

MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

August 4, 2014

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman Logan Nicoll
Bruce Schmidt, Vice Chair Brett Sanderson

BOARD MEMBERS ABSENT:

John Neal

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Kevin O'Connor Ted Reeves Vincent Guerrera (LPC-TV)
Ralph Pace Larry Wilfong

1. **Call to Order**

- A. Howard Barton called the meeting to order at 7:00 p.m., all members present, except John Neal.
- B. Howard Barton advised that the chair will entertain a motion, in accordance with 1 VSA§312(d)(3)(A) to add to this evening's agenda an item to acknowledge the re-funding of certain municipal obligations of the Vermont Municipal Bond Bank and to sign the appropriate certificates as they relate to the Town Hall Renovation Bonds. This will become Agenda Item #10A.
- C. **Motion was duly made by Brett Sanderson and seconded by Logan Nicoll. Motion passed unanimously.**

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of July 7, 2014, and the special meeting of July 24, 2014.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the minutes of July 7, 2014 and July 24, 2014 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Appoint Deputy Health Officer**

- A. Frank Heald advised that a letter had been received from Doris Eddy expressing interest in the Deputy Health Officer position.

- B. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to appoint Doris Eddy as Deputy Health Officer. Motion passed unanimously.**

5. **Discuss Additional Type A Bus**

- A. Frank Heald explained that about 1⁺ years ago, they had budgeted about \$98,000 for a Type C bus and had opted to purchase a smaller, Type A bus with handicapped lift and rack. They spent about \$60,000 to \$65,000 on that bus. He would like the board to consider purchasing another Type A bus and getting rid of 2 old larger buses on a trade-in. He had tried to sell them but has not been able to. He expects that he would probably get about \$10,000 as trade-in for the 2 buses. A Type A bus, without the wheelchair apparatus would run about \$35,000-\$40,000. This would be done through the bid process. The little buses are more efficient. They would be purchasing this off cycle.
- B. Howard Barton asked what would be the effect of eliminating 2 buses.
- C. Frank Heald said they would still run the big bus to Springfield and use a single for the athletic runs. There are times when they do need 2 – 3 big ones at a time. The smaller buses would augment those in the smaller runs in town.
- D. Howard Barton asked if they would consolidate runs.
- E. Frank Heald said they are currently working on a new paradigm for the routes. The new programs at the High School get out at 4 p.m. and the elementary program gets out at 5:15 p.m. They would make one loop with the small bus. It would be much less expensive.
- F. Howard Barton asked when Frank Heald would like to do this.
- G. Frank Heald said that delivery would take about 60-90 days after the order is placed. If they put the bid out in September, they would probably have the bus in September.
- H. Bruce Schmidt asked how much money they would save.
- I. Frank Heald said about \$40,000 to \$50,000, plus fuel.
- J. Bruce Schmidt asked why now, off cycle.
- K. Frank Heald said a big bus is off the road. The big buses get 7-8 MPG and the little ones about 12-14 MPG. They are easier to handle and more efficient.
- L. Bruce Schmidt asked how much would they save on fuel.
- M. Frank Heald said that he has not calculated that. When they bought the first small bus, we were not sure how well it would work out. It has proven to be more efficient and easier. He added that they are actually behind the cycle with money. Last year they had agreed to spend \$100,000 at the time and we bought the small bus. There is money left over.
- N. Bruce Schmidt said that they need a good reason, but it does make sense to go with the small bus.
- O. Howard Barton said it would lower the budget over time.
- P. Frank Heald said he will put it out to bid and see where the prices come in.

6. **Review Act 148 (Solid Waste Law) as it Relates to Variable Rate Pricing (Pay to Throw)**

- A. Frank Heald advised that he really wants to keep this issue in front of the board and also any persons watching it on TV. The paradigm for waste must change, by state law. We have to charge people to throw away their waste. There are other things that we can do to include this in the taxes. In a hybrid system, we can fund up to one 32 gallon bag per week. In Rutland, we do pay to throw. There are only a couple of people working at the transfer station and it would be hard to handle and account for lots of cash. We could have people purchase stickers for the bags or the town could purchase 32 or 64 gallon bags and sell them to the people with the Ludlow logo on them. People using any bags other than these would have to pay to throw. He said that he and John Neal had also discussed a debit card system where people would buy the permit and a card and could load the card with cash,

like EZ Pass. The concern with that is the cost of the technology. Recyclables are free under the law, but getting rid of it is not free. Now, we sort/separate and take in about \$25,000 in recyclables and only pay to haul it out. Zero Sort is free, but we would still need to transport it out and current prices for that are about \$60 - \$80 per ton. We must be able to recover Zero Sort costs in the tax base. Things for the Village will change exponentially as this can no longer be in the tax base. He said that he would discuss this with the Trustees at their meeting on Tuesday. He is scheduling an open public meeting in Mid-September to discuss and explain this new law. There will be many interesting changes to come. He continued, saying that most transfer stations have a commercial piece with haulers. Ludlow has lots of small property managers and there is nothing from the state on how to handle them. Now, they go to the scales and pay per pound. According to this new law, the costs are supposed to be back on the consumer.

- B. Bruce Schmidt said that zero sort may be a moot point.
- C. Frank Heald said that some people think it may be the way of the future.
- D. Bruce Schmidt questioned that we would take away the glass, but people would still have to pay for trash?
- E. Frank Heald said we may have to buy a new compactor.
- F. Logan Nicoll said we would still sort trash and recyclables.
- G. Frank Heald said that for the past 11 years, we have worked with the 4th graders to increase recycling in homes and school and are doing better.
- H. Howard Barton said we may need more workers at the transfer station especially to check the bags.
- I. Frank Heald said we may have to increase staff for a while. He said that in Rutland, he has no idea how many people use the transfer station, but the lines are rarely longer than 6 to 8 people. We do have rush times in Ludlow, but stickers, special bags or scanners may help. Staff would have to be on the ball.
- J. Bruce Schmidt asked if there has been any talk about towns fighting this as an undue burden.
- K. Frank Heald said that he has not heard anything, the "train is out of the station." Ludlow is mildly unique as many other towns already have pay to throw. He said that it is part of a whole new agenda. He said that Municipal and Town Managers must remain bipartisan.
- L. Bruce Schmidt asked if Frank Heald would be forming a town and village committee to deal with this.
- M. Frank Heald said that if people attend the special meeting, that may be a possibility. We don't actually have to deal with it until 2015, but do have to consider it in the budget process starting later this year.
- N. Howard Barton said that state should leave this to the local communities. If people have to start paying, they will throw the garbage on the roads. We have tried to avoid that by only charging \$10 per year.
- O. Larry Wilfong asked how you could implement this with curbside pickup.
- P. Frank Heald said it is done throughout the country. They use totes and pay private haulers for the service. He will discuss that with the Trustees tomorrow night.
- Q. Howard Barton asked about business dumpsters.
- R. Ted Reeves said they pay a monthly service charge, pull charges and excess weight charges.
- S. Frank Heald said they are trying to force people to recycle and that by 2020, it would include food scraps. It is a real conundrum.

7. Discuss Penalty for Late Filing of Homestead

- A. Frank Heald advised that the state allows towns to charge an 8% penalty for people who file their homestead declaration late. Last year, this board voted not to impose that penalty.
- B. Howard Barton asked if any of the people on the list this year were on it last year.

- C. Brett Sanderson said 2 out of the 4 are repeats.
- D. Howard Barton asked how it would affect the town.
- E. Frank Heald said if charged, it would gross the town about \$1,793 additional income.
- F. Howard Barton said that people usually have excuses.
- G. Bruce Schmidt suggested they do the same this year, but make it clear to people that they must file the declaration. He noted that only 4 people did not, but everyone else adhered to the rules. He is in favor of waiving the penalty this year.
- H. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to waive the late Homestead filing penalty. Motion passed unanimously.**

8. **Review AT&T Application for DeMinimis Modifications at the Mid Mountain Tower Facility**

- A. Frank Heald advised that application at the last meeting from US Cellular seems to have started a process. AT&T is moving toward 4G capability and the changes to their tower will not be visible. This is for the board's information only. No action is necessary.
- B. Bruce Schmidt asked Ted Reeves is he is dealing with this.
- C. Ted Reeves said yes.
- D. Bruce Schmidt asked Frank Heald is there is any word on the proposed tower on Commonwealth.
- E. Frank Heald said no.

9. **Department Head Reports**

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

10. **Other Business**

- A. **Vermont Municipal Bond Bank Refunding**
 - i. Frank Heald advised the all of the town's bond are through the Municipal Bond Bank and they remarket them for lower interest rates. We need to agree to the new rates.
 - ii. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve and sign the Remarket Agreement, Municipal Certificate for Municipal Bond 2014-4. Motion passed unanimously.**
 - iii. Documents were signed.
- B. **Planning Commission Update**
 - i. Logan Nicoll advised that he and Frank Heald had attended a meeting regarding the new Shoreland Protection law. It allows towns to adopt their own regulations if those regulations meet or exceed the state law. The Planning Commission wants to retain local control. This is discussed at every meeting.
 - ii. Howard Barton said that he would like to retain local control.
 - iii. Logan Nicoll said we want to keep costs down for people making slight modifications to their homes.
 - iv. Frank Heald said that staff recommended applying for a Planning Grant to expedite the process to keep local control with enforcement going to the state. The Planning Commission has a lot of work to do on this.

11. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be September 1, 2014 at 7:00 p.m. He asked board members if they would be available since that is Labor Day.
- B. Board members agreed and meeting is set for September 1, 2014 at 7:00 p.m.

12. **Sign Warrant Orders**

- A. Warrant orders have been signed.

13. **Possible Executive Session/Personnel/Contracts/Legal**

- A. Frank Heald advised that an Executive Session is needed.
- B. **MOTION by Logan Nicoll and seconded by Bruce Schmidt, in accordance with the provisions of 1VSA§ 313 (1)(B) to move that the Ludlow Select Board enter into Executive Session to consider:**
 - i. **A proposed labor relations agreement with certain Municipal Employees.**
 - ii. **The evaluation/appointment of certain Municipal Employees**
The premature public knowledge of this proposed agreement would place the Town & Village of Ludlow at a substantial disadvantage. This motion is for executive session and includes the members present and the Municipal Manager. Motion passed unanimously.
- C. Board entered into Executive Session at 7:45 p.m.
- D. Board exited Executive Session at 8:10 p.m. No action taken.

14. **Adjourn**

- A. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:21 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll