

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

October 4, 2010

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman	John Neal, by phone
Douglas Ficken	Bruce Schmidt

BOARD MEMBERS ABSENT:

Brett Sanderson

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Troy Adams	Glen Heitsmith	Terry Thane
John Bohrer	Margot Martel	Jill Tofferi
Joanna Bombadil	Dan Parker	Herb Van Guilder
Anne Gardner	Howie Paul	Michelle Stinson (LPC-TV)
Mark Gauthier	Ted Reeves	

1. Call to Order

- A. Chairman Howard Barton called the meeting to order at 7:00 p.m. All members present, except Brett Sanderson.

2. Approve Minutes of Previous Meetings

- A. Howard Barton advised that the minutes to be approved are from the Board of Health meeting of September 20, 2010 and the regular meeting of September 20, 2010.
- B. **MOTION by Doug Ficken and seconded by Bruce Schmidt to approve the minutes of as presented. Motion passed unanimously.**

3. Comments from Citizens

- A. There were none.

4. School Traffic Circulation Update

- A. Frank Heald advised that at the last meeting, the board had requested that Dan Parker be present at this meeting to discuss traffic circulation at the schools.
- B. Dan Parker referred to a diagram showing current traffic flow directions. He noted that vehicles now enter from the Community Center side and the traffic is all one-way. The consultant suggested this new pattern. It is tricky in the afternoons because the busses block off cars while being loaded. He thinks that people are starting to get used to the new arrangement and tie up.
- C. Bruce Schmidt said that he is concerned that he has heard that cars are allowed to pass busses in the morning.
- D. Dan Parker said that the children go directly into the building. He added that in the afternoon, they stagger the bus pick-up locations to block cars. They feel that it is less risky to keep the cars and children loading separated. They hold off car traffic until the busses are loaded. It stops the intermingling of vehicles and pedestrians. He noted that Howie Paul suggested that they come in through Deeplawn.
- E. Howard Barton asked where they would drop off the children going to the community center.
- F. Dan Parker indicated on the diagram where drop off would be.
- G. Bruce Schmidt asked where they would pick up when the community center is open.
- H. Dan Parker said the same as now.

- I. Bruce Schmidt asked if – at one time – the idea was to pick up and drop off where LPC is.
- J. Doug Ficken said they were going to drop off.
- K. Frank Heald said they always planned to load at the west end for the Elementary school.
- L. Bruce Schmidt said that he had not heard the town side of this. There were complaints, but they have calmed down. He wants to make sure that Dan Parker is comfortable with the traffic circulation process.
- M. John Neal said that it is all part of the learning process and over time, people will learn the new patterns. He added that he thinks that it works better, now.
- N. Bruce Schmidt said that the elementary school did not want the busses moved from their area and now the busses are on the other side. He is not sure that it is better.
- O. John Neal said there needs to be a common sense level. People will have to think, adapt and understand.
- P. Dan Parker said that the handicapped students are loaded at 2:20 p.m., the kindergarten is loaded at 2:25 p.m. and the remainder of the students is loaded at 2:30 p.m. They only tie up traffic for 15 minutes.
- Q. Doug Ficken said that he thinks that everything will change when the community center opens. He asked Dan Parker for his opinion of Howie Paul's suggestion.
- R. Dan Parker said it has possibilities and is worth talking about.
- S. Frank Heald said that should be discussed by the schools' administrators before coming to this board.
The Municipal Transportation System does what it is asked to do.
- T. Bruce Schmidt said that there are differences of opinions between the two school boards.

5. DRB Appointment

- A. Howard Barton advised that there are 2 applicants for a one-year term: John Boehrer and Troy Adams and that Doug Ficken had requested that both men be asked to attend this meeting.
- B. Doug Ficken noted that Troy Adams had served on the DRB last year, but did not submit his letter for re-appointment on time. He said that makes him wonder if Troy Adams really wanted to continue in the position.
- C. Troy Adams said that his life has been complicated this year and he had some personal issues and did not get the paperwork done on time. He said that he would like to continue on the DRB. He said that it is interesting and he likes what the board does.
- D. Bruce Schmidt said that he had expressed his concerns at the last meeting and thinks it is good to have new members.
- E. John Neal said that as this board goes down the path and needs to make new appointments, they try to look for the best person for the job. He asked Troy Adams for some background on his decision making process.
- F. Troy Adams said that he could be impartial and separate his personal feelings from events. He takes an outside view and likes to think outside the box. He sees both sides and is able to bring that forth and make suggestions.
- G. John Neal asked John Bohrer how he makes decisions.
- H. John Bohrer said that the rules and zoning regulations are clear and he would base his decision on those regulations. He is level headed and uses common sense.
- I. **MOTION by Bruce Schmidt and seconded by Doug Ficken to appoint John Bohrer to the one-year position on the DRB. Motion passed unanimously.**
- J. Bruce Schmidt suggested that a thank you letter be sent to Troy Adams, even though he is present tonight.

6. Report of Cemetery Commissioners' Proposed Utility Right-of-Way

- A. Herb Van Guilder advised that the cemetery commissioners have been in discussions with Mr. Roy regarding a ROW over his property to run power to the upper cemetery and building. Mr. Roy agreed to this, providing the cemetery commission pay legal expenses for the easement. Marty Nitka drew up the easement deed. He is here to ask for support from the Select Board.
- B. **MOTION by John Neal and seconded by Doug Ficken to accept the easement deed.**
- C. Bruce Schmidt noted that the deed says that if the property is foreclosed on, the deed is no longer valid.
- D. Herb Van Guilder said it is possible, but the easement is on an embankment and he does not think that anyone would be able to use that piece of property. It would be a cost savings to the cemetery to acquire that strip of land.
- E. John Neal said that it would be better if the easement were in perpetuity.
- F. Howard Barton said that it is only 200 feet and he also does not think the land could be used.

- G. Bruce Schmidt asked if the property were foreclosed on, could the town claim eminent domain.
- H. Frank Heald said no.
- I. Bruce Schmidt said we are just taking our chances.
- J. **Motion passed unanimously.**
- K. Other Cemetery Items
 - 1. Herb Van Guilder said that the cemetery commissioners are also discussing a small piece of property at the end of the upper cemetery. Acquisition of that would allow the cemetery to go all the way to Dug Road.
 - 2. Herb Van Guilder advised that the sexton is retiring in November and the commission needs to replace him. Currently, the sexton is full time employee of the town and is shared with the cemetery commission. We have to decide if we want to hire someone full time or continue to share.
 - 3. Howard Barton asked Frank Heald to look into the sexton position
 - 4. Herb Van Guilder advised that the commission has decided to increase its rates. The increases were to have been effective on September 1, 2010, but did not get advertised. They will become effective on October 10, 2010.
 - 5. Herb Van Guilder advised that they are filling the big hole with fill from the roadwork. They hope to finish that area for cremations this year.

7. **Open Fitness Center Bids**

- A. Howard Barton noted that there are 2 bids
 - 1. Cybex, Massachusetts \$28,352.20
 - 2. New England Fitness, Connecticut \$28,439.00
- B. Howard Barton gave the bids to Frank Heald for review with Howie Paul. They will come back with a recommendation for the next meeting

8. **Report on the Planning Commission Member Search**

- A. Frank Heald advised that the opening on the Planning Commission has been advertised and there have been no responses. The Planning Commission is discussing reducing the number of members from 7 to 5. The Select Board may make that change. No action is required tonight.

9. **Update on Transfer Station Scale Issues**

- A. Frank Heald said that they have not successfully negotiated a concrete price. He said that George Fairchild was working on it and it is a work in progress.
- B. Howard Barton asked if this is to be completed before the winter, when is the last date they can do the work.
- C. Frank Heald said that it depends on the scale they get, but it would still have to happen shortly.

10. **Discuss Listers' Reappraisal**

- A. Mark Gauthier said that the Board of Listers feels strongly that they need to straighten out the Grand List. He said that if we wait until we are forced by the state to do it, it could hit the fan at grievance time next year. The state uses the last three years to look at market prices. There is continuing inequity in assessed values and the most problematic area is the Mountain. The listers are re-inspecting units. They ran a report today and found out that for the 2005 reappraisal; only about 25% of the properties in town were properly inspected. This is largely due to non-resident ownership. The listers did a mailing a couple of weeks ago and have tried to contact property managers in order to gain entrance into properties. Terry Thane has inspected about 100 properties recently. The listers are not happy with the state appraisals or the way the state treats Ludlow. The situation at Stratton is still not settled. The state did cave in to some extent and said that they maybe should not use 3 years of previous sales to calculate the CLA.
- B. Howard Barton asked if we are permitted to do a partial appraisal.
- C. Mark Gauthier said that the listers need to make sure the data is correct. They need to inspect the properties and do this before ski season on the Mountain.
- D. Bruce Schmidt said asked when the responsibility falls on the property owners and would the listers need to go back into those units in one year.

- E. Mark Gauthier said that the ones they inspect this year would not have to be re-inspected next year. It is the Listers' responsibility to make sure that all properties assess at 100% of fair market value by April 1, 2011. Currently, there are sections of town – primarily the Mountain – that are really skewed.
- F. John Neal said referred to the letter from the listers saying that they would need additional time to go out and do all of the inspections. He asked if they would be working as independent contractors for the inspections.
- G. Terry Thane said for salary purposes, there would be independent contractors.
- H. John Neal asked if the people who did the inspections last time were certified.
- I. Terry Thane said they just gathered data.
- J. John Neal said that he wants to make sure that the town and listers are protected.
- K. Frank Heald said they would be doing their jobs.
- L. Mark Gauthier said these were just options. Whatever they do as listers, they save the town money, rather than hire an outside consultant, but they can't do the inspections in 15 hours per week.
- M. Herb Van Guilder said that the listers are doing the job they are supposed to be doing and the state appraisers are not. At the last meeting the board voted to question the state on its decision.
- N. Terry Thane said the listers would get bids hire licensed appraiser to do the major portion of the computer work and a will analyze the data. The listers will do the data collecting.
- O. Doug Ficken said that the town did a full reappraisal in 2005. What did they do in 2007?
- P. Terry Thane said that was a statistical update.
- Q. Mark Gauthier said the state has not responded to our application.
- R. Bruce Schmidt said he would not like to have the state set the parameters for our grand list.
- S. Terry Thane said that if our COD goes over 20, the state would tell us what we have to do and how to do it. If we don't, the state can withhold funds from the town.
- T. Bruce Schmidt said that this would affect people. He said that he thinks we should hold off doing a reappraisal. People have the responsibility to let the listers in or they can grieve.
- U. Terry Thane said that if we don't change the grand list, the grievances next year would be to cumbersome for the town. We need to be at 100% by April 1st and if we don't start now, we won't make it.
- V. Mark Gauthier said that people grieve because they feel that they are being wronged. But, just because some people don't grieve, it does not mean that they are not being wronged. If one person grieves, someone else has to pick up that tab.
- W. Bruce Schmidt said that the listers could adjust property values.
- X. Mark Gauthier said the state wouldn't let us. Stratton tried that and the case is still pending. We opted not to start an acrimonious situation with the state, but maybe we should.
- Y. Howard Barton asked Frank Heald what he thinks.
- Z. Frank Heald said that he agrees with the listers and thinks we should begin the process and be proactive. It will be more expensive if we wait.
- AA. Mark Gauthier said that letting the listers do the inspections will eventually save the town money. It needs to be done and if the listers don't do it, we will have to hire someone to do it. We know the properties better.
- BB. Frank Heald said but doesn't it make sense to inspect all of the properties. If we hire someone to do the computer work, we need to put out an RFP for someone who works with the Patriot program. You can't do the inspections without doing the computer work.
- CC. Doug Ficken asked how we would know what the state would approve.
- DD. Terry Thane said that he went to a seminar on September 24th and spoke to people. They think we should start the process.
- EE. Howard Barton said that he would like to start the process.
- FF. Doug Ficken said that he would also like to start the process.
- GG. John Neal said eventually we will have to do it and if Frank Heald recommends that we start now, we should.
- HH. Frank Heald said that he would put together an RFP and budget for the next meeting.

11. Stearns Pit Lease

- A. Frank Heald advised that this is the annual lease for Okemo's use of Stearns Pit. Okemo proposes an increase based on the CPI. The lease last year was \$60,000 and they propose \$60,720 for the period December 1, 2010 through March 31, 2011.
- B. Ted Reeves noted that the dates on the paper do not agree.
- C. Bruce Schmidt said it should be December 1, 2010 through March 31, 2011.
- D. Frank Heald said he would get them a clean copy tomorrow.
- E. **MOTION by John Neal and seconded by Doug Ficken to accept the lease for Stearns Pit from December 1, 2010 through March 31, 2011 as presented with dates corrected.**

- F. Bruce Schmidt abstained.
- G. **Motion passed unanimously by remaining board members.**

12. Consider & Approve Ludlow Enterprise Fund Requests

- A. Frank Heald advised that the Enterprise Fund Committee met on September 20, 2010 and that the minutes of that meeting were in the packets. The Enterprise Fund Committee gave its first consideration to the \$43,250 for the Public Safety building. There were 5 other requests and the committee decided to compromise and none of the applicants were funded to the full extent of their requests. The recap shows a balance of \$7,259.03. This is due to the fact that the allotments were made with numbers prior to the auditors report. The following recommendations were made by the committee

Applicant	Project	Amount
Public Safety Building	Pay off building costs	\$43,250.00
Fletcher Library	Repave parking lot	\$9,000.00
Black River Academy Museum	Replace slate roof and furnace	\$7,000.00
Black River Good Neighbors	Apply to costs of new space in Community Center Tenant Building	\$9,216.00
Ludlow Parks & Recreation	Equipment for fitness center in Community Center	\$7,000.00
Friends of Ludlow Auditorium	Equipment for movies	\$350.00

- B. Jill Tofferi explained that the library would be re-paved. Part of the existing asphalt will be removed, some of the topsoil from the lawn area will be dug out and gravel installed to increase parking, the parking lot will be re-graded and paved. The areas along the edges of the new asphalt will be topsoiled with hay and seed put in.
- C. Frank Heald advised that the library had received 3 bids and M&M was the low bidder with \$21,386.00.
- D. Bruce Schmidt was concerned that the Enterprise Fund Committee committee, but not giving full funding, was making it so that the projects could not be completed.
- E. Frank Heald said that the Enterprise Fund Committee was not meant to be a cash cow and the committee expects applicants to raise funds on their own.
- F. Bruce Schmidt asked if the projects would get done and would the organizations be able to raise the funds.
- G. Frank Heald said that the museum and Black River Good Neighbors (BRGN) are continually fund raising. BRGN is trying to pay off their portion of the bond for the tenant building.
- H. Howard Barton asked if that is really a direct impact of the Jackson Gore project.
- I. Frank Heald said that he finds it hard to quantify the impact of Jackson Gore. Most of the funding, over the years, has been indirect. He added that the museum has to replace its boiler and the town pays for their heat.
- J. Howard Barton asked when the Enterprise Fund Committee expires.
- K. Ted Reeves said 2 or 3 years.
- L. **MOTION by Bruce Schmidt and seconded by John Neal to approve the recommendations of the Enterprise Fund Committee for the contributions indicated above. Motion passed unanimously.**

13. Projects Updates

- A. Community Center/Tenant Building
 - 1. Frank Heald advised that the project is very close to being finished. The restrooms are done as well as the community room. The floors are almost done in the exercise room. The gym floor looks great. The kitchen equipment is being installed. The BRGN portion of the tenant building is coming along really well and the LPC side is further behind. He expects substantial completion of the Community building by October 15th and the tenant building by the end of October. They plan to move the cafeteria from the schools on October 22nd and 23rd and expect students to start eating there on October 25th.
 - 2.
- B. Consider Community Center Policy Committee
 - 1. Frank Heald said that he met with the 2 principals and Recreation department and sorted out a lot of items. They are trying to get schedules together for use by the schools, Recreation and community center. They will meet again on October 12th. He hopes to have an operating plan for the board at their November meeting. He

- suggests that the Municipal Manager always be chair of this committee as it is town property.
2. **MOTION by Bruce Schmidt and seconded by John Neal to approve this interim committee to create policies for the community center.**
 3. Doug Ficken asked how long it would be interim.
 4. Frank Heald said as long as it takes.
 5. **Motion passed unanimously.**
- C. Water/Sewer
1. Frank Heald said that today was a tough day. The water side is pretty well done. They found some house connections today that were not complete. The tank will be filled tomorrow and then tested. The paving will begin on Thursday. He would like to have the corner outside done first. The sewer pipe and manholes on Andover by the Jewel Brook were done this afternoon. We put chloride on the roads. The inverts and house connections, sidewalks and paving are still to be done. There is a job meeting tomorrow at 9:30 a.m. and the project is more or less on schedule.
 2. Howard Barton asked why they didn't go under the river on Vale Bridge.
 3. Frank Heald said it wouldn't work. There cross had insulation problems. They did not see structures on the prints. They hope to clean it up with landscaping.
 4. Howard Barton asked about safety measures for children.
 5. Frank Heald said they would have to do something.
- D. Dorsey Park
1. Bruce Schmidt asked how Dorsey Park held up.
 2. Frank Heald said he did not go there today. He said it looked good on Saturday. He added that he would like to think we had turned the corner on this one.
 3. Howie Paul said they played there today and there were no problems.

14. **Department Head Reports**

- A. Howard Barton advised that all reports are in.

15. **Other Business**

- A. Community Charter
1. Frank Heald advised that the community charter was signed by King George iii on September 16, 1761. Next September will be the town's Quincentennial – 250-year anniversary. He would like to plan a modest celebration.
 2. The board agreed that was a good idea.
- B. Enterprise Fund
1. Howie Paul asked if the balance remaining in the Enterprise Fund Committee could be distributed to the recipients.
 2. Frank Heald said that would have to go back to the committee.
- C. Surplus
1. Frank Heald advised that they originally projected the surplus to be \$255,000, but tax collections were better than expected and the surplus is \$293,000.

16. **Sign Warrant Orders**

- A. Warrant orders have been signed.

17. **Set Date for October Meeting**

- A. Next meeting will be held on November 1, 2010.
- B. Bruce Schmidt suggested that they might want to hold that meeting at the Community Center.
- C. Frank Heald said let's see how it goes.

18. **Possible Executive Session/Contracts**

- A. Frank Heald advised that a brief Executive Session is needed.
- B. **MOTION by Doug Ficken and seconded by Bruce Schmidt to enter into Executive Session. Motion passed unanimously.**
- C. Board entered into Executive Session at 8:50 p.m.

D. Board exited Executive Session at 9:10 p.m. No action taken.

19. **Adjourn**

- A. **MOTION by Doug Ficken and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 9:11 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal