

DRAFT

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

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

November 3, 2008

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman	Brett Sanderson	Earl Washburn
John Neal	Bruce Schmidt	

STAFF:

Frank Heald

OTHERS PRESENT:

Leo Graham	Jane Mowrey	Phil Stratman
Steve Laskevich	John Murphy, Jr.	Duncan Love (LPC-TV)
Charles Mowrey, Jr.	John Norton	

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:00 p.m.
- B. All members present

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of October 6, 2008.
- B. **MOTION by Earl Washburn and seconded by Bruce Schmidt to approve the minutes from the October 6, 2008 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **John Norton – Town Policies**

- A. **Equipment and Outside Contractors**
 - i. John Norton asked if all town equipment is operational
 - ii. Frank Heald said to his knowledge it is.
 - iii. John Norton asked if town employees are trained on all equipment
 - iv. Frank Heald said one individual is trained on all the equipment
 - v. John Norton asked why some projects are handed out to a certain contractor. Why not have town employees do the work.
 - vi. Frank Heald said that from time to time he needs to contract work out, as the town work crew is small.
 - vii. John Norton said that he used to run the town grader but has not been asked to do town work recently.
- B. **Permits**
 - i. John Norton said that it is easy to get permits when a member of the Select Board is a contractor.
 - ii. Frank Heald said that he would be happy to discuss any specific issue that John Norton may have.
 - iii. John Neal said that John Norton needs to be specific. This board cannot respond to generalities.
 - iv. John Norton said this goes on all the time. He said that he has heard about it more than once.
 - v. John Neal asked if John Norton were referring to a specific zoning permit.

- vi. John Norton said that he heard that one party got a permit and another had to tear down part of the building.
- vii. Howard Barton said that John Norton is making allegations and this board needs specifics.
- C. Pike and 4th of July Paving
 - i. John Norton asked why Pike worked over the 4th of July weekend a couple of years ago.
 - ii. Bruce Schmidt said that he recalls that did happen and the matter was discussed at a Select Board meeting. Some of the local businesses complained about it. It was a miscommunication, a mistake.
 - iii. Howard Barton noted that it was a state contract.
 - iv. John Norton said that it was in the Village and he called the contractor about it.
- D. Paving Repairs
 - i. John Norton referred to 3 paving repairs that took too long to be completed. He thought the policy was that if you dig up the road, you must put it back the way it was.
 - ii. Frank Heald said that there was a water break by the Fire Station and the town crew patched it twice and it did not hold. They then had a paver come it to fix it. On South Main, there was a sewer issue and the town crew patched it 3 times. Again, it did not hold, so they called in a paver. The last was by the gas station and the town crew also was not able to fix that one. Again, a paver was called. The town crew is not adept at repaving dig ups.
 - iii. John Norton said it should not have taken so long.
 - iv. Earl Washburn said that it was addressed by this board. The board did try to get the repairs made and the town attempted to do it from within. It did take too long.
- E. Motor Vehicle Violations
 - i. John Norton said that he sees a lot of motor vehicle violations and there should be more policing in the town. People are speeding and running red lights. He added that he will probably get picked on for bringing this up.
- F. Ambulance Squad and EMS Building
 - i. John Norton asked how the ambulance squad is self-funded.
 - ii. Frank Heald explained that the Ambulance Squad is an enterprise unit of the town and has its own revenue stream. The squad helps with the budget. The squad collects fees from calls they make. It is a unit of the town and insured by the town. Insurance fees are in their budget. The squad pays part of the lighting and heating for the building. The squad raises operational and capital money. Currently, the squad has a positive cash flow.
 - iii. John Norton asked who bought and paid for that building.
 - iv. Frank Heald said that the building was funded by a \$400,000 bond, \$100,000 from the ambulance department and funds from the Enterprise Fund. They amortized the cost of the bond from the Enterprise Fund. One half of the operational costs of the building are paid by the ambulance squad and the other half by the police department. Some costs were paid from the Police capital fund.
- G. Bruce Schmidt said he encourages anyone to bring up things that concern him or her when they happen. This board tries to answer questions. If we (the board) are aware of a problem, we try to deal with it. To his knowledge, there has been nothing improper regarding contracts or permits. He could not in good conscience allow any such improprieties. He believes that everything is above board. He added that Frank Heald and the staff are doing a good job.

5. **Ludlow Side Hill Cronchers Snowmobile Club Trail/Road Request**

- A. Frank Heald advised that this is an annual request to use portions of the highways and trails. There have been no past concerns or problems.
- B. **MOTION by Bruce Schmidt and seconded by John Neal to approve the request from Side Hill Cronchers as submitted.**
- C. Earl Washburn noted that the dates should be corrected to read 2008-2009 season.
- D. Alan Seiple asked about signs at the flood control dam that ban use of motor vehicles.
- E. Howard Barton said that refers to cars and trucks.
- F. Frank Heald added ATVs to that list.
- G. **Motion passed unanimously**

6. **Receive and Act on Errors & Omissions Report from the Ludlow Board of Listers**

- A. Howard Barton advised that the list contains one property. The parcel value increased from \$494,497 to \$2,165,703.
- B. **MOTION by John Neal and seconded by Brett Sanderson to make changes to the Grand List as presented in the letter submitted by the listers. Motion passed unanimously.**

7. **Discuss FY 2010 Budget Meeting Schedule**

- A. Frank Heald advised that staff and department heads are working on the budget as we speak. There should be no significant changes. This board needs to look at capital things. He has instructed the department heads to stay within last year's budget.
- B. Bruce Schmidt suggested that the board meet on the 3rd Monday in November.
- C. Howard Barton asked if most of the budget would be done.
- D. Frank Heald said the board could look at the budget incrementally or look at the whole thing. The figures for insurance will not be available until after November 14th. He does not expect the entire budget would be complete by the 17th.
- E. John Neal asked when Frank Heald estimates that the budget would be ready for this board.
- F. Frank Heald said 12/1 or the 15th. He suggested they hold a budget workshop on the 1st of December and have a second meeting on the 15th to finish up. The 15th would be budget only. The 1st would be the regular meeting and a budget workshop. The budget has to be done by the end of January.
- G. John Neal asked if the board would get copies before the meeting on the 1st.
- H. Frank Heald said that he hopes to have a lot of it done by then.

8. **VLCT State Aid to Highway Resolution**

- A. Frank Heald said that the Agency of Transportation has announced in their budget. They have to balance on the back of the federal budget. He is hoping to get funds from the state Structures fund to do another bridge next summer. The Vermont League of Cities and Towns (VCLT) is asking towns to sign the resolution and send it to Montpelier requesting that they not cut funds for highways. Frank Heald suggested that the Select Board sign the resolution.
- B. Earl Washburn said that he went through the packet and he thinks we should send a message to the government and legislature. The less they send, the more it will increase our taxes. **MOTION by Earl Washburn and seconded by John Neal to sign the resolution.**
- C. Frank Heald said that it is a trickle effect. The federal government cuts funds to the states and the states cut funds to the towns.
- D. **Motion passed unanimously.**

9. **Discuss Marble Valley Region Transit ("The Bus") and Connecticut River Transit (CRT) Bus Service**

- A. Frank Heald advised that this is a combination of 2 bus operations with a new start grant. Service will run from the train station in Bellows Falls to the regional transit in Rutland. It would connect and change in Ludlow. The genesis of this is that there is currently service from Burlington to Montpelier. It is worker/commuter service. Marble Valley starts in Chittenden County. It goes from Burlington to Rutland, changing in Middlebury. It is a success. This area met here and looked at service along the Route 103 corridor. Route 103 has a lot of commercial traffic in the A.M. The hub will be at Okemo. The group thinks it would serve workers in and out of Ludlow Mondays through Fridays. It would transport people from Ludlow to Diamond Run Mall to downtown Rutland and the airport. It would also cover Springfield and the Jeld-wen early shift. We would continue to fund CRT. The overall project is looking for a contribution. Service starts next Monday.
- B. Howard Barton asked about charges to passengers.
- C. Frank Heald said there would be a donation box, not a fare box. No one will be denied a ride.
- D. Bruce Schmidt asked about Monday – Friday.
- E. Frank Heald said it would start with Monday – Friday. Weekend service to Rutland was requested but not funded.
- F. John Neal asked what Ludlow's contribution would be.
- G. Frank Heald said the combined request is \$5,000.00.

10. **Discuss Holiday Party**

- A. Frank Heald advised that the town has had a Holiday Party for quite a while. Regretfully, only a couple of places can handle the attendance. There were 2 bids this year and the lower bid was lower than the last 3 years' cost.
- B. Bruce Schmidt said the party is a good thing for the employees. It brings people together. There are changes in the world now (economically.) He will not vote because Okemo is involved. The party is a positive thing. If we vote to have a party, how do we handle other departments? He has heard that one department is already planning a party.
- C. John Neal asked about the attendance estimate of 110 people.
- D. Frank Heald said that in 2003, there were 80 people, 2004 – 97, 2005 – 104, 2007 – 108.
- E. John Neal asked if the town pays for all.
- F. Frank Heald said that they make people make a commitment. The party is by invitation. There is still some fluctuation. Weather also has an effect. He added that the invitation list has not changed since he has been here. Folklore says that the party is also a way of thanking spouses (significant others) for the time the employees spend.
- G. Bruce Schmidt said that he is leaning toward voting to approve the party. He also thinks that there should be some control over other departments' parties. This is the party.
- H. Earl Washburn agreed that no department should throw a party on town time or with town funds.
- I. **MOTION by Earl Washburn and seconded by John Neal to approve holding the Holiday Party at the Okemo location.**
- J. Bruce Schmidt recused himself from the vote.
- K. **MOTION passed unanimously.**
- L. Holiday Party to be held on Friday, December 12, 2008.

11. **Discuss Dr. Carey Camp Road Issues**

- A. Frank Heald advised that this issue started when a contractor wanted to put a gate across a road. He had a trailer and tools on site. It is a unique road in that it is a Class III road, owned by the town. The property owned on all sides of the road is owned by John Myers, except for a 210+ foot portion owned by Charles and Jane Mowrey. Frank Heald told the contractor that he had not authority to approve the gate. There are fire department concerns. He made a comment to the contractor that may have been a bit too cavalier, regarding if the fire department could not get through, the place could burn down. He suggested that the owner request to the town that the road be "thrown up" by the town. Frank Heald checked with town counsel and there is a way that this could be done if the road was totally controlled by one person. There is also a "pent road" that used to be for livestock and a person could gate a road – with a latch, not lock.
- B. Bruce Schmidt said that there is more than one owner.
- C. Steve Laskevich said that the single-family residence is at the end of the road.
- D. Frank Heald said that his opinion and also town counsel's opinion, is that the town cannot authorize closing the road. With no other residents on the road, the town basically owns a driveway. The town could throw up the road. The landowner can get a 5% petition to throw up the road, or the Select Board can initiate the process. In this case, the appropriate thing would be for the Select Board to start the process. It would have to be a very careful procedure. The road would have to be inspected, there would have to be a public hearing and a description of the road. Adjacent landowners would have to be notified.
- E. Charles Mowrey said that he had no objection to the road becoming a private road, but he wants to make sure that he will have the same rights to access his property as he currently has. He does not have a road coming in from that side now, but he may want to in the future. The contractor told him about this meeting.
- F. Howard Barton said that if the Select Board starts the process, Mr. Mowrey would be notified about it.
- G. Charles Mowrey asked if the contractor has the authority.
- H. Frank Heald said that he has a letter from the landowner allowing the contractor to proceed.
- I. Howard Barton asked about other property owners.
- J. Charles Mowrey indicated his property on a map. He said that he has a survey of his property.
- K. Steve Laskevich indicated the property owned by Mr. Myers.
- L. Charles Mowrey said that he would want something in writing from Mr. Myers about access to his property.
- M. Frank Heald said that it would be his suggestion to get it in a deed. He said that the contractor should encourage his client to draw up a ROW.

- N. Bruce Schmidt said that this board should not be giving advice to landowners. There should also be a road maintenance agreement.
- O. Earl Washburn said that Charles Mowrey needs to talk to the other property owner.
- P. Frank Heald said that the property owners should seek legal advice.
- Q. Bruce Schmidt agreed about seeking legal advice.
- R. John Neal said that the town should get a letter from Mr. Myers to throw up the road and the 2 property owners should talk to each other. He advised Mr. Mowrey that this board would have notified him before taking any action.
- S. Charles Mowrey said that he would not want to take over that road himself. He does not want to spend money on it.
- T. John Neal said they will need to look at maintenance. It would all be part of the negotiation process before the town turns over the road.

12. **Department Head Reports**

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

13. **Other Business**

- A. **Select Board Resolution for Girls' and Boys' Soccer Teams**
 - i. Frank Heald advised that he has prepared a resolution congratulating, commending the soccer teams on their Division IV Championships. They were outstanding victories and the teams showed excellent sportsmanship.
 - ii. **MOTION by John Neal and seconded by Earl Washburn for the Select Board to sign the resolution.**
 - iii. Earl Washburn said the championships were back to back (last year and this year.)
 - iv. Frank Heald said that he was proud and pleased and the teams were gracious in their victories.
 - v. **Motion passed unanimously.**
 - vi. See attached copy of resolution.
- B. **Ambulance Committee**
 - i. John Neal asked about the status of the report.
 - ii. Frank Heald said that the committee will try to get together next week. There have been some scheduling issues.
 - iii. John Neal asked Frank Heald to stay on top of it.
- C. **Dorsey Park Drainage Issue**
 - i. Howard Barton asked about the drainage issue.
 - ii. Frank Heald advised that Homestead and Saratoga are both solidly behind their products and will perform any repairs at their own cost with no cost to the town.
 - iii. Bruce Schmidt asked who determines when a game should be called due to rain. Who is in charge? The town pays for the field and our people should be responsible. That field was so wet; sections of it were ripped up.
 - iv. Frank Heald said it was a learning experience for him.
 - v. Bruce Schmidt said that the buck should stop with Howie Pall.
 - vi. Frank Heald said he was surprised they played the game. It was dangerous to the players and officials.
 - vii. Bruce Schmidt said that the home school generally makes the decision. There was standing water there.
 - viii. Howard Barton said that the forecast was for the rain to continue.
 - ix. Bruce Schmidt said it ripped up the sod.
 - x. Brett Sanderson said the sod did not have time to bond.
 - xi. Earl Washburn suggested that Frank Heald sit with the Athletic Department. This is one of the better fields in the state.

14. **Set Date for December Meeting**

- A. The Select Board will hold its regular meeting on Monday, December 1, 2008 and a Special Budget Workshop on December 15th. Both meetings will start at 7:00 p.m.

15. **Sign Warrant Orders**

- A. Howard Barton advised that warrant orders have been signed.

16. **Executive Session/Contracts/Personnel**

- A. Frank Heald advised that an executive session was needed for contracts and personnel.
B. **Motion by John Neal and seconded by Bruce Schmidt to enter in to Executive Session for Contracts/Personnel. Motion passed unanimously.**
C. Board entered into Executive Session at 8:10 p.m.
D. Out of Executive Session at 8:30 p.m.
E. **MOTION by Earl Washburn and seconded by John Neal to ratify the agreement between the Town of Ludlow and the IBEW Local #300 union contract. Motion passed unanimously**

17. **Adjourn**

- A. **MOTION by Earl Washburn and seconded by John Neal to adjourn. Motion passed unanimously.**
B. Meeting adjourned at 8:31 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

John Neal

Brett Sanderson

Earl Washburn

Bruce Schmidt

RESOLUTION
TOWN OF LUDLOW, VERMONT
BLACK RIVER HIGH SCHOOL
GIRLS & BOYS SOCCER TEAMS
DIVISION IV VT STATE CHAMPIONS

WHEREAS: The 2008 Black River High School Girls & Boys Soccer Teams won the Division IV Vermont State Championships on Saturday, November 1, 2008; and

WHEREAS: The Black River High School Girls Soccer Team remains undefeated in 2007 & 2008; and

WHEREAS: The 2008 Black River High School Girls & Boys Soccer Teams have established a tradition of success and achievement in athletics; and

WHEREAS: The 2008 Black River High School Girls & Boys Soccer Teams displayed outstanding excellence in sportsmanship and preparation; and

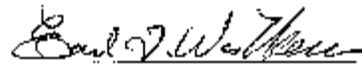
WHEREAS: The 2008 Black River High School Athletes and Coaching Staff and their accomplishments are a true credit to the school and community.

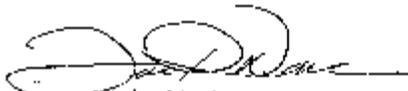
NOW, THEREFORE: The Select Board for the Town of Ludlow do hereby congratulate the 2008 Black River High School Girls & Boys Soccer Teams for their outstanding victories and the acknowledge the season-long support from the citizens of the Town of Ludlow, Vermont.

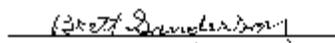
IN WITNESS WHEREOF, WE have signed this **RESOLUTION** officially and caused the Executive Seal of the Ludlow Select Board to be affixed this 3rd day of November, 2008.


Howard Barton, Jr., Chair


Bruce Schmidt


Earl Washburn


John Neal


Brett Sanderson