

MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

**PUBLIC HEARING AND
REGULAR MEETING**

November 4, 2013

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Brett Sanderson

STAFF PRESENT:

Frank Heald	Rose Goings
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OTHERS PRESENT:

Debra Alosi	Logan Nicoll	Jason Rasmussen
Angelo Chiari	Ralph Pace	Ted Reeves
Anne Dempsey	Harrison Pearce	Laura Wyman
Cindy Dilworth		

1. **Call to Order**

- A. Howard Barton called the meeting to order at 7:00 p.m.
- B. 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 regular meeting of October 7, 2013. He noted that on page 2, Item 2A, it reads that "Howard Barton advised the minutes..." It should read Bruce Schmidt.
- B. **MOTION by Doug Ficken and seconded by John Neal to approve the minutes of October 7, 2013 as corrected. Motion passed unanimously.**

3. **Comments from Citizens**

- A. **Junkyard Ordinance**
 - i. Laura Wyman distributed pictures that show the neighbor's yard as she sees it from her bedroom window. She said that one item is a collapsed trailer. She said that the state of the property next door devalues her property. She said that this problem has been revisited several times and she would like to see more formal action taken.

- ii. Frank Heald said that the email was received from Ms. Wyman on Friday. He added that Mr. Thomas has been contacted by the town and has ignored us. The next step is to take this to court. It is the only way to exact the fines.
- iii. Bruce Schmidt asked if the court allows fines or does it allow us to clean up the property and charge the property owner.
- iv. Frank Heald said that nothing in the ordinance allows up access to clean up the property. This will go to the Windsor County Court.
- v. There was general consensus among board members to authorize Frank Heald to proceed under the ordinance.

B. Varsity Soccer

- i. Howard Barton advised that the Boys and Girls Soccer teams had both had outstanding seasons. The Boys team made it to the quarter finals and the Girls team made it to the finals.
- ii. Frank Heald said that he would have a proclamation made up for the next meeting.

4. **Liquor Control Board**

- A. Howard Barton advised that there are 2 businesses applying for licenses.

Applicant	Business	Applying for:
Harry's Café, Inc.	Harry's	Liquor License/ 1 st /2 nd Class
Good Times Ludlow, LLC	Ludlow Country Store/Squeals on Wheels	Liquor License/ 1 st /2 nd Class

- B. Frank Heald advised that both applications have been approved by the Police Department. .
- C. **MOTION by Bruce Schmidt and seconded by John Neal to approve the Liquor Licenses for Harry's and Ludlow Country Store/Squeals on Wheels as indicated above. Motion passed unanimously.**

5. **Consider Sidehill Cronchers Snowmobile Club Road Request**

- A. Howard Barton said that the Side Hill Cronchers have submitted their annual request for use of roads and snowmobile trails. He said that there have never been any issues with this.
- B. **MOTION by John Neal and seconded by Bruce Schmidt to accept the request on the list as presented by Side Hill Cronchers. Motion passed unanimously.**

6. **Report of Tax Collector**

- A. Frank Heald said that as Municipal Manager, he is the Tax Collector. At this point for 2012, there is \$119,000 of unpaid taxes not under a payment plan. There are 16 properties that owe over \$2,000. Two particular properties comprise almost half of the total. He proposes placing those 16 properties up for tax sale.
- B. Bruce Schmidt asked for alternatives.
- C. Frank Heald said that the only properties that go to tax sale are the ones that ignore us. We try to work with everyone on payment plans.

7. Continue Discussion on Town Flood Hazard Regulations

- A. Bruce Schmidt said that at the last meeting, Jason Rasmussen gave a good overview of the proposed changes to the Flood Hazard Regulations and asked Jason Rasmussen to review that as Howard Barton had been absent for the last meeting.
- B. Jason Rasmussen said that the Planning Commission has been working on updating the Flood Hazard Regulations. There was a strong recommendation from the state to update the language using a state model. This would meet state and National Flood Insurance Program Requirements. Most of the regulations would remain the same, but would be clearer and easier to understand. They would also include in the standards:
 - i. No new structures in the floodway
 - ii. No fill within the floodway
 - iii. A stream setback provision of 50 feet outside the FEMA Flood Hazard Area. This would also apply to the Village regulations.
- C. Howard Barton noted that the current regulations do not have the 50 setback for streams, but the new ones would.
- D. Jason Rasmussen said that was correct. He added that the Shoreland Protection Act had not passed in the Legislature last year, but is coming back. The state is pushing for river corridor protection and the Planning Commission did not want to go there, because the streams are not all mapped.
- E. Howard Barton said that the biggest cause of damage from Irene was trees close to the rivers coming down.
- F. Jason Rasmussen said there is also the issue of buffer and setbacks. The state is pushing for 50 foot buffers where there can be no cutting or mowing. The Planning Commission is suggesting a 50 foot setback with no new structures. He said that there are definitions of streams and measurements. We need to look at the map and the Planning Commission has not seen this new information. The Planning Commission meets in 2 weeks and needs to review this new information and come back to you at your next meeting.
- G. Rose Goings said it maps out major streams like the Branch Brook.
- H. Howard Barton asked the difference between streams and rivers.
- I. Jason Rasmussen said the state lumps them together. They need to be a perennial body of water. The map data is not well refined and only shows some intermittent streams. These will be removed from the list.
- J. Logan Nicoll said he would like to look over the new information.
- K. Rose Goings said that the streams on the list are a little excessive.
- L. Howard Barton said the 50 foot setback provision would affect a lot of peoples' properties.
- M. Jason Rasmussen suggested they come back to this board in a month.
- N. Logan Nicoll asked the board if there would be some form of stream setback that they would be okay with. The Planning Commission is in favor of setbacks because they would limit the amount of stuff floating down the rivers after storms, including propane tanks.
- O. Howard Barton said that he thinks that trees were the biggest problem after Irene.
- P. Bruce Schmidt noted that Jason Rasmussen had indicated that FEMA is going to change things, but he wants to make sure that people don't lose use of their property. It would also devalue the property and even lower the tax base. The Select Board needs to balance things and if FEMA comes in, we should try to fight it. We need to be cautious not to take away too much from people and promote things that have the least impact on property owners.
- Q. Ted Reeves said that for some small lots, a 50 foot setback would really impact the use of the property. He said they should not "zone" out peoples' ability to use their property. He added that Okemo has had stream buffer issues already. He added that Fluvial Erosion restrictions are also coming and also redefinitions of river corridors will add to restrictions on land use.

- R. John Neal asked where the 50 foot came from.
- S. Rose Goings said the state.
- T. John Neal asked if they could build a program based on the size of the lots. They could be creative.
- U. Frank Heald said that when we size a culvert or bridge, some brooks should have 50 foot buffers and others do not. They need a sliding scale.
- V. Jason Rasmussen said that Weathersfield has a sliding scale based on the slope of the land. Also, maybe there could be waivers for small lots. We need to make sure if the water indicated on a map is actually a stream or a dry gully. The Planning Commission needs to re-look at this.
- W. Ted Reeves said that they need definitions of streambed and top of stream and measurement procedures. They need to make sure that the definition of where to start the 50 foot measure starts is clear.
- X. Logan Nicoll said the Planning Commission is open to working on a sliding scale. Also, some parts of the regulations allow the town to get FEMA relief. The Emergency Relief Assistance Funding would possibly provide additional financial points for the town if you are doing something like setbacks.
- Y. Bruce Schmidt asked about other towns around Ludlow.
- Z. Jason Rasmussen said Cavendish is considering Erosion Hazard in the regulations and other towns are looking at public information instead of regulations. About 40 to 50 towns in the state have some kind of regulations.

8. **Discuss Holiday Party**

- A. Frank Heald advised that every year since he has been there, the town has had a party to Thank boards, elected officials, commissioners and employees for their work. The costs are spread over the town, village and cemetery commission.
- B. There was general consensus among board members to have a holiday party this year.
- C. Frank Heald said he would get pricing together.
- D. Bruce Schmidt said that they should spend what they normally spend.

9. **FY2015 Budget Workshop**

- A. Frank Heald advised that there have been no changes to report. The outstanding items are Police Contract, Insurance and Capital items. They are not proposing to buy any large items, but they are not sure about the Walker Bridge bond for the local share. They are also not sure whether the Commonwealth Avenue Culvert replacement would be on 2015 or 2016 if approved.
- B. Howard Barton asked when he would have the draft complete.
- C. Frank Heald said December or January at the latest.
- D. John Neal said that Frank Heald had done a relatively good job where the numbers are right now.
- E. Doug Ficken asked about the Pleasant Street Bridge.
- F. Frank Heald said we have a capital allocation in the 2014 budget, but the state denied funding last year and we hope to get approval for this year.
- G. Bruce Schmidt said that last month, Chief Billings, Ron Tarbell and Howie Paul came to the meeting to discuss their department budgets.
- H. Howard Barton said that everything is still a work in progress.

10. **Review FY2015 Appropriations Budget**

- A. Howard Barton noted that there are only a couple of increases in Appropriations. He asked about the Senior Center.
- B. Frank Heald said if we can't rent out the upstairs, the Operations costs will increase because we will end up heating the upstairs.
- C. Howard Barton asked about the Museum contract.
- D. Frank Heald advised that they have taken steps to live within the budget. The lady works from home, they are working on the windows, the Christmas program will be here and the board meetings will either be here or at the Senior Center. They are keeping the heat to a minimum. In the past, they were heating most of the building just to heat the office.
- E. Howard Barton said that we need to watch what we spend on heating that building. Hopefully, the heating and utilities costs will be lower next year.
- F. Bruce Schmidt asked about the Superintendent's office.
- G. Frank Heald said it would be painted this week and the rugs cleaned. No interest from possible renters yet.
- H. Bruce Schmidt asked where the largest decrease in revenue is.
- I. Frank Heald said Capital.
- J. Bruce Schmidt asked why capital was included in the Operations budget.
- K. John Neal said he has seen it both ways.
- L. Frank Heald said that the town has always done it that way and that Capital Expenses are covered by revenue from taxes, fund balancing and borrowing.
- M. Bruce Schmidt said that the budget is showing pretty flat right now and asked if Frank Heald sees any big changes coming.
- N. Frank Heald said the outstanding items are Police Contract and Insurance. Also the Walker Bridge project may decrease because there would be narrower. Additionally, regarding the Commonwealth Culvert, he is not sure what the federal government will do. Hopefully they will fund near 75%.
- O. Howard Barton asked about Quest.
- P. Frank Heald suggested they do a floor vote again this year as they did last year.
- Q. John Neal asked about the local portion for the Walker Bridge.
- R. Frank Heald said 10% gross, but there has been some discussion that if the town does not do a temporary structure, the town portion may go to 5%.
- S. Bruce Schmidt said that at the last meeting, they had started to discuss not including the financials in the town report.
- T. John Neal said they discussed putting them on the website and having copies available at town hall.
- U. There was general board consensus remove the financials, put them on the website and have copies available for people at town hall.
- V.

11. **Review Fund Balances/Articles**

- A. Frank Heald advised that at the last meeting he was asked for information about Articles voted from the floor. He prepared a spreadsheet showing each department, and showed the balance as of 6/30/13, the FY2014 Article, the FY2014 Approved Budget Disbursement and the Projected Balance as of 6/30/14. He said that this board does not have any control over the Cemetery Commission. He said that Municipal Transit is in better shape because they purchased the smaller bus. They have been funding the Community Center and Town Hall for

\$5,000 each for upkeep. The money in the Senior Center fund will get it painted and ready for rent. He reminded the board that when he first became Municipal Manager, the roof on Town Hall was leaking and a parapet was ready to fall into the street. He advised that the Fire Department fund decreased because they purchased a truck for \$220,000 this year.

- B. Bruce Schmidt said that this was a good report to have.
- C. John Neal asked if they thought they should include this report in the town report.
- D. Bruce Schmidt said that was a good idea.

12. **Department Head Reports**

- A. Howard Barton said that all reports are in.
- B. Bruce Schmidt asked when the bus is due in.
- C. Frank Heald said Collins overbooked and there was a question of chassis availability. The bus is supposed to have been built last week.

13. **Other Business**

- A. Ludlow Economic Corps
 - i. Frank Heald advised that he had met with the Ludlow Economic Corps. They look at the business economy in the town and village. Their project is to stimulate business growth in the Village. We need to think 1 to 5 to 10 years in the future and try to get everyone involved in getting more businesses in Ludlow. They have a couple more meetings scheduled.
- B. Out of Office
 - i. Frank Heald advised that he will be out of the office from the 15th through the following week. He will be available by cell phone.
- C. Contract Negotiations
 - i. Bruce Schmidt commented that Frank Heald did a great job with the Police Department Contract negotiations.

14. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be December 2, 2013 at 7:00 p.m.

15. **Sign Warrant Orders**

- A. Warrant orders have been signed.

16. **Possible Executive Session/Personnel/Contracts/Legal Issues**

- A. Frank Heald said an Executive Session for Contract is needed.
- B. **MOTION by Doug Ficken and seconded by John Neal to enter in to Executive Session for Contracts. Motion passed unanimously.**
- C. Board entered in to Executive Session at 7:59 p.m.
- D. Board exited Executive Session at 8:19 p.m. No action taken.

17. **Adjourn**

- A. **MOTION by John Neal and seconded by Doug Ficken to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal