

PRELIMINARY MINUTES

**TOWN OF LUDLOW
SELECT BOARD**

**PUBLIC HEARING
SELECT BOARD REGULAR MEETING MINUTES**

MONDAY, JULY 6, 2015

Board Members Present:

Howard Barton, Jr, Chairman
Logan Nicoll

Bruce Schmidt
John Neal (absent)

Brett Sanderson

Staff Present:

Frank Heald

Rosemary Goings

Terry Thayne

Others Present:

Alan Isaacson
Ed McEnaney, LPC-TV
Sharon Bixby

Larry Wilfong, VT Journal
Josh Bagnato, TDI – NE
Jackie Hunt

Ted Reeves
Glen Heitsmith
Lisa Schmidt

PUBLIC MEETING

APPLICATION FOR SHARED-USE PATH IN LUDLOW

1. Chairman Howard Barton, Jr. opened the Public Meeting for the Shared-Use Path in Ludlow at 7:00 pm.
2. Sharon Bixby said she didn't have handouts, but could print them quickly in her office.
3. Frank Heald advised that we are only asking to schedule a Public Hearing.
4. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to recess the Public Meeting and open the Select Board Regular Meeting. All in favor and the motion passed unanimously.**

**SELECT BOARD
REGULAR MEETING**

Call to Order

- a. Chairman Howard Barton, Jr. called the Select Board Regular Meeting to order at 7:02 PM.

Approve Minutes

- a. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve the minutes from June 1, 2015. All in favor and the motion passed unanimously.**

Comments from Citizens

- a. Glen Heitsmith said the Select Board agenda packet included changes to the Town Plan that he could not read.
- b. Frank Heald said the Amendments to the Town Plan will be covered in item #14.
- c. Rosemary Goings agreed that the information in Chapter #11 is light.

Award 2015 Summer Paving Bids

- a. Frank Heald said the paving bids were opened on July 1, 2015 and included four bids with two vendors represented.

2015 Town Paving	Fuller Sand & Gravel	Pike Industries	Springfield Paving	Wilk Paving
	\$63.00 per ton	\$69.55 per ton	\$71.28 per ton	\$69.95 per ton

- a. Frank Heald said Fuller Sand & Gravel was the apparent low bidder at \$63.00 per ton. He said we have used Fuller Sand & Gravel for the past several years and they have done a good job.
- b. Frank Heald said it was the bid opening committee's recommendation to award the bid to Fuller Sand & Gravel.
- c. **MOTION by Brett Sanderson and seconded by Logan Nicoll to award the 2015 Summer Paving Bid to Fuller Sand & Gravel at \$63.00 per ton.**
- d. Bruce Schmidt asked why there was such a difference in the price per ton with the Town vs. Village pricing and wondered if we would get a better price if we combined all of the amounts.
- e. Brett Sanderson said there are smaller areas in the Village to pave that requires the mobilization of the equipment.
- f. Frank Heald said the Village paving budget is smaller and the street locations are also smaller.
- g. Bruce Schmidt said we should combine the total tons in the future to see if we get a better rate.
- h. Frank Heald said we can try this next year.
- i. **MOTION to award the paving bid to Fuller Sand & Gravel at \$63.00 per ton passed unanimously.**

Award 2016 Police Cruiser Bid

- a. Frank Heald said they mailed out bid packets to a total of nine dealers, but only received one bid from Durand Ford for a 2016 SUV with a net price of \$22,877.

Vendor	Vehicle Type	Net Price	Retail/Trade
Durand Ford	2016 Ford Utility Police Interceptor AWD Black	\$22,877	\$30,377 less trade of \$7,500

- b. Frank Heald said the bid opening took place on July 2, 2015 and the bid committee's recommendation is to award the bid to Durand Ford.
- c. Bruce Schmidt asked if we had called the other vendors to solicit a bid or to ask them why they did not bid.
- d. Frank Head said they have not. He added that it would be inappropriate to solicit bids after the bids were received and opened.
- e. Bruce Schmidt said we should call them now to see what the dealers didn't like about the bid.
- f. Frank Heald said most of the vendors have access to the Town budget so they know what will fit into their bids according to the budget.
- g. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to award the Police Cruiser bid to Durand Ford for \$22,877. All in favor and the motion passed unanimously.**

DRB Appointments

- a. Howard Barton, Jr. said there were three candidates for three open DRB positions.
- b. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to appoint Julie Nicoll, Linda Petty and John Boehrer to the DRB for FY 2016. All in favor and the motion passed unanimously.**

Consider & Approve TDI New England Host Town Agreement

- a. Frank Heald said Josh Bagnato is here representing TDI New England. Frank said Josh has spent time with the attorneys and appraisers and had made some “tweaks” that are subject to road cut permits, pipe in the road and the converter and other federal and state permits.
- b. Bruce Schmidt asked what the timeline is and where if they are going to start in Champlain.
- c. Josh Bagnato said the project is moving along and explained that the permits are expected by the end of this year on the federal, state and local side. Josh said the project will start up north and move from Arlberg to Benson to Ludlow and they hope to begin construction in 2017 and be operational in 2019. Approximately 100 miles are proposed to be buried under Lake Champlain and the balance buried underground in existing rights-of-way. The line will end at a converter station to be built at a location in Ludlow and connect into the VELCO transmission grid.
- d. Bruce Schmidt welcomed the TDI New England project to Ludlow.
- e. Frank Heald said in two weeks the Department of Energy will have a hearing on the Draft Environmental Impact Statement in Rutland to hear comments on the 280 page document.
- f. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to sign the Host Town Agreement for TDI, New England.**
- g. Glen Heitsmith asked if this project will affect 7 miles of Ludlow roads.
- h. Josh Bagnato said the project totals 7.68 miles on four roads in Ludlow.
- i. **All in favor and the motion passed unanimously.**

Walker Bridge Update

- a. Frank Heald said after many phone calls to the state, he still has not heard back from anyone. He added that they never seem to answer their phones.
- b. Frank Heald said he has scheduled a meeting this Thursday with Matt Belden from Daniels Construction and Jon Olin from Hoyle Tanner to put together a reasonable budget and look for ways to find the balance of the money.
- c. Frank Heald said the estimate is over \$100,000 and we have \$50,000 reserved in previous structures grants.
- d. Howard Barton, Jr. asked if lane closures were expected for a long period of time.
- e. Frank Heald said if they cold-plane the top and replace the damaged concrete it could boil down to one lane of traffic. Frank added that it will also depend upon contractor availability.
- f. Howard Barton Jr. asked if they could detour trucks through Woodstock.
- g. Frank Heald said they could consider it.

Board of Listers Errors & Omissions to Lodged Grant List

- a. Howard Barton Jr. said there was one error and omission.
- b. Frank Heald said the Listers Office made an error that this will correct.
- c. Terry Thayne said they inadvertently added the lifts twice and caught it during a review.
- d. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve the Board of Listers Errors & Omissions. All in favor and the motion passed.**
- e. Bruce Schmidt abstained from the vote.
- f. Ted Reeves said that for record they are appealing to the BCA in two weeks.

Execute Dr. Carey Camp Road Discontinuance

- a. Frank Heald said the discontinuance of Dr. Carey Camp Road was now complete and just requires a quit claim deed.
- b. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to accept the discontinuance of Dr. Carey Camp Road. All in favor and the motion passed unanimously.**

Execute Town Audit Agreement

- a. Frank Heald said they opened the bids for the Town Audit Services for 2015-2017 and Graham & Graham was the low bidder. He added that Graham & Graham has done the audit services for the Village Electric Light Department, Town of Johnson and VESPA so we have reason to believe they will do a good job for us.

- b. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to authorize the Municipal Manager and Select Board Chair to sign to Town Audit agreement with Graham & Graham. All in favor and the motion passed unanimously.**

Authorize Transfer of Vault Preservation Funds

- a. Howard Barton Jr. said the Town Clerk is asking for a transfer of \$26,000 from the vault preservation fund for recording.
- b. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to approve the transfer of \$26,000 from the vault preservation fund. All in favor and the motion passed unanimously.**
- c. Larry Wilfong asked when the Town Clerk's Office began computerization of records.
- d. Howard Barton, Jr. said about three years ago.

Set Date for 2016 Town Tax Rate Meeting

- a. Frank Heald said they have held off on the urgency of setting the tax rate because the Village will be voting on their residential trash collection on July 21st and will also need to set the Village tax rate.
- b. Frank Heald said they will save on postage if they send the bills at the same time. He said we can set the Town Tax Rate but delay the collection dates.
- c. Howard Barton, Jr. asked how delaying the collection dates will affect the tax dates that were approved at Town Meeting.
- d. Frank Heald said that is a good question. He said we needed to do this several years ago.
- e. Howard Barton, Jr. asked if the collection dates need to be a certain number of days apart and if the delay will hurt us financially.
- f. Frank Heald said the vote will take place on July 21st so the Village could set the rate on July 22nd.
- g. Howard Barton, Jr. asked if there was a period of time for a Village vote appeal and wondered if we can legally set a date or wait until the period is up.
- h. Bruce Schmidt asked if it really matters because we can save money on the mailing.
- i. Frank Heald said if the Village vote does not pass it would be a moot point.
- j. Frank Heald said they can warn a meeting to set the Town Tax Rate sometime next week.
- k. **It was the consensus of the Select Board to set the 2016 Town Tax Rate on Tuesday, July 14, 2015 in the Town Hall Conference Room at 8:00 am.**

Review Amendment to Municipal Plan

- a. Rosemary Goings said there are three chapters that will need to be warned for a Public Hearing in August:
Chapter 3 – Natural Resources (not in packets)
Chapter 4 – Scenic & Historical Resources with the Village Center Designation
Chapter 11 – Flood Resilience
- b. Alan Isaacson said there is a request to expand the Village Center and if the state approves it, this will give businesses a tax break but this needs to be specified in the Town Plan. He said he met with ANR and they said they were amenable to our requests to move ahead.
- c. Bruce Schmidt asked what the Village Center does and does it take anything out.
- d. Alan Isaacson said the intention is to go from the Governor's Inn to Lamere Square and extend it to include all of the businesses on Pond Street.
- e. Alan Isaacson said the zoning still applies, but there are tax incentives for business.
- f. Frank Heald asked if there was time to warn a Public Hearing.
- g. Rosemary Goings said the warning is a 15-day period so August 3, 2015 would work.
- h. Bruce Schmidt asked Rosemary Goings if she can show the changes in color so we can identify those changes that are significant. He said it would be helpful to know what they are looking at.
- i. Frank Heald said that Chapter #11 is all new.
- j. Glen Heitsmith said he is curious because he saw a reference from the state regarding recreational use and water access with a 110' buffer.
- k. Alan Isaacson explained that the FEMA program is inflexible and this only applies on Act 250 and 258.

- l. Ted Reeves said the impact is going to be profound and they are very concerned about getting zoned in an indirect manner.
- m. Howard Barton, Jr. said we can discuss this further on August 3rd.
- n. Alan Isaacson said he will put together an electronic version in color that shows the changes.
- o. Bruce Schmidt recommended putting a copy onto the website.

Consider Ludlow Garden Club's Request RE: Mini Park Christmas Tree

- a. Howard Barton said they have a request from the Ludlow Garden Club regarding a Christmas tree in the Mini-Park.
- b. Frank Heald said they will run electricity from the container in the middle of the park which becomes a flower planter in the summer time.
- c. Jackie Hunt said the lighting works well and the Christmas tree looks nice.
- d. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve the Ludlow Garden Club's request for a Christmas tree in the Mini Park. All in favor and the motion passed unanimously.**

Department Head Reports

- a. No Comments.

Other Business

- a. Transfer Station Update
 - i. Frank Heald said the Transfer Station transition went moderately well. He said it takes more time to sell permits and hand out bags. He said the Transfer Station staff is doing a great job and the bag situation should be cured by tomorrow.
 - ii. Howard Barton Jr. asked how the flow works.
 - iii. Frank Heald said he believes that once we are through the permit process the flow will work better. He said there was only one issue on Sunday. Frank noticed a business that needed to circle several times to unload, weigh and unload again. He said the flow will work better because there is no crossing of traffic.
 - iv. Howard Barton, Jr. said you could always go around to the back of the building to the left and not cross over traffic.
- b. VELCO Upgrade
 - i. Frank Heald said VELCO is proposing to upgrade the line from Coolidge to Ascutney. He said we have been advised of this because a small piece is in Ludlow.
 - ii. Frank Heald said he has a copy of the proposal inside his office if anyone would like to review it.
- c. Quest & Summer Recreation
 - i. Howard Barton, Jr. asked how many participants were in the Quest Program and Summer Recreation.
 - ii. Frank Heald said in Quest there were 11 today with 3 more signing up.
 - iii. Frank Heald said Summer Recreation participation was also down. He said they will need to take a look at Quest next year. He said there was good support in the school system with Shannon Martin.
 - iv. Howard Barton, Jr. asked where the participants were coming from.
 - v. Frank Heald said some participants are from Chester and others are living with relatives in the area, and four are from Ludlow.

Set Date from Next Meeting

- a. Howard Barton, Jr. advised that the next Select Board meeting will be held on August 3, 2015.

Possible Executive Session/Personnel/Contracts/Legal Issues

- a. Howard Barton, Jr. asked if an executive session was needed.
- b. Frank Heald said yes.

- c. Howard Barton, Jr. said they will recess the Select Board meeting and re-open the bike path meeting.

**RE-OPEN PUBLIC MEETING
APPLICATION FOR SHARED-USE PATH IN LUDLOW**

- a. Chairman Howard Barton, Jr. re-opened the Public Meeting at 8:00 PM.
- b. Sharon Bixby reported that Shared-Use Path cost was roughly \$2 million and will run from the Park & Ride down Route 103 North (on the other side of the guardrail) to Locust Hill, Ranta Road, Jackson Gore and will extend beyond to Buttermilk Falls.
- c. Sharon Bixby said that John Kaplan from VTrans came down and looked at the project and offer suggestions. Sharon said Mr. Kaplan didn't realize people walked on Route 103.
- d. Sharon Bixby said Naomi from Dufresne Group put together a map and new plan to show a new route from the Park & Ride to the Welcome to Ludlow sign that will help reduce the cost and can hook onto Route 103 by Locust Hill and Ranta Road. Sharon said with this route they would use signage and not have to cut any trees.
- e. Sharon Bixby said there was no connectivity to the Village so the suggestion was to mark the road with bicycle lanes from the Village to the Park & Ridge and from the end of Ranta Road to Jackson Gore.
- f. Sharon Bixby said the cost would be \$1.2 million and would be ready to build in 2019 with 3% built in as an increase per year. She said they have a 5-page application with a reduced plan and will need a letter of support.
- g. Larry Wilfong noted that the cost has gone down, but on page two, item #3 indicates the cost may vary substantially.
- h. Sharon Bixby said that is because the construction is so many years out.
- i. Larry Wilfong asked about the financing.
- j. Sharon Bixby said it is 90% federal money with a 10% match and the Okemo Community Challenge Grant has already earmarked \$40,000 annually for three years.
- k. Larry Wilfong asked if there was a specific federal program.
- l. Frank Heald said it is federal money from the Bike & Pedestrian grant.
- m. Alan Isaacson said the money comes out of all of our pockets. He said he would much rather see decent road shoulders, pot holes fixed and paved roads. He said the 2.7 miles on the route is not crowded.
- n. Howard Barton, Jr. asked who would take care of the maintenance to keep the path open year around.
- o. Sharon Bixby said Okemo would assist and it could also be used for snowshoeing and XC skiing.
- p. Howard Barton, Jr. asked what happens when the state comes by to wing the roads.
- q. Lisa Schmidt asked who rode with Mr. Kaplan.
- r. Sharon Bixby said John Kaplan gave us many pointers on the application and how to reduce the costs.
- s. Alan Isaacson asked how the path will be affected by the VTrans Route 100/103 project.
- t. Logan Nicoll said the path avoids the intersection. He said the design process may get easier after the Village Designation.
- u. Bruce Schmidt said if there is no exposure we should move ahead and see where it goes.
- v. Howard Barton, Jr. asked if most of the work would happen from the Park & Ride to Locust Hill.
- w. Sharon Bixby said it would run from the Park & Ridge to welcome to Ludlow sign.
- x. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to have the Town apply for a Bicycle & Pedestrian Pathway Grant. All in favor and the motion passed unanimously.**
- y. Sharon Bixby said she will need a letter of support and match by July 17th.
- z. Chairman Howard Barton, Jr. closed the hearing at 8:09 pm.

Possible Executive Session/Personnel/Contracts

- a. Frank Heald advised that an Executive Session is needed.
- b. **MOTION by Bruce Schmidt and seconded by Logan Nicoll that in accordance with the provisions of 1VSA §313 (1) (B), he moves that the Ludlow Select Board enter into Executive Session to consider the evaluation/appointment of certain municipal employees. The premature public knowledge of this proposed agreement would place**

the Town and Village of Ludlow at a substantial disadvantage. This motion for Executive Session includes the members present and the Municipal Manager. Motion passed unanimously.

- c. Board entered into Executive Session at 8:10 p.m.
- d. Board exited Executive Session at 8:23 pm.
- e. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to support the manager's recommendations regarding wage changes at his discretion for non-union employees. Motion passed unanimously.**

Adjourn:

- a. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to adjourn.**
- b. Meeting adjourned at 8:25 pm.

Respectfully submitted,

Pam Cruickshank
Acting Recording Secretary

Howard Barton Jr., Chairman

John Neal

Bruce Schmidt

Brett Sanderson

Logan Nicoll