

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

February 7, 2011

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman John Neal (by phone) Bruce Schmidt
Douglas Ficken Brett Sanderson

BOARD MEMBERS ABSENT:

John Neal

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Ann Gardner Abi Karner Terry Thane
Marji Graf Brent Karner KP Whaley (LPC-TV)
Glenn Heitsmith Ted Reeves

1. **Call to Order**

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

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of January 3, 2011 and the special meeting of January 27, 2011.
- B. Frank Heald advised that Glenn Heitsmith's name was incorrectly listed as Whitesmith and that he had given Lisha Klaiber some corrections to errors in number that were on the January 3rd minutes.
- C. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to approve the minutes of January 3, 2011 as corrected and the minutes of January 27, 2011 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. Glenn Heitsmith thanked the town for its support of Winter Carnival. He explained that there would be many events, running from Thursday, February 10th through Sunday, February 13th. There would be a parade, bonfire, snow sculptures, fashion show and many other things to do. There would be prizes for the snow sculpture contest. He encourages everyone to participate.
- B. There were no other comments.

4. **Certificate of Highway Mileage**

- A. Frank Heald advised that there have been no additions or subtractions to the mileage.

- B. Brett Sanderson asked if the town is looking to add more roads. He added that as far as mileage classifications, the numbers for Class II roads seems low.
- C. Frank Heald said there are 4 miles of Class II roads: Andover – 1.1, Mountain - .41, Dug - .22 and East Lake – 2.36.
- D. Brett Sanderson asked about South Hill Road.
- E. Frank Heald said there is an intervening road, Love Joy Brook.
- F. Howard Barton asked about Nelson Road,
- G. Frank Heald said there is also an intervening road there.
- H. Howard Barton said the numbers seem correct. He asked if it makes a difference in funding.
- I. Frank Heald said in paving grants.
- J. **MOTION by Bruce Schmidt and seconded by Doug Ficken to accept the Certificate of Highway Mileage as presented by the state. Motion passed unanimously.**

5. **Discuss Route 100 Byway Project**

- A. Marji Graf said that the board had given a letter of support to the project back in June 2010. She said that the plan has been completed and she is returning to ask for a final letter of support from the Select Board. She has already asked for a second letter from the Trustees. There will be a hearing on March 24th at the Calvin Coolidge Center in Plymouth. She advised that there would be a public luncheon at Clear Lake Furniture on February 16th and asked board members to attend and if possible, ask others to attend.
- B. Howard Barton said that the package provided to board members has a lot of good information.
- C. The project is now for a 31-mile stretch, from Andover to Pittsfield. She said they started working on this project in March 2010. There are 5 goals for the project:
 - 1. Promote and enhance tourism opportunities throughout the byway through sustainable economic development and conservation.
 - 2. Increase and improve access to recreational opportunities and provide amenities for the public
 - 3. Preserve and protect the scenic and natural resources that are unique to the corridor
 - 4. Preserve historic, archeological and cultural resources
 - 5. Support safe, multi-modal transportation, focusing on the improvement of existing infrastructure, creating bike and walking paths and promoting alternative means of transportation
- D. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to authorize Frank Heald to draft a letter from the Select Board and Trustees in support of the Route 100 Byway as requested. Motion passed unanimously.**

6. **Consider Social Host Ordinance (Public Hearing Notes Included)**

- A. Frank Heald advised that the minutes from the public hearing on November 1, 2010 were attached. He said that he had asked Attorney Callahan to look at the paperwork and the bottom line is that the town does have the ability to adopt an ordinance, but that the ordinance as written almost mirrors or duplicates – to some degrees – the state statutes. Anything actions to do with this would not go to the town but to a judicial bureau. This ordinance provides the town the ability to recoup costs. Initially, the civil penalty was \$1,000 and now it is \$500. There is a bill in the legislature to allow civil penalties of up to \$2,500-\$3,000. He added that he does not know of another town with such

an ordinance. BRACC wishes to use this ordinance as a vehicle to curb underage drinking and stop adults from providing liquor to children.

- B. Bruce Schmidt said that he is leery of this and asked Frank Heald for his recommendation.
- C. Brett Sanderson said that the state laws would override the town ordinance.
- D. Frank Heald said that somewhere down the line, the town would be challenged and that some parents may not want to buy in. He would not like to see Ludlow be a test case.
- E. Doug Ficken said he would hate to see the town involved in a civil suit.
- F. Bruce Schmidt said that no one wants to be in the news - either way – for teens drinking or as a test case for a civil suit.
- G. Frank Heald said that he is inclined to say leave this for 6 months and see if any other towns adopt social host ordinances. He does not want Ludlow to be the test case.
- H. Bruce Schmidt said that Chief Billings was a supporter of the ordinance. He added that he was also usually a supporter of that type of ordinance, but this one could go either way and the attorney had said that the town would probably be superseded by the state.
- I. Frank Heald said that in Vermont, there are fairly carefully prescribed procedures with court diversification.
- J. There was a general consensus of the board to table this ordinance.
- K. Frank Heald said that Officer King and Brigid Sullivan had offered to come tonight and that she was aware of what Frank Heald was going to tell the board.
- L. Bruce Schmidt asked Frank Heald to tell Brigid Sullivan of the board's decision.
- M. Lisha Klaiber notarized the document.

7. **Consider VELCO Request to Reduce Hearing Notice from 45 to 30 Days**

- A. Frank Heald said that VELCO is requesting a reduction from 45 days to 30 days to file their application with the state PSB. This is for the shunt reactors and there is an urgency to get these in place here and on the new line on the Route 7 corridor.
- B. Bruce Schmidt asked if there were any reason why the town should not do this.
- C. Frank Heald said no.
- D. Howard Barton said that this really needs to get done for the project.
- E. Frank Heald said that VELCO submitted a letter that they would like the board to sign.
- F. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to support the VELCO request and sign the letter dated February 3, 2011 for the waiver from 45 to 30 days advance notice. Motion passed unanimously.**

8. **VLCT Leader Program**

- A. Frank Heald advised that board that he had sent a package to them with the allocations and said that this year the town received about the same amount as last year and they will spend a few hundred less. Last year the board voted on 33% or \$3,000. This year they are recommending 25% or \$2,500. This is the last year of the program because we switched from the VLCT insurance to Blue Cross. Blue Cross does have a wellness program and health screening. The Safety program will remain with VLCT.
- B. Bruce Schmidt asked the board if they should encourage Frank Heald to look into the budget for money to use to encourage continuation of the health program.
- C. Frank Heald said that there were several employees who were really encouraged by the program. He said he would look into the budget.

- D. Bruce Schmidt said that it always helps to have a “carrot.” The employees have done a great job.
- E. **MOTION by Bruce Schmidt and seconded by Doug Ficken to approve the recommendation for the allocations from the VLCT Leader program as presented. Motion passed unanimously.**

9. **Department Head Reports**

- A. Howard Barton advised that all reports are in.
- B. Frank Heald said that the new employee from the Transfer station made the left front cover of the paper.

10. **Other Business**

A. **Town Health Officer**

- 1. Frank Heald advised that he received word from the state that the town health officer’s term expires on March 1, 2011 and we need to make a recommendation by the end of the month. He spoke to John Paige and John told him that he agreed to stay on if the town advertises for and gets a deputy to work with him and eventually take over.
- 2. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to recommend to the state to reappoint John Paige as Health Officer. Motion passed unanimously.**
- 3. Brett Sanderson said that he thought that the town did have a deputy.
- 4. Frank Heald said unofficial.
- 5. Bruce Schmidt said that John Paige has done a great job.

B. **Listers – Reappraisal**

- 1. Terry Thane said that NEMC has been on the job and completed the review and started the database. He is on schedule.
- 2. Bruce Schmidt asked how it has been going getting into the houses.
- 3. Terry Thane said they are working on it. They sent out a flyer to get in over the President’s Week.

C. **Ambulance**

- 1. Brett Sanderson noted that the Ambulance Service is not using Mount Holly if their rigs are busy.
- 2. Frank Heald said that the latest is that they are using Chester, Springfield and then Mount Holly.
- 3. Brett Sanderson said that it does not make sense to use Chester and Springfield for something on the Mount Holly side of town.
- 4. Bruce Schmidt asked who makes the rules.
- 5. Frank Heald said the district and he would find out why and get back to them.
- 6. Bruce Schmidt noted from the minutes that the chains are not working on the rigs.
- 7. Frank Heald said they require regular testing and maintenance. They have established a protocol for maintenance and recently purchased drive-up ramps. Chris Barlow is the person who is getting them fixed and has ordered parts.
- 8. Bruce Schmidt asked Frank Heald if Sue Poirier has it in control now.
- 9. Frank Heald said yes.
- 10. Howard Barton said they are very high maintenance.

11. **Set Date for Next Meeting**

- A. Town meeting will be on February 28, 2011.
- B. Frank Heald said that he would be out of town in mid-March.
- C. The next regular meeting will be held on April 4, 2011.

12. **Sign Warrant Orders**

- A. Warrant orders have been signed.

13. **Possible Executive Session/Legal**

- A. Frank Heald advised that a brief Executive Session is needed.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to enter in to Executive Session for Legal Matters. Motion passed unanimously.**
- C. Board entered Executive Session at 7:46 p.m.
- D. Out of Executive session at 8:06 p.m. No action taken.

14. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Doug Ficken to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal