

PRELIMINARY MINUTES

**VILLAGE OF LUDLOW
BOARD OF TRUSTEES**

REGULAR MEETING

6:00 PM

Tuesday August 7, 2018

BOARD MEMBERS PRESENT:

Bob Gilmore, Chairman David Rose Earl Washburn

STAFF:

Scott Murphy Rose Goings

OTHERS PRESENT:

Terry Carter Alan Isaacson Ed McEneaney – Okemo Valley TV

1. **Call to Order**

A. Chairman, Bob Gilmore, called the meeting to order at 6:00 p.m., all members present.

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

A. Scott Murphy advised that no changes were necessary.

3. **Approve Minutes from Previous Meetings**

A. Bob Gilmore advised the minutes to be approved are from the regular meeting and public hearing of July 3, 2018 and the Special Meeting of July 6, 2018.

B. **MOTION by Earl Washburn and seconded by David Rose to approve minutes from the regular meeting and public hearing of July 3, 2018 and the Special Meeting of July 6, 2018 as submitted. Motion passed unanimously.**

4. **Comments From Citizens**

A. There were none.

5. **Sewer Allocation Request(s)**

A. ID3 Design

- i. Property address is 70 Main Street, Parcel 230521.000
- ii. David Rose advised that this is a request to change a 2-bedroom apartment into one commercial office unit (for a total of 2 commercial office units) for an additional allocation of 360 GPD.
 - (1) Allocation fee – 360 GPD at \$4.54/GPD \$1,634.40
- iii. **MOTION by David Rose and seconded by Earl Washburn to approve this application for an allocation of 360 GPD @ \$4.54/GPD for a total of \$1,634.40. Motion passed unanimously.**

6. **Consider Adopting Interim Zoning & Flood Hazard Regulations**

- A. Scott Murphy advised that this was tabled from the July meeting by David Rose because Bob Gilmore was absent and David Rose wanted him to be able to vote.
- B. Bob Gilmore said that as he recalls, David Rose was against the Interim Zoning.
- C. David Rose said that if there is a 6 month caveat for the Planning Commission to come back before this board, he would be okay with this.
- D. Alan Isaacson said that the Planning Commission may be able to come back in 6 months, but with public notices and hearings, it can't be finished.
- E. Terry Carter said that Bruce Schmidt (Select Board) said that by statute, Interim Zoning may be in effect for 2 years, but that the Planning Commission will work to get it done in 6 months.
- F. Scott Murphy said Interim Zoning is in place for 2 years, but may be revoked at anytime.
- G. Rose Goings said that the Planning Commission will make sure that the cover of the document specifically reads: INTERIM ZONING AND FLOOD HAZARD REGULATIONS.
- H. Alan Isaacson said the cover will also include the date they are adopted.
- I. **MOTION by David Rose and seconded by Earl Washburn to adopt the proposed Interim Zoning & Flood Hazard Regulations with the caveat that the Planning Commission return within 6 months with the new regulations.**
- J. Alan Isaacson said that the original intent of these regulations was to prevent fast food restaurant with drive up service. There was a town vote and the community was opposed to them. He added that the definitions are fuzzy and some were missing. He asked how the board feels now about this.
- K. David Rose said that he is not opposed to drive-ups in some cases.
- L. Alan Isaacson said that the pharmacy drive up should have been allowed, but because of the missing definitions and ambiguity of the wording in the regulations, the DRB denied the application.
- M. Bob Gilmore said he does not want drive-up food service at all. He thinks that most people will still agree. The town held off the attempt back then and it would be wise to do so now.
- N. **Motion passed unanimously.**
- O. David Rose asked how the rewrite of the town plan is coming along.
- P. Terry Carter said the Planning Commission held another pizza party, but the attendance was not as good as the first one. At this latest one, there was representation from the Windham-Windsor Housing Trust and they talked about Affordable Housing. It was brought out that there is a shortage of affordable season rentals for ski season. They also said there are some opportunities for landlords. One resident suggested that there should be a Locals Discount for local businesses. Terry Carter said she emailed the Chamber of Commerce about this.
- Q. David Rose asked when the town plan needs to be done.
- R. Rose Goings said the grant they are working with now was for 18 months that will end around April or May of 2019.
- S. David Rose said that there is some consideration of a Value Added tax which would help with

- the budgets.
- T. Alan Isaacson said that the acquisition of Okemo by Vail will help with the budget with more people wanting to buy second homes here, but it will hurt the locals.
 - U. Rose Goings said there will be a new grant coming out in October and the Planning Commission will discuss that next Tuesday night.

7. **Vacant & Dangerous Buildings Ordinance Possible Enforcement**

- A. Scott Murphy advised that he had received a complaint, from a member of the Select Board, regarding the Stone House at 83 Main Street at the corner of Commonwealth Avenue. This is the house that had an explosion in 2015. The Select Board does not have an ordinance to deal with this, but the Village does. The Fire Marshall has inspected the house at the time and said that the walls are not plumb and the bearing walls are compromised. The house is not safe. He did a follow-up inspection on February 24, 2016 and said that a structural engineer should inspect the house. The cost for demolition is about \$50,000 and it would cost about \$475,000 to \$575,000 to rebuild. Since the explosion, the house was sold within the family. He read the following passages from the ordinance:
 - i. Article 2, §2.01, a – Structures that become dangerous and unsafe must promptly be made safe and secure to protect public safety
 - ii. Article 4, §4.01 – The director is authorized to administer and enforce the provisions of this ordinance
 - iii. Article 5, §5.01 - ...If the building cannot be made safe or secure, the owner shall take down and remove the building.

Scott Murphy continued, saying that the Village can impose fines of up to \$100 per day until the building is made safe or removed. He asked the board if they want him to pursue enforcement of the fine.

- B. Bob Gilmore asked who owns the property. He asked if it is Patel.
- C. Scott Murphy said he does not have the owner's name and he hasn't spoken to anyone yet. He wanted to talk to the board first.
- D. Bob Gilmore said he would like Scott Murphy to talk to the owner. He said he knows they are not doing well. They lost the affiliation with the Best Western and had to sell the All Seasons.
- E. Scott Murphy said the first step will be to have a conversation with them.
- F. Bob Gilmore suggested, privately.
- G. Scott Murphy said yes.
- H. Earl Washburn said the house has been in this shape long enough to be considered an "attractive nuisance." It is unsafe. He agreed that someone should speak to the owner and find out their plans for the building.
- I. David Rose asked Scott Murphy to come back to the board after he speaks with the owner.
- J. Scott Murphy said he would have it for the meeting next month.

8. **Possibly Approve Public Record Request Form, Copying and Transmission Policy**

- A. Scott Murphy advised that the VLCT has recommended that all towns have a Policy for Public Records requests. The state legislature has changed the permitted response time. He suggests the Village have a policy in place and forms for document requests. He said that last month we receive a broad, generic request. With the system we have in place, we were able to respond quickly. By statute, if a request is made for documents that can be accessed quickly, we have 3 business days to respond. The form will help narrow down what the people are looking for. He has used the League's template to create a form. The Select Board approved this on July 2,

- 2018, with no restrictions.
- B. David Rose asked about fees.
- C. Scott Murphy said we can charge fees. If people just want to look at documents, there is no charge. We can charge for copies and time.
- D. **MOTION by David Rose and seconded by Earl Washburn to Approve Public Record Request Form, Copying and Transmission Policy as presented. Motion passed unanimously.**

9. **Municipal Manager Updates**

- A. **Bridge Street**
 - i. Scott Murphy said that Gurney is in town and are scheduled to start this week or early next week. We hope to get this done before Fuller comes back to finish the paving.
 - ii. Bob Gilmore asked if there is still a problem with the water from the geese.
 - iii. Scott Murphy said they are not using the area for swimming this year.
- B. **Commonwealth Avenue**
 - i. Scott Murphy advised that FEMA has put this on hold, through the state. The State is frustrated with FEMA and wants to make sure that all of the paperwork was done correctly. We changed our direction regarding the project. We are working with the State, but the project will not happen right away.
- C. **Department Head Reviews**
 - i. Scott Murphy said that he has been working on Department Head reviews, and said that in the past, they did self-reviews. He has added Goal Setting to the review with time limits on goals accomplishment. The department heads are now reviewing their staff members.
- D. **Regional Ambulance**
 - i. Scott Murphy advised that a meeting has been scheduled for August 29 to discuss issues facing the local Ambulance Departments. Representatives from Ludlow, Cavendish, Chester, Andover, Plymouth, and Mount Holly will be there. Members of the Select Board and Trustees are invited. He said that this is happening all over the state.
 - ii. Bob Gilmore said that expenses are going up and volunteers are decreasing. He suggested they may want to invite representatives from Okemo/Vail.
 - iii. Scott Murphy said that is a good suggestion and he would do it.
- E. **Andover Street Truck/House Accident**
 - i. Scott Murphy advised that he spoke to the owner of the house and they had a meeting with the engineers. The house is uninhabitable and they will probably tear it down and are not sure if they want to rebuild. They are concerned about taxes if they don't rebuild. We suggested they sell the land to the neighbor for parking. The renters of the house are okay. They received help from Black River Good Neighbors and other sources.
 - ii. David Rose asked if the house was insured.
 - iii. Scott Murphy said that the insurance representative was there the next day.

10. **Other Business**

- A. **Sidewalks**
 - i. David Rose asked about remaining funds for sidewalk work. He said that the sidewalk by the Mill looks good. Is there any money to do more sidewalks?
 - ii. Scott Murphy said there is \$10,500 left, so they can do more. He said that the stretch from the corner (of Depot Street) to the Legion was \$9,000.

- iii. Bob Gilmore suggested work on Pleasant Street.
 - iv. David Rose asked Scott Murphy to research past 3/5 Highway funds.
 - v. Scott Murphy said he would pull the information for the next meeting.
 - B. Roadwork
 - i. David Rose asked Scott Murphy to check on pricing to seal cracks in the road. It prevents water from getting into and under the paving.
 - ii. Scott Murphy said he had checked with Ron Tarbell and it would run about \$2,000 to \$3,000 per mile. Ron Tarbell told him that he had put it in the budget, but it was removed. Scott Murphy said that Ron is getting a price for the town and maybe the village could piggy-back on that.
 - iii. David Rose said it is a good investment – it keeps the road from breaking up.
 - iv. Scott Murphy said that the bridge by the water is breaking up from the snowmobile use. We will apply a seal and the snowmobile club is working with us.
 - C. Whistle blower/Conflict of Interest
 - i. Earl Washburn said that at the July meeting, he asked about a Whistle Blower/Conflict of Interest Policy.
 - ii. Scott Murphy said there is a policy for fraud in place and that he can prepare a policy for Conflict of Interest for their review.
 - iii. Bob Gilmore said that there had been a call for a Conflict of Interest policy, but it was defeated. There was a general feeling that in a town the size of Ludlow, everyone could have a conflict of interest. We can review it again. The town is small and self-governs. He used the example of members of the boards who work at Okemo generally recuse themselves from any votes pertaining to Okemo.
 - D. Select Board
 - i. Scott Murphy advised that the Select Board had voted to appoint Heather Tucker to the position that was opened by the passing of Howard Barton.
11. **Set Date for Next Meeting**
- A. Meeting set for Tuesday, September 4, 2018 at 6:00 p.m.
12. **Possible Agenda Items for Next Meeting**
- A. Road Closure Request – Annual Rotary Chili Cook-off Columbus Day Weekend
 - B. Scott Murphy Review
 - i. Bob Gilmore noted that there will be a 6-month review for Scott Murphy coming about September 23, 2018. This will require a joint board meeting. He would like to put that on the September agenda.
 - ii. Scott Murphy said that he started in April, so the review would be in October.
 - iii. David Rose asked that this be put on the agenda for discussion at the September meeting.
13. **Sign Warrant Orders**
- A. Warrant orders were signed.
14. **Possible Executive Session/Personnel/Contracts – Non-Union & Union Wage Increases**

- A. Scott Murphy said that an Executive Session is needed.
 - B. **MOTION by David Rose and seconded by Earl Washburn that in accordance with the provisions of 1VSA §313 (1) (B), he moves that the Ludlow Village Trustees enter into Executive Session to consider:**
 - i. **Personnel agreements with certain Municipal Employees.**
 - ii. **The premature public knowledge of the proposed contract would place the Town and Village of Ludlow at a substantial disadvantage. This motion for executive session includes the members present and the Municipal Manager.**
- Motion passed unanimously.**
- C. Board entered into Executive Session at 6:38 p.m.
 - D. Board Exited at 6:43 p.m.
 - E. **MOTION by David Rose and seconded by Earl Washburn to approve the Non-Union wage increases as proposed by the Municipal Manager. Motion passed unanimously.**

15. **Adjourn**

- A. **MOTION to adjourn by Earl Washburn and seconded by David Rose. Motion passed unanimously.**
- B. Meeting adjourned at 6:45 p.m.

Respectfully submitted,

Lisha Klaiber

Robert Gilmore, Chairman

David Rose

Earl Washburn