

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

June 2, 2008

BOARD MEMBERS PRESENT:

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

STAFF:

Frank Heald Pam Cruickshank

OTHERS PRESENT:

Don Buswell Marilyn Ledoux Ted Reeves
Barbara Davis Julie Nicoll Don Stryhas
Tom Fuller David Norton Ron Tarbell
Fred Glover Fran Ojala Dave Thurber
Rose Goings Ralph Pace Norm Vanasse
Corie Blodgett (LPC-TV)

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 May 19, 2008.
- B. **MOTION by Earl Washburn and seconded by Brett Sanderson to approve the minutes from the Regular Select Board May 19, 2008 as presented.**
- C. Brett Sanderson noted that the time the meeting was opened was indicated as 6:00 p.m. and it was actually 7:00 p.m.
- D. Minutes will be corrected
- E. **Motion passed unanimously.**

3. **Comments from Citizens**

- A. None

4. **Open 2008 Summer Paving Bids**

- A. John Neal advised that bids had been received from F. W. Whitcomb, Wilkes, Pike, Fuller, Springfield Paving and Lane. He opened and stamped the bids and passed them to Howard Barton to read.

<u>Bidder</u>	<u>Cost Per Ton</u>
F. W. Whitcomb	\$76.97
Wilkes	\$69.63
Pike Industries	\$68.45
Fuller Sand & Gravel	\$60.50
Springfield Paving	\$70.89
Lane Construction	\$68.50

- B. Frank Heald took the Village bids out for the Trustees' meeting tomorrow night.
- C. Howard Barton gave the bids to Ron Tarbell for his review.

NOTE: Ron Tarbell reviewed the bids and returned to the meeting room.

- D. Frank Heald noted that there are issues with the paving bids. The highway foreman does not know the apparent low bidder, Fuller Sand and Gravel. Before awarding the bid, Frank Heald would like to have the low bidder's references checked along with verification that

they have the proper equipment – rollers and pavers – for the job. He advised that they might need to have a special meeting to award the bid.

- E. Howard Barton said that if Fuller does not meet the town's requirements or does not have references, they could award the bid to the next lowest bidder.
- F. Bruce Schmidt said that would be Pike and he noted that the paving work that was done last summer by Pike is being torn up for repairs in places. There are problems with the work into Chester.
- G. Frank Heald said they had used a new mix in places.
- H. Ron Tarbell said that Pike would not be using that mix in Ludlow.
- I. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to award the paving bid to Fuller Sand and Gravel at \$60.50 per ton, with the stipulation that Fuller has the proper equipment and references. If they do not meet these requirements, the bid would be awarded to Pike Industries at \$68.45 per ton. Motion passed unanimously.**

5. **Award Ambulance Bids**

- A. Don Buswell advised that the committee reviewed the bid and everything that was required is included in the bid and the committee recommends that the bid be awarded to Greenwood.
- B. Howard Barton verified with Don Buswell that the bid is exactly what was required.
- C. **MOTION by Bruce Schmidt and seconded by Earl Washburn to award the ambulance bid to Greenwood Emergency Services for \$156,300.00. Motion passed unanimously.**

6. **Amended Subdivision Regulations General Discussion**

- A. Howard Barton noted that at their last meeting, the Select Board had received the proposed amended subdivision regulations. John Neal was not at that meeting and has some items that he would like to discuss.
- B. John Neal said that he went back and forth to Fred Glover with emails about the regulations. The copy he received was not redlined and he wanted to compare changes to the existing regulations.
- C. Fred Glover noted that the current regulations were adopted in 1998. In 2006, the Planning Commission was requested to draft new Subdivision Regulations. They reviewed other towns and Elmore's provided a good example.
- D. John Neal asked if the proposed regulations is the same as Elmore's or are they different and what changes were made to them.
- E. Fred Glover said that he can't tell where the differences are, but Elmore's were used as an example. The Planning Commission focused on the 1998 regulations and the many areas where a lot of details were left out that the DRB has imposed on applicants over the last 10 years. The Planning Commission responded to the needs of the DRB. The existing regulations do not address some items where the DRB has developed case law. The proposed regulations put into writing items that the DRB has already imposed on applicants. In a memo from Phil Carter, he said that the proposed regulations should actually help streamline the subdivision process because in many current cases, people have to keep returning to the DRB because of missing or incorrect items. People go to the DRB and the DRB advises people what items are missing from the regulations, but that are now required. That is the reason that these are so detailed.
- F. John Neal said that he had requested redlined copies. He said that this document is an excellent tool, but that the process is very complicated. If you handed these to a local, that person would not understand and would have to go to an attorney or engineer. It would be a large expense. He would like to find a simple path for smaller subdivisions. He wants to look out for the citizens who have lived here all of their lives. These are good for larger developments, but not for small ones.
- G. Rose Goings advised that currently, minor subdivisions are handled in the same manner as larger ones. Preliminary and final plats may even be done on the same evening, if there are no problems. The Planning Commission added Deferral Language for people who want to subdivide without developing. All subdivisions now have to go through the state, so they still need a survey. They can hire a technician for the septic without going through full engineering. The state handles all wastewater permits.
- H. John Neal asked about the Deferral Language.
- I. Fred Glover said that this language puts the responsibility on the future developer to obtain the state wastewater permits.
- J. Rose Goings advised that all subdivisions fall under the state wastewater permits.
- K. Fred Glover said that historically, there were subdivision permits from the state, now there are just wastewater permits.

- L. John Neal said that there is a waiver for large parcels, why not for small ones. He had understood that the intent had been for the zoning administrator to have the authority to handle small subdivisions without going to the DRB ,because the DRB is so busy. That would streamline the process.
- M. Fred Glover said that he couldn't speak to the DRB's needs. The Planning Commission did discuss a "waiver", but thought that it might turn out to be more of a problem than it is worth. Who makes the decisions, how would everyone be treated equally, what if there were problems with the land. The DRB can say when something is complete. This takes the heat off the zoning administrator. It would be too cumbersome. He said that Phil Carter said a really simple subdivision should only take one to maybe 2 meetings.
- N. Rose Goings said that the DRB has 5 hearings at this coming week's meeting: one boundary line adjustment, two (2) subdivisions, 2 final plat Mylar reviews and one Conditional Use permit.
- O. John Neal said he thought the idea was to allow the zoning administrator to do simple subdivisions.
- P. Rose Goings said that Article 4, Section 2 of the Subdivision regulations refers to General Standards, these include character of the land, conformance with town plan and other regulations, lot layout, monuments and corner markers, building envelopes, landscaping and screening, disclosure of future development plans and district settlement patterns. These are in the current regulations but are more detailed in the proposed ones. The Planning commission has also added farmland, stormwater runoff and erosion control and slopes and ridgelines.
- Q. Fred Glover said the waiver for a large parcel is just for the parceling off of one small lot from a large parcel. This way the applicant does not have to have the whole large parcel surveyed, just the portion being parceled out.
- R. Bruce Schmidt commented on the discussions regarding the DRB adding requirements over the years. Is the DRB granted ability to add requirements to a master plan.
- S. Rose Goings said the DRB has not done that yet, except in the case of PUD's. There is also concern over parcels in Ludlow where the owner also owns lots in abutting towns when the plats indicate future development. Roads and access is of concern.
- T. Bruce Schmidt asked if, through the years, the DRB has made up its own rules and where did they come from.
- U. Rose Goings said that the Planning Standards were all there, just not spelled out. When the DRB goes on a site visit, they can see where a potential problem is. Also, they consider input from neighbors. The DRB interprets the standards.
- V. Bruce Schmidt said that this document will provide less room for interpretation, it is pretty cut and dry.
- W. Rose Goings said that they explain the regulations to the applicants and they provide the plans. The board may say that landscape screening is needed for light and noise.
- X. Howard Barton asked about ROW's and easements.
- Y. Rose Goings said the DRB does look at them. At Okemo, trees had to be moved out of an easement. The DRB checks the plan with the easements.
- Z. Howard Barton said that he knows of a case where a tree was planted in an easement and the people said they could not move the tree because of the DRB.
- AA. Rose Goings said that she would not comment on that at this time.
- BB. Bruce Schmidt asked how you could tell someone that these regulations will be easier.
- CC. Rose Goings said it has better explanations and is more specific about the district standards. Access permits are addressed. She does not see it as more difficult. She thinks it is friendlier and tells people exactly what it needed and how to do it. There are more definitions and there are also more state regulations.
- DD. Fred Glover said that logic would say that smaller is easier, but someone who has been through the process would know that this document spells things out better. Also, some parts do not apply to all cases.
- EE. John Neal said that for someone who has not done it before, this is very complicated. He referred to Article 1, Section 1.3 (see below) and said that it is very confusing.

Section 1.3 – Application of Regulations

1. **Applicability**

Prior to any subdivision, construction, or site preparation of land for development; any contract for sale of all or any part of land, structures involved; the issuance of a permit for the erection of any building in a proposed subdivision; or before any subdivision plat may be filed with the Town Clerk, the subdivider, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in these regulations.

- FF. Fred Glover said that it says that an applicant is required to obtain a permit prior to selling the land or beginning any work on the land.
- GG. Bruce Schmidt said it is too wordy.
- HH. John Neal said we forget the little people who can't afford attorneys and fees. We need something simpler.
- II. Bruce Schmidt said he is all for that, but, what if there is a problem with the land or septic locations.
- JJ. John Neal said we can't do anything about the state regulations, but he is looking to do anything we can do to help people who live here and are trying to hold on t their land.
- KK. Bruce Schmidt suggested a checklist for simple subdivisions. He added that even a small 3-lot subdivision could pose problems. He is concerned about diminishing the regulations, but some people do not even know what a plat is. They need guidance.
- LL. John Neal said that we need to help these people. He added that he had emailed his thoughts to this board and Frank Heald.
- MM. Rose Goings said the she only received a hard copy and did not fully understand his comments.
- NN. John Neal said there should be a small parcel waiver that the zoning administrator can approve.
- OO. Rose Goings said that she would be doing boundary line adjustments because they are not creating lots or changing the tax maps. In any subdivision, all abutters must be notified and have the opportunity to make comments. Many of the problems with Minor subdivisions are with the abutters. Many are easy. Also, site visits often show up potential problems. Things you can't see in the winter turn out to be absolute disasters in the summer. The Deferral language will also help the small landowners. Many things in the regulations will not apply to every subdivision.
- PP. Fred Glover said that if everything goes before the DRB, neighbors feel like they have the chance to speak. Also, even with a 2-lot subdivision, you still need to identify wetlands.
- QQ. Earl Washburn said one of the main factors is that the zoning office be user friendly. People cannot be afraid to come in to the office and ask for assistance. If the office remains as user friendly as it is now, it will help. He added that some of the biggest violators are the locals who think that rules don't apply to them. The key to it all is the Zoning department office. The locals can get answers there.
- RR. Howard Barton asked about public hearings.
- SS. Frank Heald said that 2 are required. They may be held at the July and August regular meetings and the regulations can be adopted (if approved) at the August meeting.
- TT. Howard Barton asked Frank Heald to warn the first hearing for the July 7, 2008 regular meeting.

7. **Execute FY 2008 Renewal Notes**

- A. Frank Heald advised that the town purchases major equipment over 5-year periods and signs new notes each year. This year the rate is 2.7%. The notes to be renewed are to Chittenden Bank for \$185,200, \$53,000 and \$67,699.
- B. **Motion by John Neal and seconded by Brett Sanderson to approve and sign the renewal notes. Motion passed unanimously.**

8. **Execute FY 2008 New Notes (Backhoe and Cemetery Building)**

- A. Frank Heald advised that the two new notes are \$45,000 for the backhoe for the highway department and \$25,000 for the Cemetery building. These note are also to Chittenden Bank.
- B. **Motion by Brett Sanderson and seconded by John Neal to approve and sign the notes. Motion passed unanimously.**

9. **Mill Street Bridge Update**

- A. Frank Heald advised that the engineer has assured him that he will have the engineering report by the end of the week. He is not sure this will really happen.

10. **Brooks Road Bridge Update**

- A. Frank Heald advised that he has received word that the Brooks Road pieces have been cast and should arrive by the end of the month. He will set the exact date later this week.

11. **Department Head Reports**

- A. Howard Barton noted that all department reports are in.
- B. Ambulance and Recreation Departments
 - i. Bruce Schmidt said that he would like to have the minutes of these departments provided to the Select Board members regularly.
 - ii. Frank Heald said that he received correspondence from John Voss (he will do the review), last Friday and Mr. Voss' son was injured. Mr. Voss is supposed to contact Frank Heald on Tuesday.

12. **Other Business**

- A. Paving Repairs
 - i. Earl Washburn is not pleased with the patches on Main Street or at the Okemo entrance. He would not accept the work.
 - ii. Frank Heald said the meeting place is the town's responsibility and will be redone.
 - iii. Howard Barton said for a newly paved road, it is pretty poor.
 - iv. Frank Heald said he would revisit the work.
 - v. Brett Sanderson said the one over here was only hot mix and needs to be dug out and redone.
 - vi. Earl Washburn said the repairs should be more even.
- B. Citizen Comment Re: Ambulance
 - i. Bruce Schmidt asked if this was handled.
 - ii. Frank Heald said it has been taken care of.
- C. Crosswalk at IGA/Post Office
 - i. Brett Sanderson asked about this.
 - ii. Frank Heald said the Village trustees had this installed to provide extra protection at that crosswalk. There are pushbuttons for when someone wants to cross and it lights up LED lights on the sign.
 - iii. Bruce Schmidt asked if they would be putting more of this all the way through town.
 - iv. Frank Heald said no. The trustees felt that the amount of pedestrians crossing at the post office warrants increased attention.
 - v. Bruce Schmidt asked that, possibly in the future, he would keep the Select Board members informed about things like this.
 - vi. Frank Heald said that the Trustees are also having two radar speed signs installed at the school at the east end of town and also on Route 100 S at the entrance to the Village.
- D. Crosswalks
 - i. Bruce Schmidt asked if they would be painting the bricks red again. They look worn.
 - ii. Brett Sanderson said the bricks are okay, but they need to paint the white stripes again.
 - iii. Frank Heald said that they plan to paint the white stripes soon.
- E. Fireworks
 - i. Frank Heald asked about the \$3,000 for the fireworks. He said it is up to the Select Board. He is sure that there will be a surplus this year and he can find the money somewhere for this year and deal with the longer issue in the budget process for next year. In the long term, they need to carefully consider this. As it is, they already spend that \$2,500 - \$3,000 on town services used at the fireworks like the fire truck, ambulance and additional police. Adding the \$3,000 would mean spending \$6,000 for 45 minutes.
 - ii. Bruce Schmidt asked if they could ask the Village to contribute \$500.
 - iii. Frank Heald said that he couldn't speak for the Village.
 - iv. Howard Barton said the town was placed in a tough position at the last minute. If we don't do it, we look like the bad guys. He also commented on other towns' people coming into Ludlow for the fireworks and not contributing.
 - v. Frank Heald said the legion is putting up \$6,500.

- vi. Bruce Schmidt said that the legion does a lot for the community. He would like to have heard about this earlier. He added that he thinks the board should do it and ask the Village if they can contribute.
- vii. Earl Washburn said that before Ludlow had fireworks on the 4th, he used to go to Springfield. It is hard for him to say no to the legion. They help with so many projects.
- viii. Howard Barton asked Frank Heald if we can scrape it out of the budget.'
- ix. Frank Heald said that there will probably be a surplus, but he is not sure which department it will come from.
- x. Motion by John Neal and seconded by Earl Washburn to approve \$3,000 for fireworks. Motion passed unanimously.
- F. Roadside Trimming
 - i. Brett Sanderson asked about trimming.
 - ii. Frank Heald said that he has been discussing that with Ron Tarbell and Ron put together some rental figures. They are also waiting for an answer from Cavendish about renting theirs. It may cost less. After July 1st, we will have a new trackless, but that would be a slow process and not trim back far enough. They can rent from Fairfield at \$2,200 per 40-hour week, but based on a 4-5 week need, that would cost almost as much as an annual lease to buy.
 - iii. Brett Sanderson said the back roads are really getting bad and something needs to get done. They need to work on that as much as possible. The flail mower may get a lot of the small growth.
- G. Bixby Road
 - i. Brett Sanderson asked about Bixby Road.
 - ii. Frank Heald said they would go back and finish.
- H. Next Meeting
 - i. Next meeting will be July 7th.
 - ii. Bruce Schmidt said he would be on vacation.

13. **Sign Warrant Orders**

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

14. **Executive Session**

- A. **Motion by Brett Sanderson and seconded by John Neal to enter in to Executive Session for personnel. Motion passed unanimously.**
- B. Board entered into Executive Session at 8:27 p.m.
- C. Out of Executive Session at 8:53 p.m.
- D. No action taken.

15. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by John Neal to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:54 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

John Neal

Brett Sanderson

Earl Washburn

Bruce Schmidt