

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**REGULAR MEETING**

April 7, 2014

**BOARD MEMBERS PRESENT:**

Howard Barton, Jr., Chairman	Logan Nicoll	Bruce Schmidt
John Neal	Brett Sanderson	

**STAFF PRESENT:**

Frank Heald

**OTHERS PRESENT:**

Anne-Marie Hanson	Kevin Kuntz	Ralph Pace
Nancy Kelley	Kevin O'Connor	Ted Reeves
Bob Kottkamp	Mary Jane O'Hara	Herb Van Guilder
Ginny Kottkamp	Peter LaBelle	Michelle Stinson (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. Annual Board Reorganization**

- A. Elect Chair of the Board
  - i. **Motion by Brett Sanderson and seconded by John Neal to elect Howard Barton Chair of the board. Motion passed unanimously.**
- B. Elect Vice Chair
  - i. **Motion by John Neal and seconded by Brett Sanderson to elect Bruce Schmidt as Vice Chair of the board. Motion passed unanimously.**
- C. Elect Clerk of the Board
  - i. **Motion by Bruce Schmidt and seconded by John Neal to elect Brett Sanderson as Clerk of the board. Motion passed unanimously.**
- D. Appoint Union Negotiation Team Members
  - i. **Motion by Howard Barton and seconded by John Neal to appoint Bruce Schmidt and Brett Sanderson Union Negotiation team members. Motion passed unanimously.**
- E. Appoint Ludlow Enterprise Fund Committee Members



- B. **MOTION by Bruce Schmidt and seconded by John Neal to approve the liquor license and outside consumption permit for Goodman's American Pie. Motion passed unanimously.**  
C. Bruce Schmidt requested that Okemo related businesses will be separated out.  
D. John Neal requested that Stemwinders also be separated out.  
E. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to approve the liquor license renewal for Stemwinders.**  
F. **John Neal recused himself from the vote.**  
G. **Motion passed unanimously (with John Neal not voting.)**  
H. **Listed below are the Okemo owned businesses.**

<b><u>Applicant</u></b>	<b><u>Business Name</u></b>
<b><u>Okemo Mountain Food and Beverage</u></b>	<b><u>EPIC</u></b>
	<b><u>Willie Dunn's Grille</u></b>
	<b><u>Sitting Bull Lounge-Base Lodge</u></b>
	<b><u>Vermont Pizza at Okemo</u></b>
	<b><u>Sky Bar</u></b>
	<b><u>Jackson Gore Inn</u></b>
	<b><u>Corner Store at Jackson Gore</u></b>

- I. **MOTION by Brett Sanderson and seconded by John Neal to approve the Okemo liquor/tobacco license applications as indicated above.**  
J. **Bruce Schmidt recused himself from the vote**  
K. **Motion passed unanimously.**  
L. **The following is a list of non-Okemo 2014-2015 Liquor License Renewal Applications:**

<b><u>Applicant</u></b>	<b><u>Business Name</u></b>
American Legion Ballard Hobard Post #36	Same
Aminah & Rayhan, LLC	Ludlow Shell
Barrich Corporation	Pot Belly Pub
Brewfest Beverage Company	Same
Brockton Corporation	Shaw's Beer and Wine
Cool Moose Café, Inc.	Same
Cumberland Farms of Vermont, Inc.	Cumberland Farms #8015
Gaignard, Richard C	D.J.'s Restaurant
Good Times Ludlow LLC	Ludlow Country Store
Goodfellas Petroleum	Goodfellas Petroleum, Inc.
Harry's Café	Harry's Cafe
JC Kubec, Inc.	The Governor's Inn
KMS Inc.	The Hatchery
L V P Inc.	Ludlow Village Pizza
Maxi Green Inc.	Rite Aid #10312 (tobacco only)
MWTGS, Inc.	Andre Rose Inn
Moon Calhoun LLC	Downtown Grocery
Olson Hospitality LLC	Sam's Steakhouse
Rose Douglas and Ann	Rose Douglas and Ann
Stuart, Leslie Pearson	The Wine and Cheese Depot
Vermont Irish Pub LLC	The Killarney
Mark J. Williams Corp	Mr. Darcy's Bar & Grill
Windrush Investments LLC	Tyson Village Store

- M. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the liquor/tobacco license applications as indicated above. Motion passed unanimously.**
- N. Mary Jane O'Hara recommended that the town limit BYOB functions to charitable organizations and one time per month.
- O. Logan Nicoll asked if this board has that authority.
- P. Frank Heald said that there are no state laws regulating BYOB functions. The town could do an ordinance, or do a petition.
- Q. Mary Jane O'Hara advised that someone has applied for a permit, next to her house, to have BYOB spa parties. She said that people should not have to be concerned about things like this. She said that she spoke to the Liquor Control board and they said they have no authority.
- R. Frank Heald said that that business application is in litigation and it is improper to discuss it at this time. He said that some restaurants in the state are BYOB and it gets complicated. He suggested that Mary Jane O'Hara circulate a petition.
- S. Mary Jane O'Hara asked if that was the only way.
- T. Frank Heald said either a petition or this board could decide if they wish to pursue this.
- U. John Neal said he thinks the petition if the fair way to go.
- V. Mary Jane O'Hara asked how many liquor licenses the town has.
- W. Frank Heald said 23-25.
- X. Howard Barton asked if this would be a Village Trustees' issue.
- Y. Frank Heald said that the Select Board is the liquor control board for the whole town.
- Z. Bruce Schmidt complimented Frank Heald and the staff for doing a good job preparing the report.
7. **Adopt Local Emergency Operations Plan (LEOP)**
- A. Howard Barton asked if this were the same as last year.
- B. Frank Heald advised that this is the plan but that this year, the board needs to authorize Frank Heald sign the document and to certify that he has taken the NIMS (*National Incident Management System*) course.
- C. **MOTION by John Neal and seconded by Logan Nicoll re-adopt the Emergency Operations Plan and to authorize Frank Heald to sign the document. Motion passed unanimously.**
8. **Consider Request from Black River Good Neighbor Services RE: Preservation of the Agan Name in Ludlow**
- A. Frank Heald advised a letter has been received from Black River Good Neighbors asking the board to consider naming the Tenant Building of the Community Center for Bill and Phyllis Agan. They were personally involved in Ludlow for many years and made bequests to Black River Good Neighbors along with several other organizations in the town. The precedent has been set in naming town and village facilities for individuals, such as Dorsey Park, Kesman Park, Fletcher Library, Pullinen Field and Dean Brown Industrial Park. He advised that a letter was also received from the United Church of Ludlow supporting this request. Frank Agan, who was related to Bill and Phyllis Agan, also put aside \$75,000. The Agan name was prominent in the community for many years.
- B. Bruce Schmidt asked if there should be a process for something like this. Going down the road, what about other future similar requests.
- C. Frank Heald said the board has done this in the past.

- D. Herb Van Guilder advised that he is representing the Masonic Lodge #85 and they support the efforts of Black River Good Neighbors and the United Church. He said that he has been involved in the community for over 40 years and the Agans were involved in many projects and service organizations for many years. Please add the Masonic consent to this request.
  - E. Frank Heald said that if approved by this board, the name would be changed to use the Agan name.
  - F. Bruce Schmidt suggested tabling this discussion until the next meeting to allow others to give input.
  - G. John Neal said that he remembers Bill and Phyllis Agan and is supportive of the request, but agrees that Bruce Schmidt may have a good point to allow others input.
  - H. Ralph Pace said that he believes that this is the process. This is a public meeting and this should be done before this board.
  - I. Bruce Schmidt said that there is no set protocol for this.
  - J. Michelle Stinson said that the LPC-TV board is also in favor of the request.
  - K. Frank Heald said that there are 2 criteria to be considered. Facilities were named for Dorsey, Kesman, Brown, Pullinen and Fletcher to recognize significant contributions to the community. The Agan philanthropy is known to go back far. The other is that there was a physical donation from the Agans, of a significant amount of money. This should be considered. He said that he would be able to put this in a memo for the next meeting.
  - L. **MOTION by John Neal and seconded by Logan Nicoll to proceed with naming the Tenant Building (Tank Barn) for Bill and Phyllis Agan, (exact name to be set later.) Motion passed unanimously.**
9. **Sign VTRANS Annual Financial Plan – Town Highways**
- A. Frank Heald advised that this is the annual certificate to the state that the town is spending at least \$300/mile on Class I, II and III highways. There are about 53 miles of these highways and he assured the board that they spend in excess of that annually.
  - B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to sign the certificate. Motion passed unanimously.**
10. **Approve AOT Structures Grant Application RE: Pleasant Street Extension Bridge**
- A. Frank Heald advised that he plans to reapply for a grant for repairs to the Pleasant Street Extension Bridge and hopefully they will get the grant this year. The required local funds are in the bank. He also is considering an application for a paving grant for East Lake Road, from the intersection of Route 100 to Red Bridge Road. The distance of 1.1 miles would cost about \$227,000. He hopes to get \$175,000 from the state and the town would have to get \$175,000. This would be a 2-year grant, so the town could budget the money for the 2016 budget.
  - B. Howard Barton asked if they need a motion.
  - C. Frank Heald said not for the Pleasant Street Bridge as the board approved this last year.
  - D. Bruce Schmidt said that he is concerned about the speeds on East Lake Road. He thinks that people may go faster.
  - E. Frank Heald said that if the road were paved. There would be somewhat less silt going into the lake, but, people would travel faster. He said it really should be paved to the Plymouth line.
  - F. John Neal said that personally, he likes the dirt road and is concerned about the speeds. There is a lot of character out there.
  - G. Bruce Schmidt asked if there are any other roads that would qualify for the grant.

- H. Frank Heald said there are not many Class II roads that go to another town.
- I. Logan Nicoll suggested North Hill Road to Barker Road.
- J. Howard Barton said that goes to Proctorsville.
- K. Frank Heald said that is a good suggestion.
- L. Logan Nicoll asked about flooding on East Lake Road and asked if the road were to flood like it did during Irene, wouldn't it be more expensive to replace.
- M. Frank Heald said he would look into Barker Road to Quentin Phalen Road. He added that the road would need to be reclassified.

11. **Adopt Updated Section of the Health & Safety Policy RE: CDL Drug & Alcohol Policy**

- A. Frank Heald advised that there is a copy of the policy in their packets. He said that parts of the policy date back 15 years and need to be updated as well as adding new definitions that need to be incorporated. It also included more aggressive testing requirements for all CDL licensed drivers for the town and village. These changes are also to bring the policy into DOT compliance.
- B. **MOTION by John Neal and seconded by Bruce Schmidt to adopt the updated section of the Health & Safety Policy. Motion passed unanimously.**

12. **Department Head Reports**

- A. Howard Barton advised that all reports are in for the last 2 months.
- B. Bruce Schmidt asked about the winter roads budget.
- C. Frank Heald said that they are only mildly over. Through March sand is \$7,000 over and salt is \$3,000 over.
- D. Bruce Schmidt asked about labor charges.
- E. Frank Heald said Overtime is pushing the envelope, but not over. They are pretty much on schedule.
- F. Bruce Schmidt said the town did a good job on the roads this winter.
- G. Frank Heald said they are over in sure pack. He added that a couple more loads of salt came in last week.

13. **Other Business**

- A. **NCRS - Dams**
  - i. Frank Heald advised the board there is new Federal money available for Dams. We are going to scope and analysis of the dams. The money is 65%. The dams are old, about 40 years old and they need to look at the mechanisms at the bottom drains and the culverts from the overflows. They need to review this and work out the costs. We can deal with the 35% after they get the reports.
- B. **Rod and Gun Club Road**
  - i. Frank Heald advised that they are in the 45 day period and have not heard anything.
- C. **AT&T**
  - i. Frank Heald said that AT&T is redoing the panels on the tower that is mid-mountain at Okemo. No changes will be noticeable from over 15 feet away.

14. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be May 5, 2014 at 7:00 p.m.

15. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

- A. Frank Heald advised that a brief Executive Session is needed for real estate.  
B. **MOTION by John Neal and seconded by Bruce Schmidt to enter into Executive Session. Motion passed unanimously.**  
C. Board entered in to Executive Session at 7:50 p.m.  
D. Board exited Executive Session at 8:03 p.m.

17. **Adjourn**

- A. **MOTION by Bruce Schmidt and seconded by John Neal to adjourn. Motion passed unanimously.**  
B. Meeting adjourned at 8:04 p.m.

Respectfully submitted,

Lisha Klaiber

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Howard Barton, Jr., Chairman

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Brett Sanderson

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John Neal

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Bruce Schmidt

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Logan Nicoll