

**DRAFT**

These minutes have not been reviewed  
or approved by the convening board or commission.

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**REGULAR MEETING**

February 2, 2009

**BOARD MEMBERS PRESENT:**

Howard Barton, Jr., Chairman      John Neal      Bruce Schmidt

**BOARD MEMBERS ABSENT:**

Brett Sanderson      Earl Washburn

**STAFF:**

Frank Heald      Pam Cruickshank

**OTHERS PRESENT:**

Christina Adams	Jamie Farquhar	Ralph Pace
Troy Adams	Michael Fiske	Ted Reeves
Chris Barlow	Leo Graham	Bonnie Tucker
Joanna Bombadil	Maureen Korzun	Joseph Tucker
Chris Carr	Danne Moore	Jeff Wimette
Danny Cavoto	Melinda Nye	Duncan Love (LPC-TV)
George Fairchild	Richard Nye	

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:00 p.m.
- B. Brett Sanderson and Earl Washburn absent, all others present.

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of January 5, and special meetings of January 12, 2009 and January 25, 2009.
- B. **MOTION by John Neal and seconded by Bruce Schmidt to approve the minutes indicated above as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Open Audit Services Bids**

- A. Howard Barton advised that 2 bids were received. Bids are for a 3-year period.
- B. Frank Heald said that 5 RFP's were sent out. He added that the firm used last year was Fothergill, Segale & Valley.

<u>Firm Name</u>	<u>1<sup>st</sup> Year - 2009</u>	<u>2<sup>nd</sup> Year - 2010</u>	<u>3<sup>rd</sup> Year - 2011</u>	<u>Total</u>
Fothergill, Segale & Valley	\$13,500	\$13,750	\$14,000	\$41,250.00
Kittell, Branagan & Sargent	\$18,000	\$18,500	\$19,000	\$55,500.00

- C. Frank Heald said that staff is extremely pleased with the work done by Fothergill, Segale & Valley and the difference is \$4,500 for the 1<sup>st</sup> year. He recommends that the board accept the bid from Fothergill, Segale & Valley.
- D. **MOTION by Bruce Schmidt and seconded by John Neal to accept the bid from Fothergill, Segale & Valley. Motion passed unanimously.**

5. **Discuss Ludlow Transfer Station Holiday Hours**

- A. Frank Heald advised that the staff at the Transfer Station would like to set a schedule for holiday periods that would be well in advance of the holiday and advertised in order to avoid any confusion.
- B. George Fairchild said that in the past couple of years, the staff has waited to post the schedule and it caused some confusion. They suggest following the calendar and if a holiday falls on a Tuesday, for example, close on that day and be open the next day. This past Christmas, they stayed open straight through and closed the Friday after. They would like to set a permanent, steady schedule. Very few people came over this past holiday period and he feels that the town is spending money for operations for only a few people. They could send the schedule out with the permits and put it in the papers a few times per year.
- C. Bruce Schmidt voiced his concern about July 4th, particularly because many people have that day off from work and like to get work done at home. He suggests that they be cautious if it falls on a Saturday or a regularly scheduled day.
- D. Howard Barton said they could look at that.
- E. Frank Heald said the schedule should be the same every year.
- F. Bruce Schmidt said that this year the 4th falls on a Saturday. The station should stay open that day and close on the Monday.
- G. George Fairchild said they would like to set most of the schedule.
- H. John Neal said that makes sense. People would become used to the schedule and know when the station would be open or closed.

6. **Liquor Control Board**

- A. Frank Heald advised that the Chief of Police has signed off on the renewals. He added that all are either current with their taxes or are adhering to a payment plan.

<u>Licensee Name</u>	<u>Business Name</u>
AMS	Wicked Good Pizza
Bella Luna Ristorante, Inc.	Bella Luna Ristorante
L.V.P., Inc.	Ludlow Village Pizza
MWTGS, Inc.	Andrie Rose Inn
Sam's Steakhouse, Inc.	Sam's Steakhouse
Stuart, Leslie Pearson	The Wine and Cheese Depot
Vermont Irish Pub, LLC	The Killarney
Wallace Joseph Corporation	Panarello's

- B. **MOTION by Bruce Schmidt and seconded by John Neal to approve and sign the liquor licenses. Motion passed unanimously.**

7. **Discuss 2008 VLCT Leader Program Reward**

- A. Frank Heald advised that for the past 2 years, the town rewarded employees for their hard work and participation in the program. The first year, they were given vests and last year jackets. This year, he recommends that they be given \$100 gift certificates to a list of different establishments. It would be the employee's choice.
- B. Howard Barton asked how many employees that would include.
- C. Frank Heald said 34 split between the town and village. A little over \$500-\$600 for the village and a little under \$3000 for the town.
- D. Bruce Schmidt asked how many accidents there were.
- E. Frank Heald said the town received a 5% rebate on the Workers' Compensation premium. The rebate does not totally equate to number of accidents. It is more on participation and the depth of the program. The committee spends about 1 day per month looking at all town workplaces to identify potential hazards.
- F. Pam Cruickshank said there were about 10 accidents this year, but not all required follow-ups.
- G. Frank Heald said that Workers' Compensation is based on severity and frequency.
- H. Bruce Schmidt confirmed that the town had received rebates of about \$11,000.
- I. Frank Heald said that \$10,000 was from the Leadership program and the rest from the new BETA program. The rebate was not related directly to utilization. The emphasis of the program is to promote healthier employees.
- J. Bruce Schmidt said that he feels that they should think about basing the rewards on a share or percentage of the money that the town received and not just pick a number. The town does provide the time for the employees to participate and employees are paid for that time.

- K. Frank Heald said that for the last 2 years, it has been about 30%. He would like this year to be a step up.
- L. John Neal said that nothing should be preconceived. The gift is a token and should be looked at each year. It is hard to set a percentage.
- M. Bruce Schmidt said the program is good for them and for the town. He does not want confusion is the reward next year is less than this year.
- N. John Neal said it is always good to reward employees and this program is very beneficial. The reward should be looked at each year.
- O. Bruce Schmidt said that there may be different Select Board members next year and this board is setting a precedent.
- P. Howard Barton said that he agrees with a set percentage.
- Q. John Neal asked when this should be decided.
- R. Bruce Schmidt said that Frank Heald wants the board to approve his suggestion tonight.
- S. **MOTION by John Neal and seconded by Bruce Schmidt to approve Frank Heald's proposal to share the benefits received with the employees. Motion passed unanimously.**

8. **Jeffrey Wimette – IBEW #300 RE: Union Contract Issues**

- A. Jeff Wimette advised that he had received a letter last week that advised that this matter would be on tonight's agenda. A proposal was sent to the Select Board for their review and a response was sent back.
- B. John Neal said that when the board sent the letter back for input, they were looking for the Union to step forward. It was good to see the people step forward and the town will step forward. There was nothing from the Union and this board would like the union to participate. It would resolve the matter a lot easier.
- C. Howard Barton said those were his thoughts, exactly. The Union made a mistake, not the town.
- D. Bruce Schmidt said that he has a question regarding the taxes.
- E. Jeff Wimette said that the bill sent to one employee was for \$1,200 (part of which was OT.) The gross wages were \$1,200, but the net pay was \$900. The town was asking for the entire \$1,200 back from the employee, but the person never received the full \$1,200. The person can't give back what he did not receive.
- F. Bruce Schmidt said that the town paid the taxes to the government. The town does not get that back from the government.
- G. Frank Heald said that the money sent to the government benefits the employee. It would be subtracted from the year-end total tax liability. If the employee overpaid the taxes, they will get a refund from the government.
- H. John Neal said that he is still feels that the Union should step forward to make this work.
- I. Jeff Wimette said the union would not do that.
- J. Bruce Schmidt said that he does not care about the union. He feeling is that the town of Ludlow should not have to do this by itself. The board has asked Jeff Wimette what to do. We need to make this work.
- K. John Neal said the union has said no. The employees have stepped forward, but it is unfair that the union did not step forward. I am willing to step forward to higher grounds.
- L. Howard Barton said that he is disappointed with the union. The union made the mistake during the negotiation process.
- M. Jeff Wimette did not want to comment for fear of being misquoted.
- N. Howard Barton said that the employees look to the union for representation. The town has done its part. The union did not step up to the plate, but the town cannot punish its employees.
- O. Bruce Schmidt agreed that the staff is too good to let this continue. The board needs to get this done. **MOTION by Bruce Schmidt and seconded by John Neal to go with the full amount based on a 50/50 split. Motion passed unanimously.**
- P. John Neal said that the office would draft a new release reflecting the change with regard to the amount and taxes and send it back to the union for consideration.

9. **Discuss VELCO Road Closure Request**

- A. Mike Fiske explained that VELCO is expanding the substation and would like to close part of Barker Road from the intersection at Nelson & Quent Phalen Road to the Danne Moore driveway from March through the first 3 months of construction. The area will be used to soil disposal. The main purpose to close the road is for safety. There will be emergency equipment on site.
- B. Frank Heald said that he had advised Mike Fiske that he would most likely need a back-up proposal.

- C. Bruce Schmidt said that he lives in the area and he thinks the proposal to close the road for 3-4 months is unacceptable. Lots of people use that road and it would be a real inconvenience and have a big impact on the citizens. They need to find another way to do this.
- D. Howard Barton suggested one-lane.
- E. Mike Fiske said the road is not wide enough. They can't guarantee no ruts and would not be able to maintain it properly. They will restore the road to better than it currently is when the project is complete. As soon as the frost is gone, maybe they can close the road for a couple of days.
- F. John Neal said that he understands the need, but he agrees with Bruce Schmidt that it is unacceptable to close the road for 3-4 months. He suggested keeping the road in the best shape that they can while the work is being done. Also, March is before the road is unposted. They need to keep the road open. Closing it is unfeasible. He asked what type of trucks they plan to use.
- G. Mike Fiske said tandem dump trucks – smaller ones.
- H. Howard Barton asked dates.
- I. Mike Fiske said that he does not know because they don't have all of the permits yet. They would like to bypass in May and move in June. They would like to start work the first week in March and haul as much as possible while the road is still frozen.
- J. Howard Barton asked Mike Fiske to keep communication with Frank Heald ongoing. They understand that portions of the road may be closed at times.
- K. John Neal agreed that good communication with Frank Heald is needed. He would also like to see notices put in the papers that indicate dates and hours of operation.
- L. Howard Barton asked if they would be working on weekends.
- M. Mike Fiske said yes.
- N. Bruce Schmidt said that he would like notices be sent to Ludlow residents. They need communication.
- O. Mike Fiske said they would keep people informed. There will also be posting boards a week ahead of time. There will be a field coordinator onsite.
- P. Danne Moore said that he checked the distances to Ludlow if the road were to be closed and it is only a couple of tenths of a mile longer. He does not see it as an inconvenience.
- Q. Howard Barton said that Nelson Road is bad in the spring and it will take additional time.
- R. Christina Adams said that traffic control and speed are always a major issue up there.
- S. Troy Adams said that it is a heavy traffic situation and there are safety concerns. There are no speed limit signs on that section of the road, so people do 50+ MPH.
- T. Christina Adams said they need to publicize this. People from other towns will need to respect the area. Speed is always an issue up there.
- U. Troy said they should post signs at the intersections telling when the work is to be done and when the road will be closed.
- V. Howard Barton said that people need to understand that the road may be closed at times.
- W. Bruce Schmidt said that communication with the Ludlow road foreman is also extremely important and he asked Mike Fiske to work with him. Safety is paramount and trumps all other issues and Mike Fiske, Ron Tarbell and Frank Heald should decide any decisions concerning safety. This project impacts everyone, including the bus schedule.

10. **Letter from Ballard-Hobart American Legion Post RE: July 4<sup>th</sup> Fireworks Program**

- A. John Neal read the letter from Legion Commander Ray Martel into the record. (Copy of letter attached to minutes.) The letter advised the town that the legion will no longer be able to financially support the 4<sup>th</sup> of July fireworks. The legion added that they would assist with repairs to the gazebo.
- B. Bruce Schmidt said that the fireworks are a well-attended event. He asked if there was any money in the budget for this.
- C. Frank Heald said no. He is not sure of the exact amount, but it may be as much as \$13,000 or more.
- D. Bruce Schmidt suggested that Frank Heald talk to the Chamber of Commerce and Rotary. The town cannot do it; maybe they can get some other sponsors.
- E. John Neal agreed. He suggested putting it on LPC TV and trying to look for support or donations.
- F. Howard Barton agreed that the word should be spread and asked Frank Heald to contact the Rotary and Chamber.
- G. Bruce Schmidt said to let the people know as early as possible.

11. **Department Head Reports**

- A. Howard Barton advised that all reports are in.
- B. There were no comments.

12. **Other Business**

- A. Tax Sales
  - 1. Frank Heald advised that there may be some tax sales at the end of the month and asked if the town should bid on the properties if no one else bids on them. People bid on the properties and if the property is not redeemed it may be a good investment for the people who bid on the property. If the property is redeemed, they get their money back plus interest. If there are no investors, the town is out the legal fees, plus advertising.
  - 2. Bruce Schmidt asked what other towns do.
  - 3. Frank Heald said it is all over the map. If the town bids and the property is not redeemed, the town gets a deed and can then sell the property.
  - 4. John Neal asked where the money comes from.
  - 5. Frank Heald said it is a tax sale and would only cost the legal fees.
  - 6. Bruce Schmidt said this town does not want to be in the business of ownership of houses. He wants to give people every opportunity to redeem them.
  - 7. Frank Heald said that the alternative would be to hold a special meeting prior to the tax sale on the 25<sup>th</sup>. People are still paying off the debts.
  - 8. Bruce Schmidt said would give the board a week to notice the meeting and make sure people have every chance to redeem the properties.
  - 9. Frank Heald said that the only people whose property will go for tax sale are those who have totally ignored and not responded to notices from the town.
- B. Trash Pick-up Problems
  - 1. Howard Barton noted that over a year ago, he inquired about trash pickups in the village that should actually be commercial pick-ups.
  - 2. Frank Heald said that letters have been sent to the worst offenders and they have been cut off from Gobin.
  - 3. Howard Barton said that one house had 18 cars and loads of bags of trash.
  - 4. Frank Heald agreed that should be a commercial pick-up.

13. **Sign Warrant Orders**

- A. Warrant orders have been signed.

14. **Possible Executive Session/Contracts/Personnel**

- A. Frank Heald advised that an executive session for contracts and personnel was not needed.

15. **Adjourn**

- A. **MOTION by John Neal and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Lisha Klaiber

---

Howard Barton, Jr., Chairman

---

John Neal

---

Brett Sanderson

---

Earl Washburn

---

Bruce Schmidt



Ballard-Hobart American Legion Post #36  
135 Main Street  
Ludlow, VT 05149

December 12, 2008

Mr. Frank Heald  
Ludlow Town Manager  
Ludlow, VT 05149

Dear Mr. Heald,

I'm writing this letter on behalf of the membership of the Ballard-Hobart American Legion Post in Ludlow.

The Ludlow American Legion has provided the fireworks show for the Fourth of July for roughly thirty years. As we both know, the cost for the fireworks increased by 30% last year. We received a phone call several weeks ago from our supplier informing us that another increase of 30% will be in effect for the 2009 fireworks program. I brought this information to our regular members at our, December 7<sup>th</sup> monthly meeting. It was voted at that meeting that the Ludlow American Legion will no longer provide fireworks for a Fourth of July show.

I respectfully request that this letter be read at a televised select board meeting to include the contents regarding the fireworks.

On another note, it was agreed upon by our membership to provide a team of volunteers to assist with labor needs to improve the condition of the gazebo at Veterans Memorial Park in Ludlow.

Do not hesitate to contact me with any questions or concerns that you may have.

Respectfully for God & Country,

Ray Martel  
Commander