meeting Overview
 - VTRANS Project Development Process
 - i. Project is funded – initiated
 - ii. Project Definition- identify resources & constraints, evaluate alternatives public participation, build consensus
 - iii. Project Design – quantify areas of impact, environmental permits, develop plans, estimates and specifications, ROW process, if necessary
 - iv. Contract Award – construction
 - C. Existing Conditions – Bridge #102
 - Roadway classification – minor arterial
 - Bridge Type – 6’ span aluminum coated corrugated galvanized metal plate pipe
 - Culvert Length – 55 feet
 - Fill Over Culvert – 5 feet
 - Ownership – State of Vermont
 - Construction – unknown
 - Aerial utilities
 - utility pole in clear zone

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- Bridge #102 is in poor condition. The last 15 feet of the pipe has heavy section loss along the invert from corrosion with numerous large holes through the culvert
 - The culvert clearspan does not meet the minimum bank full width requirements
 - There is a utility pole located behind the guardrail within the clear zone limits
 - VT Route 100 through the project area does not meet the minimum standards for width.
 - The culvert rating is 4 – poor
 - Primary agricultural soils
 - Northern Long-eared bats
 - Archaeologically sensitive area
 - Historic Resource (Section 4(f) property) – The former Ephraim T. Holt House at 1787 VT Route 100
- D. Design Criteria
- Average Daily Traffic – 2,600 vehicles per day
 - Design Hourly Volume – 420 vehicles per hour
 - % Trucks – 12.2%
- E. Local Concerns
- The project is in the Lakes District, so the summer months are very busy. Winter months are also very busy due to traffic from ski resorts (Okemo and Killington.) The slow season is April through May and mid-October (post Columbus Day weekend) through November.
 - The project is in the very small hamlet of Tyson, which is mostly in Plymouth. Businesses that may be impacted in the area include the Tyson Store, Echo Lake Inn and the Inn at Water's Edge. Other businesses along the VT Route 100 corridor that might be impacted include Clear Lake Furniture, Green Mountain Sugarhouse and Tavola Italiana.
 - While the VT Route 100 corridor is a popular bike route that experiences moderate use, there is not much pedestrian activity. However, the bridge is in the Lakes District with inns and a store close by, so there is likely some modest walking activity in the nearby area.
- F. Alternatives Considered – Bridge #102
- No Action
 - Additional maintenance required within 10 years
 - Culvert Rehabilitation:
 - Invert repair, slip liner, or spray-on liner,
 - Further reduces substandard BFW – not ideal for AOP,
 - 11³/₄' typical, 20 to 40-year design life
 - New Precast 3-sided Frame Box or Box Culvert:
 - 14' x 5'5" waterway opening meets minimum BFW requirements,
 - 11³/₅' typical,
 - 75-year design life
- G. Selected Alternative – Bridge #102
- Culvert Replacement with a new buried structure
 - Precast box – contingent on borings
 - 14' x 8.5' box with Type E3 stone – 14'x 5.5' waterway opening
 - Approximate 60' culvert length
 - Typical section to match existing 11²/₃' - culvert lengthened to allow for future widening of roadway to accommodate minimum standards: 11³/₅' typical
 - 75-year design life
- H. Alternative 2 – Layout
- New buried structure, precast box – Bridge #102
 - 11²/₃' typical shown, 28' rail to rail to match existing corridor
 - 75-year design life
 - 14' x 5.5' waterway opening
 - Approximate 60' culvert length
- I. Alternative 2 – Layout
- New buried structure, precast box – Bridge #102
 - 11³/₅' typical shown, box to be constructed long enough to accommodate minimum standard
 - 75-year design life
 - 14' x 5.5' waterway opening
 - Approximate 60' culvert length
- J. Maintenance of Traffic Options Considered

- Offsite detour
 - Phased Construction
 - Temporary bridge
- K. Traffic Control – Regional Detour
- Regional Detour Route: VT Route 100, to US Route 4, US Route 7 and VT Route 103 back to VT Route 100
 - Through distance: 14.1 miles
 - Detour distance: 39.6 miles
 - End to end distance: 53.7 miles
 - Added miles: 25.5 miles
- L. Traffic Control – Local Bypass Route
- Local By-pass Route: VT Route 100 to Kingdom Road, Buswell Pond Road, Buswell Pond Road, East Lake Road, and Red Bridge Road, back to VT Route 100
 - Through distance: 1.7 miles
 - Detour distance: 2.9 miles
 - End to End distance: 4.6 miles
 - Added miles: 1.2 miles
- M. Preliminary Project Schedule
- Construction is slated to start in the summer 2024 (this may change)
 - Project development will be accelerated due to the condition of the existing culvert
 - Total cost estimate: \$1,270,000.00
- N. Project Summary: Bridge #102 – Culvert Replacement with a New Buried Structure with Traffic Maintained on an Offsite Detour
- 3-day bridge closure
 - Precast concrete box- contingent on borings
 - 14' x 8.5' box with Type E3 stone – 14' x 5.5' waterway opening
 - Approximately 60' culvert length
 - Typical section to match existing: 11'3" – Culvert lengthened to allow for future widening of roadway to accommodate minimum standard: 11'5" typical
 - 75-year design life
 - ROW needed
 - Aerial Utility relocation needed
 - Construction year 2024
4. Laura Stone said that people may contact her through her email address with any questions.

REGULAR MEETING

1. Call to Order

- A. Chairman Bruce Schmidt called the meeting to order at 7:00 p.m. All members present.

2. Consideration of any Changes, Additions or Removal to the Agenda

- A. Bruce Schmidt advised that no changes are needed.

3. Approve Minutes of Previous Meetings

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of September 21, 2020.
- B. MOTION by Brett Sanderson and seconded by Scott Baitz to approve the minutes of September 21, 2020 as presented. Motion passed unanimously.

4. **Comments from Citizens**

- A. Marissa Selleck advised that the Independent school is doing well. Students attend 5 days per week from 8:30 a.m. to 3:00 p.m. She said that the school had a concession stand at the Antique Show this past weekend and did well. She said there will be a Wine Tasting at the Echo Lake Inn this coming weekend that will benefit the school. Tickets are available on line and they will comply with COVID guidelines.
- B. Justin Hyjek asked if anyone would be able to drop-in and visit the school.
- C. Marissa Selleck said yes, but that you should check in with Kendra Rickerby first. She added that Venissa White is doing an after-school program on Wednesdays. She said that is going well and eventually we would like to do something for the older students.

5. **Liquor Control Board – VT Irish Pub, LLC, dba The Killarney**

- A. Scott Murphy advised Killarney has applied for an outside consumption permit. They plan to add a patio in the rear of the building. He said that Chief Billings is okay with this.
- B. Bruce Schmidt asked what was the normal procedure for this pre-COVID.
- C. Scott Murphy said that Chief Billings goes to the site.
- D. Bruce Schmidt said that in the past, the people who lived on the other side had an issue with the noise. He said we should make sure the neighbors know about this.
- E. Scott Murphy said that the application was for service until 1:00 a.m., but the Chief changed it to 12:00 midnight. He said we could ask for conditions.
- F. Bruce Schmidt said we should give them the permit, but have it end on December 31, 2020, to be reviewed at that time. He said this is a slippery slope with the neighbors. He said we need to let the neighbors know.
- G. **MOTION by Brett Sanderson and seconded by Scott Baitz to approve the outside consumption permit with the condition that it end on December 31, 2020 to be reviewed at that time. Motion passed unanimously.**
- H. Mark Verespy joined the meeting later and asked about his request.
- I. Bruce Schmidt explained the board's decision and the conditions included.
- J. Mark Verespy said it was okay because he didn't expect to do the patio until the spring.
- K. Bruce Schmidt asked him to let the neighbors know about this project.

6. **Approve Veterans' Day Celebration**

- A. Boy Scout's Salute to Veterans' Day Parade – November 7, 2020 and F-35 Flyover
 - i. Scott Murphy advised that the group came in to see him and they had done this 2 to 3 years ago. They have the Federal Permit for the flyover. They will be using Veterans' Park – town owned.
 - ii. **MOTION by Justin Hyjek and seconded by Brett Sanderson to approve the Boy Scout's request as presented. Motion passed unanimously.**
 - iii. Scott Murphy said that he will bring this to the Trustees tomorrow.

7. **Short Term Rentals Discussion with Planning Commission**

- A. Terry Carter advised that Eric Alden has rental properties in Ludlow and said that some of the other places that he looked into were unsafe, with improper egress and lack of fire safety measures. The Planning Commission is considering a registry for rentals where the owners agree to inspections with a minimal fee of about \$20.00 per year. The Planning Commission wants to start small. Initially, we considered short term rentals only, but Landon Wheeler, Fire Marshall said we should do all rentals. Our main concerns are fire and safety. Terry Carter said that she asked Landon Wheeler about Town liability and we are not liable if we do not know about unsafe buildings.
- B. Ryan Silvestri said this is all exploratory at this time. We wanted to get feedback from the Select Board. We have to decide how to carry this out and how enforce it. He said that not all of the rentals are Air B&B. We considered sending an impact letter to all rental property owners. It would take a couple of years before the inspections start. Should we proceed?
- C. Justin Hyjek said that he agrees with the safety aspect, but his concern is also lack of affordable housing. This should encompass all short-term rentals. He added that he is apprehensive about joining with the state on this. He is interested in learning more about this.
- D. Eric Alden said this board should not focus on short term rentals, but on all rentals. He said that he went into units that he considered purchasing and they were not up to code. This would be a monumental task; how many rentals does Ludlow have, who owns them, who manages them and are they safe. He said that people get packed into units.

- E. Justin Hyjek said he knows that Ludlow is ranked very high in the state with rentals, and he heard about 521 units.
- F. Eric Alden said it is probably double that number.
- G. Justin Hyjek agreed that they should start by making a registry. He said that other towns have units separated by size and zones.
- H. Rose Goings said that Landon Wheeler discussed a Municipal Agreement with the Division of Fire Safety, where Ludlow would have some of the authority and a level of enforcement. We would need a person certified by the state to do the inspections. The position could be part time or full time. She said that Terry Carter had spoken with Ron Bixby and Chief Kolenda and no one in the Fire Department is trained. The state does provide training. She said we should not specify short term rentals. According Landon Wheeler, any unit that is been rented, even for 1 day, is considered a public space. She said that Ryan Silvestri had said that there are about 1100 condos on the Mountain and most are rented at some time. She said her biggest concerns are fire and safety. She said that when she finds unsafe conditions, she is responsible to report it to the Fire Marshall. If we don't and something happens, we are liable. IF we don't know about these situations, we are not liable. She said that she does get phone calls from people reporting unsafe conditions. She said that training is available for staff. She said that there are no private companies that do this work. We would have to hire and train someone.
- I. Terry Carter said that Killington does have a registry, but they do not arrange inspections. They have the owners fill out a check list.
- J. Scott Baitz said that he thinks that less than half of the condos on the mountain are rented.
- K. Ryan Silvestri said that many of them are already booked for the season. We need to know how many rentals we have.
- L. Scott Baitz said that maybe one half of Kettlebrook, Ledgewood and Okemo Village condos are rented. He added that those units are probably in compliance.
- M. Eric Alden said that Air B&B has standards and their units are typically closer to compliance. He said that some of the long-term rentals in Ludlow are also scary. You need to include all rentals.
- N. Justin Hyjek said there are 2 separate issues; safety and lack of affordable housing. How do we get more affordable housing?
- O. Terry Carter said at the public hearings that the Planning Commission held; affordable housing was a concern of the people. What can we do as an incentive for property owners to have more long-term rentals, when they make more money in short term rentals? She added that Landon Wheeler had suggested looking into a retired Fire Marshall to serve as our inspector. There may be some out there looking to pick up some work.
- P. Bruce Schmidt said we do have some risk. You may be taking away from some mother-in-law apartments or rentals to teachers. He agreed that safety should be our first concern. We need more guidance and we need to get the Trustees involved. We need to have a program that fits the whole town and village. The Select Board does need to give the Planning Commission some guidance. They are doing a good job. Are we, as a board, going to support this effort?
- Q. Justin Hyjek said it is a really great idea. He recounted that some towns do registries tiered by the amounts of rental. Safety is a huge issue and the initial inspections would be huge.
- R. Bruce Schmidt asked the board if they want to proceed with this. Are there pieces we will accept? He took a poll and there was a general consensus among board members to have the Planning Commission bring back a proposal and go forward with the process.

8. **Review FEMA Commonwealth Avenue Project & Possibly Approve Additional Funding for Engineering**

- A. Scott Murphy advised that this has been going on since 2011. Originally, they went to FEMA, now it is 2 projects: Preliminary Engineering with 70% design and Final Design and Construction. FEMA had approved the design for storm water, but the neighbors didn't like it. The town withdrew. The original engineering was not sufficient and Weston & Sampson were hired to review the project and numbers. We paid \$51,000 but there was a 25% town share, so we will be reimbursed about \$38,000. The \$300,000 bond has not yet been used. We would like to get the first portion done, but need an additional \$10,000 and he is not sure if that would be reimbursable. Our maximum exposure would be \$27,000. This board may agree or disagree and FEMA may agree or disagree.
- B. Justin Hyjek asked when was the last time that Scott Murphy spoke to FEMA.
- C. Scott Murphy said he has been in constant communication with them; there have been 6 to 7 project managers and 3 state managers.
- D. Bruce Schmidt said we have been working on this for so long. It started right after Irene. He said that Holden Engineering took money, but didn't do what was needed. Have we done anything about them?
- E. Scott Murphy said that Weston & Sampson asked Holden (NH) for information and he went to Holden. I reached out to the State Director to pull Holden's Vermont license. So far, we have received no response from Holden.

- F. Bruce Schmidt asked for an update on the Miele property issue.
- G. Scott Murphy said he has just received the completed engineering today.
- H. There was a consensus among board members to continue with the Commonwealth project.

9. **Town Charter Discussion**

- A. Scott Murphy said that the Board discussed this at their meeting last month. At this point, if we move forward, we should start a Charter Committee or the Select Board may do the Charter goals. Then, we would send it to an attorney for review. 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. The Legislature may approve it or not. He said if there is only one goal, to allow Australia Ballots, it may pass. The other possible goals would be the 1% Local Options Tax and merging the town and village.
- B. Bruce Schmidt said that when the Trustees come in and say they want to merge; we can start to work on that. If they don't come in, we won't do it. We are not trying to take over the Village; we only want to make things better for the citizens. We do want more control over how we vote at town meeting. He asked Scott Murphy to proceed.

10. **Ludlow Ambulance Grants Review Including Hazard Pay for LAS Staff**

- A. Scott Murphy said that the Ambulance Service applied for and has received the following grants:
 - i. Local Government Expense Reimbursement Grant – for assistance for expenses incurred by COVID-19. The town received \$46,286.00. This will be broken down with \$19,600 in hazard pay for ambulance personnel working from March to June 2020. \$2,595 for supply and equipment reimbursement. \$24,091 in overtime compensation.
 - ii. Health Care Provider Stabilization Grant – funding for COVID-19 related lost revenue due to decrease in call volume from March to June 2020.
 - iii. VT EMS Tuition Voucher Program for individuals already affiliated with a VT EMS organization. The grant will cover \$10,910 for an employee's paramedic school education (contingent upon employee's acceptance into the program.)
 - iv. PACIF Equipment Grant – to fund equipment that will reduce workplace injury. We will use it to redo our First In Bag set up. Cost of new bags was \$2,543.12 and this was a 50/50 grant – we received \$1,271.56.
 - v. Ludlow Rotary Grant – funded huge portion of money for PAPRs (Powered Air Purifying Respirator)
- B. Scott Murphy said that Hazard Pay has more impacts. He asked if the employees should pay the taxes on it or should the town and staff.
- C. Bruce Schmidt asked Scott Murphy to figure out to the betterment of the town. He said that the Ambulance personnel have been very diligent

11. **Accept Animal Control Officer's Resignation**

- A. Scott Murphy said that Mr. Laskevich walked in, resigned and dropped his badge and tickets on the desk. Scott Murphy said he would like to give Mr. Laskevich time to reconsider.
- B. Scott Baitz said he could also talk to Mr. Laskevich. He does a fine job.
- C. Bruce Schmidt said if he doesn't change his mind, we should send him a thank you letter for his service. He said it had to do with our decision regarding fire arms at West Hill. He said there are people up there and we need to make decisions for the betterment of the community. He said that he tremendously respects Mr. Laskevich's abilities and would like to see him return.
- D. Scott Baitz suggested tabling this until next month.
- E. Bruce Schmidt asked Scott Murphy to keep the board informed.

12. **Department Head Reports**

- A. Bruce Schmidt noted that all Department Head reports are in. He asked about the space rental for the Antique Show.
- B. Scott Murphy said it is nominally about \$500.00
- C. Bruce Schmidt asked if there has been any discussion.
- D. Scott Murphy said we will not do it next year. They couldn't do it indoors this year. He said there were too many complaints and issues this year.

13. **Municipal Manager Updates**

- A. **Voter Ballot Drop Off Box**
 - i. Scott Murphy advised that there is now a small mailbox in front of town hall that is just for ballots. It cost \$960 and the state will reimburse that amount. It is available now.
- B. **Highway Foreman out with Health Issue**
 - i. Scott Murphy said that Mr. Tarbell will be out and they are advertising for an already empty slot
- C. **Soccer At Dorsey Park**
 - i. Next game is Friday night at 6:30 p.m.
- D. **Robert Gilmore Plaque**
 - i. Scott Murphy showed pictures of the plaque on the footbridge.
 - ii. There was consensus of approval. It looks nice.

14. **Other Business**

- A. **Red Bridge Road**
 - i. Jacalyn Diesenhouse said that they are waiting to have a meeting on Red Bridge Road.
 - ii. Scott Murphy said he will follow-up on that.
- B. **Budget**
 - i. Bruce Schmidt said they would start the process in November.
 - ii. Scott Murphy said he would have a preliminary draft on some portions for their next meeting.
 - iii. Bruce Schmidt said it would be helpful to look at our facilities to see if any work is needed. We need to start slowly and have a plan for future boards.
 - iv. Brett Sanderson said similar to our Capital Equipment spreadsheet.
 - v. Bruce Schmidt said we need to plan ahead and be able to let the voters know what may be coming.
 - vi. Scott Murphy said it would be good for this board also to know what is coming up in the village. Much like the High Street project.
 - vii. Bruce Schmidt asked if the Trustees' minutes could be put in the Select Board packets.
 - viii. Trustees' minutes will be sent to the Select Board members when they are sent to the Trustees.

15. **Set Date for Next Meeting**

- A. Next regular meeting will be November 2, 2020 at 6:00 p.m.

16. **Sign Warrant Orders**

- A. Warrant orders have been signed.

17. **Possible Executive Session/ Personnel Issues/Contracts/ Legal Issues**

- A. Scott Murphy said that an Executive session is needed for "Confidential Attorney – Client Communications Made for the Purpose of Providing Professional Legal Services to the Body" 1 VSA §§ 313(a)(1)(E) and (F)
- B. **MOTION by Brett Sanderson and seconded by Heather Tucker to enter into Executive Session for Legal issues. Motion passed unanimously.**
- C. Board entered into Executive Session at 7:20 p.m.
- D. Select board came out of ex session at 7:35 no action taken.

18. **Adjourn**

- A. **MOTION by Heather Tucker and seconded by Justin Hyjek to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:36 p.m.

Respectfully submitted,

Lisha Klaiber

Bruce Schmidt., Chairman

Brett Sanderson

Scott Baitz

Heather Tucker

Justin Hyjek