

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**PUBLIC HEARING AND  
REGULAR MEETING**

May 7, 2012

**BOARD MEMBERS PRESENT:**

Howard Barton, Jr., Chairman    Brett Sanderson  
Douglas Ficken                      Bruce Schmidt

**BOARD MEMBERS ABSENT:**

John Neal

**STAFF PRESENT:**

Frank Heald

**OTHERS PRESENT:**

Joanna Bombadil	Jason Rasmussen	Ron Tarbell
Anne Gardner	Ted Reeves	Terry Thayne
Rose Goings	Steve Stengel	Duncan Love (LPC-TV)
Logan Nicoll		

**PUBLIC HEARING**

1. Howard Barton called the Public Hearing to order at 7:00 p.m. He advised that this hearing is a review of the proposed revisions to the Town Plan.
2. Jason Rasmussen advised that the Planning Commission has been working on this for 2 years and there are quite a few changes. Some of the changes include updating and removing some data, making sure that the plan conforms to all state regulations, making the wording clearer to avoid any vague language and updating maps. They also revised Natural Resources and Lakes and added the Village Center designation which the village has recently obtained. They made changes to the Energy and the Land Use chapters.
3. Frank Heald noted that in several places, Ludlow Mountain is used instead of Okemo Mountain. It has always been known as Okemo Mountain and is located in the Okemo State Forest. He also made the following notations:
  - i. Page 15 – the culverts on Wright Road are not town culverts
  - ii. Page 23 – the reference to “visual impacts similar to Hawk Mountain are ambiguous – you can’t tell if you like them or not
  - iii. Page 41 – references to the Armory Building should be changed to the Community Center
  - iv. Page 46 – There is an error in the water usage, it was 360 before the leaks were fixed
  - v. There are conflicts in the Communication and Energy policies, conflicting goals and achievements
  - vi. Page 55 – they may want to talk more about the Community Center
  - vii. Page 64 – he could not find Table 5
  - viii. He is concerned about the way we present the issues of traffic volume. This past winter the lack of volume had a negative impact on the economy of the town. Also, the peak should be put into perspective and also causes of accidents at the intersection of Routes 100 and 103, people not stopping and looking in both directions. He believes that the town plan should address it positively and not negatively.
  - ix. Page 93 – should reflect that we have already achieved Village Center designation.
4. Bruce Schmidt asked what the changes are to the Ridgelines.
5. Jason Rasmussen said that Chapter 4 is a new chapter and deals with ridgelines. The Planning Commission talked about where they are, but they are not really mapped out. Pages 22 and 23 deal with language about ridgelines and there are 2 maps that show peaks.
6. Bruce Schmidt asked if it the intent to put more stringent zoning regulations on those areas.
7. Jason Rasmussen said yes.
8. Bruce Schmidt asked if there had been more discussion about wind power.
9. Jason Rasmussen said that the Planning Commission is pro wind energy and the policies related to what the Planning Commission wanted. They are happy with it.
10. Howard Barton said that it would cost the public \$.20-\$.30 per KW for green power. Non-green is \$.11 - \$.14.
11. Frank Heald said that Solar is up to \$.30 and wind \$.20.
12. Bruce Schmidt said there had been some changes to the zoning regulations regarding this.

13. Jason Rasmussen said the policies are on page 78.
14. Howard Barton asked Jason Rasmussen how Lowell dealt with their wind projects.
15. Jason Rasmussen said he did not look at their plan. He advised that by state regulations, larger projects are exempt from town regulations and are under the rules of the PSB.
16. Howard Barton said we may want to explore the guidelines for larger projects.
17. Jason Rasmussen said there is some language that can be put in the plan that would give you say at PSB hearings.
18. Bruce Schmidt said that personally, he feels that references to Ludlow Mountain should be Okemo Mountain. It has always been called Okemo Mountain.
19. Frank Heald said that they may want to put one in and the other in parentheses.
20. Jason Rasmussen said that on page 2, it says Ludlow Mountain, commonly known as Okemo Mountain.
21. Steve Stengel said that it is more about not giving the mountain's identity to a corporation. That is why we reference Okemo Mountain Resort. It was originally identified as Ludlow Mountain. It is now up to this board.
22. Howard Barton said that it still says Okemo State Forest and that takes in the mountain.
23. Bruce Schmidt said there were obvious feelings among the Planning Commission for Ludlow Mountain.
24. Frank Heald said he goes back as far as a simple road to the tower and it has been Okemo Mountain.
25. Rose Goings suggested taking this and the other comments back to the Planning Commission and they can revisit them at their next meeting. This board may only make corrections for typos or grammatical.
26. Jason Rasmussen said that the Select Board may not make substantive changes. The Planning Commission will have to rework it and send it back to you with a new written report.
27. Bruce Schmidt said that he follows the Planning Commission minutes and recognizes the number of hours and hard work the Planning Commission has put into this. It needs a few tweaks but he applauds the Planning Commission for their efforts. He said that the town plan will help the town down the road and also it will also help us avoid potential legal issues. He added that he is impressed with the Planning Commission attendance during this process.
28. Steve Stengel said that Jason Rasmussen was the driving force and Rose Goings' attendance at the meetings was also an integral part of the process.
29. Frank Heald said that he was just highlighting points to consider at this meeting.
30. Jason Rasmussen said the Planning Commission will work on the items discussed tonight.
31. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to close the public hearing. Motion passed unanimously.**
32. Hearing closed at 7:30 p.m.

## REGULAR MEETING

### 1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:31 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 April 2, 2012.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the minutes of April 2, 2012 as presented. Motion passed unanimously.**

### 3. **Comments from Citizens**

- A. There were none.

### 4. **Open RFP – Solid Waste Compactor System**

- A. Howard Barton advised that there are two bid responses and 5 requests were sent out.
  - i. Atlantic Recycling Equipment - \$20,147.00
  - ii. Northeast Recycling - \$19,758.00
- B. Bruce Schmidt asked what equipment we have now.
- C. Frank Heald said that we actually have both. Northeast (Gobin) subcontracts work to Atlantic. He added that the bid from Atlantic seems to include the VFD (Variable Frequency Drive) and if that is so, they would be the winner because we already purchased the VFD and would take a

credit. This board could refer the bids to me to make the award. We need to find out if they are including the VFD.

D. **MOTION by Bruce Schmidt and seconded by Doug Ficken to authorize Frank Heald to review and approve the bids to the lowest bidder not to exceed \$20,147.00.**

E. Frank Heald noted that the RFP did say that the town is responsible for all electrical work and did not include the VFD in the specs. We saved by buying the VFD directly.

F. **Motion passed unanimously.**

5. **Open RFP – Ford F500 Pick-Up Truck**

A. Howard Barton noted that John C. Stewart was the only responder to the RFP and that several requests were sent out.

i. The price is \$38,275.00 plus all DMV costs with the trade in of the 2006 and \$4,000 for Government purchase. The actual price before the bid cost was \$51,425. There are some options on the warranty.

B. Howard Barton suggested giving the bid to Ron Tarbell for review.

C. Ron Tarbell said that he recommends the extended warranty.

D. Frank Heald said the premium warranty is \$3,450.00 and with it, the total still falls within the budgeted amount of \$54,500.00

E. Ron Tarbell said most of the equipment is coming off the old truck.

F. Brett Sanderson noted that Gateway always used to submit a bid.

G. Joanna Bombadil asked what is wrong with this bid.

H. Bruce Schmidt said that there is a feeling that you may be able to walk in and get this for less.

I. Brett Sanderson said he would like to try to encourage more bidders in the future.

J. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to accept this bid for \$38,275.00 plus \$3,450.00 plus all DMV charges. Motion passed unanimously.**

6. **Board of Listers Reappraisal Update**

A. Terry Thayne advised that they have inspected about 500 buildings and this last month has been a wrap up. They will be sending out pre-grievance notices within 3 weeks and they are on schedule. They are not quite done with the CNL/Okemo properties and will meet with Ted Reeves and Barbara Johnson again. It is pretty complicated. They expect to be complete on time in mid-June.

B. Howard Barton asked if they would have the final numbers for their July meeting.

C. Terry Thayne said he expects to have them complete in early June.

7. **Liquor Control Board**

A. Frank Heald advised that two of them, Cool Moose Café and Panarello's are for outside consumption and this board must approve them and they would be signed by the town clerk.

B. Bruce Schmidt said they say no additional seating and asked how they would do this.

C. Frank Heald said they would probably move seats from inside. If they increase the seating, they would have to get additional sewer allocations.

D. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the liquor control requests from Cool Moose Café and Panarello's for outside consumption. Motion passed unanimously.**

E. Frank Heald advised that Tom's Loft is in and requesting renewal.

F. **MOTION by Bruce Schmidt and seconded by Doug Ficken to approve the liquor license renewal for Tom's Loft. Motion passed unanimously.**

8. **Consider Formal Action RE: Junkyard Violation at 32/54 Soapstone Road**

A. Frank Heald advised that back in August 2011, they had received a complaint about 2 mobile homes. One was primarily wastewater and the other disrepair of the yard. We served them a notice to clean up and nothing was done. The informal action failed and we may want a committee to go out and look at the properties or execute a 30 day order to clean up.

B. Bruce Schmidt asked if the issue is still dealing with the sewer.

C. Frank Heald said no, that has been resolved.

D. Bruce Schmidt asked why these properties when there are worse properties. Have there been complaints.

E. Frank Heald said the sewer was on private property and we advised the neighbor they need to seek legal representation. A long time ago, my predecessor used to go around and take pictures and go to the Select Board with problem properties. I am not the arbiter of bad properties. If there is a complaint, I will write a letter and try to resolve the situation. We received complaints about these properties and the complainant followed up when nothing was resolved. I will write a formal letter from the Select Board giving them 30 days to clean up. I respond to complaints, not go looking for problems.

- F. Bruce Schmidt said he had thought the complaints were just about the sewer,
- G. Frank Heald said they were two-fold.
- H. Bruce Schmidt said that he wants to make sure that the board is doing our diligence.
- I. Howard Barton said that many complaints depend on personal opinion.
- J. Frank Heald said that the board may also defer formal action and ask me to continue informal actions.
- K. Bruce Schmidt said that he is all for actions pertaining to health issues, but he does not view this property as the worst he has seen. He would like Frank Heald to try to resolve this informally.
- L. Joanna Bombadil suggested that the board may want to review the ordinance to see if it needs to be revised.
- M. Frank Heald said that they have had the ordinance 4 years.
- N. Joanna Bombadil said much of this depends on the neighbors.
- O. Bruce Schmidt said that we want to make sure peoples' rights are protected. The ordinance needs to have teeth for the next step, but also give the board flexibility. He would prefer to have Frank Heald try to pursue this informally.
- P. Howard Barton said it is harder if it is not a health or safety issue,
- Q. Doug Ficken said that the procedure does not define who is to be approached for the ordinance. What brings it from the town manager to this board? We need to review this.
- R. Joanna Bombadil said that she appreciates the board's caution dealing with this situation.
- S. Frank Heald said that he will try to resolve this informally. He added that the VLCT has a model ordinance and he will look at it.

9. **Approve Bridge Inspection Summary Reports**

- A. Frank said the document was in the packets and the board needs to sign it, indicating that they have seen it.
- B. Doug Ficken asked about deck geometry.
- C. Frank Heald said it is the area into and out of the deck area. He added that the inspections were done last summer.
- D. **MOTION by Doug Ficken and seconded by Brett Sanderson for the board to sign the document indicating they have received and reviewed it. Motion passed unanimously.**

10. **Execute Resolution for VCDP Grant Application for Tuckerville Project**

- A. Frank Heald advised that this is the formal version of what the board approved at last month's meeting.

11. **Consider Planning Commission Vacancy**

- A. Howard Barton advised that a letter has been received from Logan Nicoll volunteering to fill the 3-year vacancy on the Planning Commission. Howard Barton asked Logan Nicoll if he has attended any Planning Commission meetings.
- B. Logan Nicoll indicated that he had and that while in school, participated in the early draft mock up town plan for a trailer park in Starksboro. He added that he had considered this for quite a while.
- C. **MOTION by Bruce Schmidt and seconded by Doug Ficken to appoint Logan Nicoll to fill the 3-year vacancy on the Planning Commission. Motion passed unanimously.**

12. **Department Head Reports**

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

13. **Other Business**

- A. **Walking Bridge to LA Mere Square**
  - i. Bruce Schmidt noted that the tarp was down on the work area and asked who is doing the work.
  - ii. Frank Heald said that the town is doing the work.
  - iii. **MOTION by Doug Ficken and seconded by John Neal to sign and certify the Annual Financial Plan. Motion passed unanimously.**
- B. **Dorsey Park, Little League and Fletcher Fields**
  - i. Bruce Schmidt noted that the sod looks good at Dorsey.
  - ii. Frank Heald said it was rolled today.
  - iii. Bruce Schmidt asked about hydro-seeding.
  - iv. Frank Heald said they did the outfields on two of the Little League fields. They will seed and hay at Fletcher. He added that Howie Paul had said that the fill soccer field is available.

- v. Howard Barton asked if the work at the Fletcher Fields is a joint Ludlow/Cavendish effort. He wants to make sure that Ludlow is not doing most of the work. He is concerned about Ludlow tax dollars.
  - vi. Frank Heald said that we are actually using at least 90% of the fields until we get the Little League fields back. We did the infield and Cavendish did the back stop and will be getting the portable backstop. Most of the work is FEMA related and we are all scrambling.
  - vii. Bruce Schmidt asked what Cavendish's plans are for the backstop.
  - viii. Frank Heald said as soon as we can get Williams, the fence contractor in, it will be done. The portable one should be here soon.
- C. Green Up Day
- i. Howard Barton asked how Green Up Day went.
  - ii. Frank Heald said that they picked up 3,600# this year, while last year we picked up 2,400#. He said the Chris Barlow drove one truck and he drove the other one. George Tucker also was driving a truck and Gerry Tucker and his crew cleaned up the skateboard park. They picked up 500# at Fletcher. They had hot dogs and it was a very successful day.

14. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be June 4, 2012 at 7:00 p.m.

15. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

- A. Howard Barton advised that an Executive session is needed.
- B. **MOTION by Brett Sanderson and seconded by Doug Ficken to enter into Executive Session. Motion passed unanimously.**
- C. Board entered into Executive Session at 8:23 p.m.
- D. Board came out of Executive Session at 8:33 p.m.
- E. **MOTION by Doug Ficken and seconded by Bruce Schmidt to authorize Howard Barton to sign a 3-year contract for Frank Heald. Motion passed unanimously.**

17. **Adjourn**

- A. **MOTION by Bruce Schmidt and seconded by Doug Ficken to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Lisha Klaiber

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Howard Barton, Jr., Chairman

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Brett Sanderson

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Doug Ficken

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Bruce Schmidt

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John Neal