

MINUTES

**VILLAGE OF LUDLOW
BOARD OF TRUSTEES**

**SPECIAL PUBLIC HEARING AND
REGULAR MEETING**

6:00 PM

Tuesday August 5, 2014

BOARD MEMBERS PRESENT:

Bob Gilmore, by phone

Richard Harrison

David Rose

STAFF:

Frank Heald

OTHERS PRESENT:

Lisa Gabarra

Joseph Rolka

Patrick Cody – LPCTV

Kathy Gaede

Steve Rolka

PUBLIC HEARING

- A. David Rose called the hearing to order at 6:00 pm. All members present, Bob Gilmore by telephone.
- B. David Rose explained that the purpose of this hearing is to receive testimony and evidence on a complaint of “vicious dog” concerning a dog named Ikee, owned by Steve Rolka, presently residing at 63 Main Street in Ludlow.
- C. David Rose read aloud letters from Frank Heald to Mr. Rolka and the Animal Control Officer’s Statement from Steve Laskevich.
- D. Kathy Gaede advised that she was in the store at the time of the incident. She was very upset about the letter from Mr. Laskevich, in which he wrote that she had recounted the same story as the child’s grandparents. Kathy Gaede stated, unequivocally, that she did not agree with the statement. She said that Ikee was not aggressive at all. She said that she heard shrieks and screams from outside, and the grandparents were just getting out of the car. The grandfather picked up the child and held the child in front of him, with the child’s back facing out. She said that she told Ikee to lie down and the dog obeyed. She said that the grandmother said that the dog bit the child and there was a little scratch on the child’s buttock, but no blood. She said that she saw it twice. She said that the ambulance came and the grandfather went inside with the child. When the child came out of the ambulance, she was laughing, but when the grandmother came, the child started to cry again. She repeated that the dog was not aggressive, did not bark or growl. She added that she often takes the dog home with her and has a young granddaughter herself. She repeated that she is very upset by the statement from Steve Laskevich.
- E. David Rose said that the child was bitten.
- F. Bob Gilmore said that the child had every right to be scared of a German Shepard.
- G. Kathy Gaede said that the child is probably scared of dogs. She repeated that Ikee was not aggressive.
- H. Bob Gilmore asked why there are BEWARE OF DOG signs plastered all over the place.
- I. Steve Rolka said that the signs do not belong to him; they belong to the Farmer’s Market.
- J. Bob Gilmore asked why they would put them up. He said that the dog has a history of incidents and 2 were reported.
- K. Steve Rolka started to say that there is a problem with the 3 incidents, 2 on record.
- L. Bob Gilmore said the focus of this hearing is to bring you here and to let you know how upset we are.
- M. Steve Rolka said that the “three incidents” statement is not true. It is libel. The dog nipped or bit the little girl, yes. One of the other incidents was last summer. A lady was walking her dog, on leash with a training collar. Ikee went out to play with the dog and ran around the side. The other dog ran around the owner and the leash got wrapped around her legs and she fell. Ikee was about 2 feet off his property line. This was not a bite. There was no aggression and no blood. In the case of the first incident, he said that he was out of town, at Mount Snow, with Ikee. A customer’s dog nipped/bit a person walking across his property. His brother told

- him about the incident and he did have the names of the people involved, but threw them away. He said that he has spoken to his dog trainer and that the dog may have reacted to the high, shrill, unexpected behavior and grabbed the little girl. He said that he was on vacation and not at the store at the time. He said that he feels sorry that it happened. He is concerned about the libelous statement from the Animal Control Officer and wants this hearing's judgment based on facts. He said that he knows that the town does not like the Rolkas because of Odyssey. He said there was an incident in the store where someone pulled a knife. They called the police and they ending up getting charged. There has only been one incident when his dog nipped/bit someone. It could have been the screaming that triggered it.
- N. Bob Gilmore said that he has a question.
- O. Steve Rolka said that he would like the same courtesy that others get.
- P. David Rose asked him to continue.
- Q. Steve Rolka said that Bob Gilmore said that because there was a German Shepard, the girl had every right to be afraid. He said that while this was happening, he received a call from a neighbor asking he what was going on because of the screams. He said the dog was wrong.
- R. Bob Gilmore said the focus is this incident. This is semantics. You can't say you're sorry and then say nipped not bit. There were marks on the child, even through her clothes. The time line does not matter if the screams came first, then Ikee may have gone up to the girl. We have to evaluate this incident.
- S. Steve Rolka said he is not two-faces and he does apologize about the incident. I want the Trustees to base this on facts, not slanderous statements. I was not there. I care. My dog will not be loose in the store again, or if in the store, she will be on a leash.
- T. Richard Harrison noted that Steve Rolka has quite a bit of land and asked if they could make a runway for the dog.
- U. Steve Rolka said that, unfortunately, the dog will not poop on the run. He said that he has had her on the lawn, with the training collar. He takes her to the river to swim. Yes, he could have a run. He repeated that he is not two-faced and he does not want this to happen again.
- V. David Rose asked Steve Rolka if he would be agreeable to not having the dog in the store again and kept on her own property.
- W. Steve Rolka said yes. He said that the dog has been in the store for the last 2 years. He added that people are always worried about incidents and he is, too. He is also concerned about his business.
- X. Bob Gilmore said it is a good step in the right direction. Maybe he could try a larger run for the dog.
- Y. Steve Rolka said he agrees to keep her loose in the backyard, but not to tie her up 100% of the time. With the training collar, he has full control over her. She does not go in the front yard, except when he is mowing the lawn, but he will not do that, again.
- Z. Bob Gilmore said that he is satisfied for her not to be in the store and to be kept to the backyard.
- AA. Steve Rolka said he said that she would not be loose in the store, but would be in his office.
- BB. Richard Harrison said okay. The problem is solved and he hopes this will take care of it.
- CC. David Rose said fine, also.
- DD. **MOTION by Bob Gilmore and seconded by Richard Harrison that Steve Rolka will agree to keep better control over Ikee. If in the store, she will be confined to the office and will stay in the backyard when outside. Motion passed unanimously.**
- EE. Steve Rolka said that Kathy Gaede deserves an apology from the Animal Control Officer.
- FF. Kathy Gaede said that she did not like being misquoted. She did not say that she agreed with the account of the incident given by the grandparents. She told the Animal Control Officer that the dog was not aggressive.
- GG. Steve Rolka said that Kathy Gaede has a good reputation in town and he does not want that to change.
- HH. Bob Gilmore said this is splitting hairs. If you want to pursue a libel suit, be my guest. We should move past this issue.
- II. Steve Rolka said that it sounds like Ludlow is against the Rolkas. He said that he is tired of having everything turned against them. He said they try to do things right. Yes, he could pursue a libel suit, but won't.
- JJ. Richard Harrison suggested they not go any further with this. Things are good right now.
- KK. Bob Gilmore said we should just resolve this incident and move on.
- LL. Steve Rolka said that he disagrees. He feels that the Animal Control Officer should apologize to Kathy Gaede. The Animal Control Officer also libeled Steve Rolka by saying there were 3 incidents. He continued, saying that he does appreciate that the board reviewed this on this incident only.
- MM. **MOTION by Bob Gilmore and seconded by Richard Harrison to close this public hearing. Motion passed unanimously.**

REGULAR MEETING OF THE BOARD OF TRUSTEES

1. **Call to Order**

- A. David Rose called the meeting to order at 6:30 p.m.

2. **Approve Minutes from Previous Meeting**

- A. David Rose advised the minutes to be approved are from the regular meeting of July 1, 2014 and the special meetings of July 7, 2014 and July 15, 2014.
B. **MOTION by David Rose and seconded by Richard Harrison to approve minutes from the regular meeting of July 1, 2014 and the special meetings of July 7, 2014 and July 15, 2014 submitted. Motion passed unanimously.**

3. **Comments From Citizens**

- A. There were none.

4. **Award Lower Main Street Sidewalk Bid**

- A. Frank Heald advised that the details of the bid were included in the packets. This is for sidewalk repair from Cota & Cota to the Community Center. Bids were received from 2 bidders. (See below.) The committee recommends awarding the bid to the apparent low bidder, Sanderson Contracting

Village	Sanderson Contracting	The Belden Company
Price	\$58,705.00	\$84,680.00

- B. **MOTION by Bob Gilmore and seconded by Richard Harrison to award the village sidewalk bid to Sanderson Contracting. Motion passed unanimously.**

5. **Sewer Allocation Request**

- A. **Ludlow Laundry Company, LLC – Okemo Marketplace**
i. Property address is Ludlow Marketplace
ii. David Rose advised that this is a request for a sewer allocation for 14 washers.
iii. Allocation fee – 14 washers @ 500 gpd/each = 7,000 x \$4.54 = \$31,780.00
iv. Bob Gilmore asked if the applicants have paid yet.
v. Frank Heald said they need to have approval first.
vi. **MOTION by Bob Gilmore and seconded by Richard Harrison to approve this application for 14 washers at 500 gpd at \$4.54/gpd for a total of \$31,780.00. Motion passed unanimously.**
- B. **119 Main Street Investors – 119 Main Street**
i. Property address is 119 Main Street
ii. David Rose advised that this is a request for a sewer allocation for a sewer allocation for a 20 seat café.
iii. Allocation fee – 20 seats @ 30 gpd/seat = 600 gpd x \$4.54 = \$2,724.00
iv. **MOTION by Bob Gilmore and seconded by Richard Harrison to approve this application for a 20 seat café at 30 gpd per seat x \$4.54 per gpd for a total of \$2,724.00. Motion passed unanimously.**
- C. **Valente/Hodge – 6 Andover Street**
i. Frank Heald advised that this item would be tabled.

6. **Sewer Allocation Removal Request**

- A. **George and Ann Dunnett**
i. Property addresses are 22 Pond Street and 5 West Hill
ii. Bob Gilmore said that they would still have to pay the delinquent charges.
iii. David Rose said that this request is just to disconnect.

- iv. **MOTION by Bob Gilmore and seconded by Richard Harrison to disconnect water and sewer service for 22 Pond Street and 5 West Hill. Motion passed unanimously.**

7. **Consider Tax Sale RE: Delinquent Water & Sewer at 190 Main Street**

- A. Frank Heald advised that this tax sale would be unique as it is for delinquent water and sewer services. The amount due is just under \$10,000.
- B. Bob Gilmore asked Frank Heald to inform the board if there have been past attempts to resolve this issue. He noted that \$10,000 is quite a bit to owe.
- C. Frank Heald said yes, there have been past attempts. He said that this property and issue has been on the tax sale list every year for the past 3 years.
- D. **MOTION by Bob Gilmore and seconded by Richard Harrison to authorize the Municipal Manager, Frank Heald to go forward with the tax sale. Motion passed unanimously.**

8. **Continue Act 148 Discussion**

- A. Frank Heald advised that he had spent time with the Select Board and this is a whole new paradigm. Pay to Throw. There is a limit as to how much we may include in the tax base. People must accept that they will have to accept Pay to Throw. The Town/Village must collect money for it. We have considered some options.
- i. Pay by the bag
 - ii. Sell stickers to attach to bags
 - iii. Sell bags with Ludlow logo
 - iv. Set up prepaid debit cards like they have for tolls and the kids have for lunch. People load up the cards with money.
- B. Frank Heald continued, saying they have to introduce to people in the community that things are going to change. The trash pickup dynamics in the Village will also change. We can consider limiting people to one 32 gallon trash bag. If they do have curbside pickup, they must also have recycling pickup. While people may think recycling is free, we still have to pay to get rid of it. That can be included in the cost for trash pickup or additional. We probably will have to buy the totes and that will be a capital cost. In mid-September, we would like to hold a public informational meeting to get the community together. We would like to form a committee of volunteers, plus a member from the Select Board and a trustee to get together to formulate how the town and village will handle this. By December, we need to know what we are going to do, so that we can include it in the budgets for next fiscal year. We will be discussing this again.
- C. Richard Harrison said that he takes his trash to the transfer station.
- D. Frank Heald said that he would still have to pay to throw. He added that anyone who has thoughts or questions can meet with him individually to discuss this.
- E. Bob Gilmore asked the cost of totes.
- F. Frank Heald said they range in cost from a small 35 gallon one at \$70 to larger, 90 gallon ones at \$90. We need 300. We are looking at a capital cost of \$20,000 to \$30,000. We still have to transport the recycling at \$60 to \$80 per ton.
- G. Bob Gilmore asked about the contract with Casella.
- H. Frank Heald said that it expires in Oct, but Casella has agreed to extend it until next July. We have not had discussions about the new contract, but it will be more expensive.
- I. Bob Gilmore said that it is a progressive statute and he is glad that Frank Heald is here to deal with it.
- J. Frank Heald said that they will need to start to deal with food scraps by 2020.
- K. Bob Gilmore said that this will change the world order of how we process waste.
- L. David Rose said it will definitely cost more.

9. **Set Date for May Meeting**

- A. Next regular meeting set for Tuesday September 2, 2014 at 6:00 p.m.

10. **Other Business**

- A. **Vacation Bible School**

- i. Frank Heald advised that the Baptist Church has requested closure of the street in front of the church on August 15th from 5 p.m. to 8 p.m. They have always done this in the past several years.
- ii. There was agreement among board members.

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

- A. Frank Heald said none was needed. He would speak to members individually.

12. **Adjourn**

- A. **MOTION to adjourn by Bob Gilmore and seconded by Richard Harrison. Motion passed unanimously.**
- B. Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Lisha Klaiber

Robert Gilmore, Chairman

David Rose

Richard Harrison