

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

December 7, 2009

BOARD MEMBERS PRESENT:

Howard Barton, Chairman
Douglas Ficken

Brett Sanderson

Bruce Schmidt

MEMBERS ABSENT:

John Neal

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Jeff Billings
George Fairchild

Britta Galimi
Ted Reeves

Ron Tarbell
Michelle Stinson (LPC-TV)

1. Call to Order

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

2. Approve Minutes of Previous Meetings

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of November 2, 2009.
- B. **MOTION by Bruce Schmidt and seconded by Doug Ficken to approve the minutes from the regular meeting of November 2, 2009 as presented. Motion passed unanimously.**

3. Comments from Citizens

- A. There were none.

4. Discuss and Approve 2010 Ludlow Transfer Station Rates

- A. George Fairchild referred to the draft rate schedule that was included in the packets. He said that one change that he would suggest would be to lower the rate for brush from \$.10 to \$.05. He said that brush is very heavy and a small 8' pick-up truckload could weigh as much as 400-500 pounds. The fee may be a burden for some residents.
- B. Howard Barton asked what the previous charge was.

- C. George Fairchild said that this was the first year they had charged for brush. They started to charge for brush because of the larger loads that were coming in that were probably not residential. The fee reduced those large loads.
 - D. Howard Barton suggested \$.05 for residential and \$.10 for commercial.
 - E. George Fairchild said that some of the commercial trucks do not have names on them and it is hard to tell which trucks are residential and which are commercial.
 - F. Frank Heald said the brush could go into C&D for \$.07.
 - G. Bruce Schmidt said that they just bought a new chipper and there are always labor costs to consider. He has not heard any complaints about the fee. He suggested going to \$.07.
 - H. Brett Sanderson agreed with \$.07.
 - I. George Fairchild advised that there are also new fees for microwaves and fire extinguishers. He said that the Northeast group has started charging because of the labor involved. Microwaves need to be recycled with the electronic equipment and fire extinguishers need to be decompressed and emptied.
 - J. Howard Barton noted that the holiday schedule remained the same.
 - K. Brett Sanderson asked about the number of people who came in the day after Thanksgiving.
 - L. George Fairchild said only 15.
 - M. Brett Sanderson said it really is not justifiable as a holiday.
 - N. Howard Barton said that holidays should be advertised in the papers.
 - O. George Fairchild said they will continue to go through Christmas week, Saturday through Thursday. He will ask Pam Cruickshank to put the holiday schedule in the papers.
 - P. Bruce Schmidt said they should also advertise on LPC-TV.
 - Q. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to approve the Transfer Station fee schedule with changes as discussed. Motion passed unanimously.**
5. **Board of Liquor Control**
- A. Howard Barton advised that the application is for The Outback of Ludlow and has been approved by Chief Billings.
 - B. Frank Heald said that everything is in order.
 - C. Bruce Schmidt noted that there is no entertainment listed.
 - D. **MOTION by Bruce Schmidt and seconded by Doug Ficken to approve the Liquor License for The Outback of Ludlow. Motion passed unanimously.**
6. **Consider Economic Development District Resolution**
- A. Frank Heald said that there are actually two things that are on a parallel basis. The first is the formation of the East Central Vermont Economic Development District. This would have no cost to the town, but would put the region in line to comprehensive economic development strategies. The second is a memo from Larry Meline from Weathersfield that would provide access for money for loans to residents for clean energy projects that could be repaid over 20 years. He would like to discuss the second one at the next meeting.
 - B. **MOTION by Doug Ficken and seconded by Bruce Schmidt to approve and sign the Economic Development District Resolution. Motion passed unanimously.**
7. **Receive and Act on Errors and Omissions Report from the Ludlow Board of Listers**
- A. Howard Barton noted that there were five properties listed.

- B. Frank Heald advised that the listers have to have this done by the end of the month.
- C. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to accept the report as presented.**
- D. Howard Barton noted that snowmaking equipment and lifts are tax-exempt.
- E. Frank Heald said there is a state law that is about 25 years old.
- F. **Motion passed unanimously.**

8. **Stearns Pit Lease**

- A. Frank Heald noted that this was discussed at the last meeting and a committee was formed to further discuss it. Okemo requested a lower lease rate and shortened lease period. The lease amount was \$63,900 and Okemo is requesting that this year the lease be reduced to \$50,000. In the past, the lease has run from November 1st through April 30th. This year, Okemo would like to lease the lot from December 1st through March 31st. The committee met with Ted Reeves and agreed to \$60,000.00.
- B. **MOTION by Doug Ficken and seconded by Brett Sanderson to approve the lease at \$60,000 and to authorize Howard Barton, the chairman of the board to sign. Motion passed.**

9. **Receive and Act on Ranta Road Discontinuance**

- A. Howard Barton advised that this was discussed at the last meeting. He asked if the town is giving up a portion of the road, how would this affect the certificate of highway mileage.
- B. Frank Heald said that he thinks it was taken off in 1998. He will check and if it was not taken off, it can be taken off in February when the next certificate is signed. He said that there are two parts to what needs to be done. First, they must confirm and sign the document that discontinues the road. Second, they may act on his memo to establish protocols for the gate and road.
- C. Howard Barton asked where the property description was obtained.
- D. Frank Heald said the description was developed by David Rose and signed in November.
- E. Howard Barton asked if the town was paid for the property it gave up.
- F. Frank Heald said there was no indication in the minutes that the town was paid anything. There was discussion about it and bike and pedestrian path easements. There have been largely accomplished by the DRB conditions on the Jackson Gore project.
- G. **MOTION by Doug Ficken and seconded by Brett Sanderson to approve and sign the discontinuance of the portion of Ranta Road from the intersection of Okemo Ridge Road north approximately 1,700 feet. Motion passed. Bruce Schmidt abstained.**
- H. Frank Heald said that looking back at the records, Ranta Road is a dead end road, and there are precedents for dead end roads. The road from the cul-de-sac to Okemo Ridge Road is not much more than a path and to run a plow truck up there is not an ideal situation. The town is not anxious to spend any more money on the road. It can be used for emergencies. He proposes entering into a Memorandum of Understanding (MOU) with Okemo to use the cul-de-sac for turning around. Okemo would keep the road open to the cul-de-sac. In the past, Okemo has had sleigh and tractor rides up there. If they use the road, they would come to the town, much like Side Hill Cronchers, to use it. The town would put a lock on the gate and keys would go to the highway department, 3 emergency services and on copy to an Okemo designee.
- I. Bruce Schmidt asked about the bridge.
- J. Frank Heald said it would probably be the town's responsibility.
- K. Ted Reeves said that in emergency situations, when DART comes, Okemo sends people out via Ranta Road. He wanted that to be in the records.

- L. **MOTION by Brett Sanderson and seconded by Doug Ficken to authorize Frank Heald to develop a protocol for use of the road and gate as discussed in his memorandum. Motion passed. Bruce Schmidt abstained.**

10. **Department Head Reports**

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

11. **FY 2011 Budget Workshop**

- A. Frank Heald advised that the first draft went out and he included a side-by-side analysis of the department increases with and without the armory capital project. Phase II of the Environmental Study is largely done and there are some lead dust issues, but for \$85,000, the town should proceed with the purchase. If the voters don't approve the bond, we will proceed to spend the money to close the buildings and drain the water. We can wait until later to fix up the buildings. The only issue would be how to deal with the \$85,000 if the voters say no. The report shows the expenses and revenues and the amount to raise in taxes for 2011, along with the budget for 2010 and the increases of 2011 over 2010. The articles are included at the bottom. There is a decrease of \$6,000 because there is no request from the after school program. There is an increase of \$10,000 for a request from the cemetery commissioners. The budget without the armory would give approximately an increase of 3.2% over last year. With the armory, the increase would be about 7.0% over last year.
- B. **Police Department**
- i. Jeff Billings said that the only big change is that they will not be purchasing a new cruiser in FY2011. They need to replace the camera equipment in the vehicles.
 - ii. Frank Heald said the collective bargaining agreement is coming up this year. We have used 4% as an estimate.
 - iii. Howard Barton asked when the contract is up.
 - iv. Jeff Billings said June 30, 2010.
 - v. Howard Barton asked about the dispatcher overtime amount.
 - vi. Frank Heald said that under the current agreement, full time employees get to bid on the work, including OT and most of the OT goes to full time employees and their costs are higher.
 - vii. Howard Barton said that \$40,000 in OT is quite a bit.
 - viii. Bruce Schmidt noted that it is up from \$36,000. He asked about the computer system.
 - ix. Jeff Billings said it is NCIC equipment about it is up about \$1,000. It is state mandated and we have no choice.
 - x. Bruce Schmidt said that he would like to see closer estimates on the cameras and asked if it is absolutely necessary to purchase all of them at one time.
 - xi. Jeff Billings said they would get a better deal if they purchased all 3 at one time. They will cost about \$4,000 to \$5,000 each. They have money in the safety account to cover the overage. It is imperative that these be purchased. He only has one unit working at this time and the newest one is not working at all. The state gave us the other two a while ago for a project we did and they are antiquated and it is hard to find repair parts for them.
 - xii. Howard Barton noted that the only other increase is in salaries and insurance.
 - xiii. Jeff Billings said that he tried to keep it pretty much in line.
 - xiv. Bruce Schmidt asked what the actual amount spent this year is.

- xv. Frank Heald said that the equipment budget for FY09 was \$8,000 and \$4,700 was spent. They budgeted \$7,500 this year.
- xvi. Jeff Billings said they would be getting a new copier.
- xvii. Frank Heald said the actual for 2008 was \$6,650.
- xviii. Howard Barton said they purchased the radios in 2009.
- xix. Jeff Billings said that came from the public safety fund.
- xx. Bruce Schmidt said that looking back over the last few years, they have not been spending the budgeted amounts. He would like to see closer budgeting.
- xxi. Frank Heald said that Utilities in 2008 was budgeted at \$6500.
- xxii. Bruce Schmidt noted there was not enough in Building Repairs.
- xxiii. Frank Heald noted that it appears that expenses for Uniform Cleaning may have been misallocated and put into Uniforms. The actual amount for Uniforms was over in 2009.

C. Highway Department

- i. Frank Heald advised that the projected increase for the highway department is 1.2%. He noted that the cost of streetlights has increased because the allocation between the town and village needed to be changed and the white lights seem to be more expensive than the yellow ones.
- ii. Howard Barton asked about a grant that would have been due tomorrow.
- iii. Frank Heald said he did not know about it, but had applied for a grant for lights at the armory and regional offered us LEDs for the traffic lights.
- iv. Howard Barton asked why there was a decrease in insurance.
- v. Frank Heald said that there was a change in personnel going from family to single.
- vi. Howard Barton asked about health insurance.
- vii. Frank Heald said that last year some people went to the Health Savings Accounts. This year the League re-priced the rates for those accounts and they went up 20%. The traditional rates went up 6-7% and we are at about 10-12% increase. The traditional rates were more accurately priced. At this point, everything should be priced correctly. Even with the increases, the HSAs are still less expensive.
- viii. Bruce Schmidt noted that they had to be re-priced this year, what will happen next year. Will they have to be re-priced again?
- ix. Frank Heald said the premiums are still less expensive than traditional rates.
- x. Frank Heald advised that the Highway Department would need to replace a tandem truck in FY2011, with payments beginning in FY2012. That truck will cost about \$195,000. He added that they had shuffled the green pick up truck from the wastewater department and it is at the end of its life. They will need to get a pick up truck in addition to the tandem. That will also be purchased in FY2011, with payments beginning in FY2012. There is also \$40,000 in the capital budget for repairs to the retaining walls at Dorsey that was caused by the unstable conditions. They will need to cut trees by the Pike red house, put in stone and line the ditch. The bank is eroding from in back of Pike's house to Howard Barton, Sr.'s house. He added that the Dorsey Bridge needs to be fixed. The engineering estimate is about \$280,000 and we may be able to get up to \$175,000 from the state. We can finance the balance of \$105,000 over 5 years. He continued, advising that the Walker Street Bridge will also need some repairs. The entrance and exit radiuses don't meet state standards, but that does not have to be done now. There is some scouring on the pier and the estimate to repair that is about \$45,000. We may be able to get up to 90% of that from the state.
- xi. Howard Barton asked how long we keep trucks.
- xii. Ron Tarbell said about 10years for the tandem and 7-8 years for other trucks.
- xiii. Howard Barton asked Frank Heald about Manchester dropping the League insurance and getting insurance from another source.

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- xiv. Frank Heald said they are switching carriers for \$30,000. They have staff of similar size to ours. They have not participated in the leadership program and have not gotten rebates as we have. You can't go in and out of the League programs, as there are time limits for reentry into their program. My sense is that the blend will be about 10-11%.
 - xv. Bruce Schmidt asked when the League will realize that they have to do more to help the towns.
 - xvi. Frank Heald said that his sense is that that have done a pretty good job containing costs.
 - xvii. Bruce Schmidt said there were significant increases a couple of years ago. Then last year, they started the HSAs and now there is a big increase in those rates. The increase has been 35% over the last few years.
 - xviii. Frank Heald said that as he reads the market, all medical insurance rates have experienced high inflation.
 - xix. Bruce Schmidt asked about self-insuring.
 - xx. Frank Heald said not with only 35 employees. You would need at least 50 people and need to have comparable coverage. At present there are really only 3 companies: CIGNA, MVP and Blue Cross. MVP does not have much of a presence in this area.
 - xxi. Bruce Schmidt said that he does not see much other change in the highway budget. The biggest item is the tandem truck.
 - xxii. Howard Barton said the board would have to review all proposed Capital purchases and see if any can be cut. They may need to whittle some items out.
 - xxiii. Frank Heald said you still have to remember to keep up services.
 - xxiv. Howard Barton said that Buildings and Grounds does not include the armory. They would have to add \$84,000. There would be another FT person, about \$30,000 for utilities and \$10,000 for supplies. It would be \$94,000 more than last year.
 - xxv. Bruce Schmidt asked about the tank barn.
 - xxvi. Frank Heald said the tank barn would be a triple net lease.
 - xxvii. Howard Barton said that they will discuss the budget at their next meeting on January 4, 2010, but if anyone has any questions or comments, please contact Frank Heald.

12. Other Business

A. Dorsey Park

- i. Doug Ficken asked the status of the repairs at Dorsey Park.
- ii. Frank Heald said they have an email assuring us that they will fix the drainage issues. He has had two surveys done to make sure there is no settling. He will have another one done in the spring. He is in ongoing discussions with the League regarding the insurance settlement on the upper end.
- iii. Bruce Schmidt asked who will determine when it is fixed properly.
- iv. Frank Heald said it would need to be a collaborative effort. They will have to decide in the spring when to do the repairs. They need the field to play softball.
- v. Bruce Schmidt asked when do we press Homestead harder.
- vi. Frank Heald asked if the board wants to sue them.
- vii. Bruce Schmidt asked if an email is enough. We should have our people in there. We are all frustrated and this has been going on too long.
- viii. Doug Ficken asked how it would be fixed. Would they crown it?
- ix. Frank Heald said they need to fix the low spots.
- x. Doug Ficken asked if that would leave a hump in the center.

- xii. Frank Heald said they would bring it back to grade and sod. They were to have re-sodded the field and we put too much faith in Homestead. He thinks they will fix it and make the field playable.
 - xiii. Howard Barton said we need to decide the best time to fix it.
 - xiv. Frank Heald said it should be fixed in the spring and sodded. Then allow the summer for the sod to grow. We may need to play softball somewhere else in the summer.
 - xv. Bruce Schmidt would like to see them wait until after June 12th when the girls finish softball.
 - xvi. Brett Sanderson said it is best to lay the sod in the spring or fall.
 - xvii. Howard Barton said something will have to be worked out between Frank Heald, the schools and the recreation department.
- B. Audit
- i. Frank Heald advised that there is a copy of the draft of the auditors' report in the packets. There is nothing they need to focus on and the report looks good. The auditors will come to a meeting if the board wants them to.
 - ii. Howard Barton said that would not be necessary. If we have any questions, we will get them to Frank Heald.
 - iii. Frank Heald said as soon as possible because the auditors need to finalize and publish the report.
- C. Transfer Station Wall
- i. Frank Heald advised that a wall is leaning where they put the containers. It needs to be fixed. George Fairchild and Ron Tarbell got two prices for the repairs and there are over \$9,500. We did not think it would run so high.
 - ii. Bruce Schmidt said to bid it out. The board agreed.
 - iii. Frank Heald said they need to dig back and there is a fair amount of work. They need an excavator and skilled operator.
 - iv. Brett Sanderson said they need to put in a grid and compact it.
- D. West Hill Skating
- i. Frank Heald referred to a memo from Howie Paul regarding ice-skating at West Hill. He is suggesting discontinuing the program. The schools have decided to go to Jackson Gore and the town spends about \$10,000 to prepare and maintain the program at West Hill. Howie Paul suggests making the skates available to the students and selling the Zamboni.
 - ii. Doug Ficken asked what the revenue was last year.
 - iii. Frank Heald said \$822.00
 - iv. There was a consensus among board members to discontinue the program.
- E. Worksite Wellness Program
- i. Frank Heald showed a picture of the staff receiving the Worksite Wellness Golden award for 2009. Pam Cruickshank has been the leader of the efforts and she and a couple of other employees will attend the awards ceremony. He is proud of their accomplishments and they continue to make good progress.
 - ii. Bruce Schmidt said the program encourages people to be healthier and promotes workplace safety.

13. Set Date for January Meeting

- A. Next meeting is scheduled for January 4, 2010.

14. **Sign Warrant Orders**

- A. Warrant orders have been signed.

15. **Possible Executive Session – Legal**

- A. Frank Heald said that an Executive session is needed.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to enter into Executive Session. Motion passed unanimously.**
- C. Board entered into Executive Session at 8:45 p.m.
- D. Board exited Executive Session at 9:15 p.m.
- E. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to Authorize the Vermont League of Cities and Towns property and casualty Inter-municipal fund to settle, on the town's behalf, all claims brought in the matter of William Enos vs Richard King, Civil case No 2:08-cv-208, United States District Court for the District Vermont (and as thereafter amended), provided that the town's share of any settlement is limited to its deductible of \$500 and provided further that it be expressly understood that by agreeing to a settlement the town admits no liability of any sort and is agreeing to a settlement for the purpose of avoiding protracted and expensive litigation. Motion passed unanimously.**

16. **Adjourn**

- A. **MOTION by Doug Ficken and seconded by Brett Sanderson to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 9:16 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal