

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

August 8, 2017

BOARD MEMBERS PRESENT:

Howard Barton, Jr.	Brett Sanderson
Logan Nicoll	Bruce Schmidt

BOARD MEMBERS ABSENT:

John Neal

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Paul Barton	Anita Kennedy	Jeannette Ricciardo
James Bianchi	Peter Kennedy	Nelson Richert
Nancy Carle	Abby Lechthaler	Ron Tarbell
Richard Carle	Rogan Lechthaler	Ed McEaney (LPC-TV)
Anne Gardner	Ted Reeves	

1. Consideration of any Changes, Additions or Removals to the Agenda

- A. Howard Barton asked if there were any changes to the agenda
- B. Frank Heald said there were none to be made.

2. Call to Order

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

3. Approve Minutes of Previous Meetings

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of July 3, 2017 and the special meeting July 7, 2017.
- B. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve the minutes of July 3, 2017 and July 7, 2017 as presented. Motion passed unanimously.**

4. Comments from Citizens

- A. Looking Forward Update
 - i. Anne Gardner advised that she is representing Looking Forward. This is a group of Ludlow residents who are looking into different approaches to the U39 issues. She said

the group hopes to present its ideas to the school board on Wednesday. There are 3 solutions being discussed:

- a. Find an alternate merger
 - b. A side-by- side with Green Mountain
 - c. Form a unified district
 - d. OR, do nothing and the state will decide.
- ii. Anne Gardner said that the time line is important and will end in November or January, depending on the route they choose to go. They are also looking to the support of the Select Board to grow affordable housing and help with job growth in the community.
 - iii. Bruce Schmidt added that this effort is being guided by the LES board. That board handles the Ludlow School challenges and delivers proposals to the state. Mount Holly had made it clear that they want to leave the union and have secured legal assistance. If they do leave, we will be looking at a high school with about 100 students. The committee may be glossing over this.
 - iv. Anne Gardner added that the union cannot be dissolved by one party. The union must be dissolved by the union.

5. **Liquor Control Board**

- A. Howard Barton said there is an application from Moon Calhoun, DBA Mama's located at 190 Main Street
- B. Frank Heald advised that the application has met all requirements.
- C. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the application for a Liquor License for Moon Calhoun, DBA Mama's. Motion passed unanimously.**
- D. Frank Heald advised that they have also applied for an Outside Consumption permit, adding that Chief Billings has not signed off on this yet. They want to put 2 or 3 small tables out front.
- E. Howard Barton asked if the tables would be directly in front of the restaurant and how far out would they extend.
- F. Abby Lechthaler said that Rogan has the measurements, but that they would be little tables for 2 people.
- G. Howard Barton asked about a fence or enclosure.
- H. Abby Lechthaler said they would create one.
- I. Frank Heald said they would have to be in a controlled area.
- J. Howard Barton said they could not impede the sidewalk.
- K. Rogan Lechthaler said the distance from the brick to the street is 136 inches.
- L. Frank Heald said it is a double wide sidewalk.
- M. Abby Lechthaler said they will not impede the sidewalk, there is plenty of space for little bistro tables and there will be a designated area.
- N. Bruce Schmidt said he is concerned because the last similar application was denied by Chief Billings.
- O. Frank Heald said it is not the same amount of space. The Hamilton Hall space included bricks and steps. The Chief did not sign off on that because he felt it would infringe on the sidewalk.
- P. Howard Barton said the board needs the dimensions, including table dimensions. Have they considered space for servers to move around?
- Q. Rogan Lechthaler said the chief wants to see the space once the scaffolding is down.
- R. Abby Lechthaler said there would not be servers outside. People would place and pick up their orders inside and bring them outside.
- S. Rogan Lechthaler said it is 11 feet from the brick to the curb.

- T. Bruce Schmidt said he would like to see a drawing (handwritten is okay.)
- U. Abby Lechthaler asked about the license that was just approved.
- V. Brett Sanderson said it is for anything inside the building.

6. **Award Bid for Summer Retreatment**

- A. Frank Heald said they had opened the bids on July 26th and the prices were \$79.00, \$79.90 and \$62.00. The low bidder was Fuller Sand and Gravel for \$62/ton. The town has used them several times and they do good work. The committee recommends awarding the bid to Fuller.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to award the bid for Summer Retreatment to Fuller Sand and Gravel for \$62/ton. Motion passed unanimously.**

7. **Award for Police Cruiser**

- A. Frank Heald advised that the RFP was sent to 9 dealers and only one bid was received. It was from Durand Toyota Ford for a Police Interceptor. The bid was for \$17,836.00 (\$28,836, less \$11,000 for trade-in.) There is \$27,000 in the budget for the vehicle and fit-up.
- B. Brett Sanderson asked about CO₂ levels in Explorers.
- C. Frank Heald said that they have found cracks on the catalytic convertors, but he thinks that Ford will take care of that problem. He said that we do have one CO₂ detector alternating through the vehicles.
- D. Bruce Schmidt said we should purchase others. He said that some police departments are removing the Fords from their fleets.
- E. Howard Barton said the cracks found were on the tops of the catalytic convertors and Ford is doing a study before recalling any vehicles.
- F. Bruce Schmidt asked if we would be purchasing a problem, possibly including Worker's Comp.
- G. Frank Heald said that our Fords don't seem to have the problem. He added that the vehicles that are sitting are more apt to have the problem than vehicles that are moving.
- H. Bruce Schmidt said the guys must be concerned.
- I. Brett Sanderson said all the Fords should have detectors.
- J. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to award the bid to Durand Toyota Ford for \$17,836.00 (\$28,836, less \$11,000 for trade-in) with the provision that CO₂ detectors are put in all vehicles. Motion passed unanimously.**

8. **Award Bid for FEMA Local Hazard Mitigation Plan**

- A. Frank Heald said they had advertised the bid and received only one, from the Southern Windsor County Regional Planning Commission (SWCRPC) not to exceed \$12,510. The committee recommends awarding the bid to SWCRPC for \$12,510.
- B. Howard Barton asked about the reference to 25%.
- C. Frank Heald said the actual amount is \$16,680 with a 25% match. The 25% is in-kind staff work.
- D. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to award the bid for the FEMA Local Hazard Mitigation Plan to SWCRPC for \$12,510.00.**

9. **Consider Board of Listers Errors & Omissions**

- A. Frank Heald advised that the report contains 4 properties.
- i. 8 Stryhas Trailer is being reintroduced onto the tax rolls. (George Fairchild)
 - a. Bruce Schmidt asked why the taxes had not been paid.
 - b. Frank Heald said the BCA took it off the tax roll and listers are putting it back on. The previous owner passed away and new people are moving in. There was no estate.
 - c. Bruce Schmidt asked if they had tried to find out who was responsible for the property after the owner died. Was the process followed?
 - d. Frank Heald said there was no estate. The process was followed, the BCA abated the taxes. The clerk received a call from Fred Glover that the property was rented and to put it back on the tax rolls.
 - e. Bruce Schmidt voiced his concern that the process was not followed. He said there must have been an estate and the mobile home was not moved or destroyed.
 - f. Howard Barton said Stryhas owns the property, is he responsible for the taxes?
 - g. Frank Heald said Mr. Stryhas owns the property that the mobile home is on and has paid those taxes. The taxes on the mobile home have not been paid.
 - ii. 9 Pond Street (Village of Ludlow / Electric Light Dept.)
 - a. Frank Heald advised that the parcel is supposed to be taxed on the Town side and not on the Village side. It was erroneously marked non-taxable on both sides. It has to be changed to taxable on the town side.
 - iii. 119 Ellison's Lake Road (Leslie, Elizabeth & Archibald, James & Thomas)
 - a. Property line adjustment
 - iv. 105 Ellison's Lake Road (Sloviter, David & Resnick, Noryn)
 - a. Property line adjustment
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to accept the Errors and Omissions as presented. Motion passed unanimously.**

10. **Consider Stearns Pit for Sports Car Cub Rally on September 23, 2017**

- A. Frank Heald advised that this was originally scheduled for June, but that Cold River has been using the pit for the Walker Bridge project. It is cleared out now and the group would like to schedule the event for September 23, 2017 with the same terms and conditions.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to approve the request from the Killington Sports Car Club for hill climb as indicated above.**
- C. Ted Reeves asked if the whole event will be in the pit.
- D. Frank Heald said it is a rally in the pit.
- E. Ted Reeves asked if they will grade it after they use it.
- F. Frank Heald said the group is paying the town to grade it.
- G. **Motion passed unanimously.**

11. **Discuss Driveway on the West End of Kesman Memorial Park**

- A. Frank Heald advised that his memo is self-explanatory. He has always wondered who owns that driveway. Abby and Rogan Lechthaler would like to renovate that space a little and use it

for some outdoor seating for their new restaurant. He said he did some deed research and some sketches and David Rose checked them over. The deeds were from 1920 between Brown and Valente. The estimated cost for a survey is about \$1,000 and we can't substantiate who owns it unless we have a full survey.

- B. Howard Barton said we can't lease or sell the property until we are 100% sure who owns it. He said he always thought it was not town property.
- C. Frank Heald said we could do a Quit Claim Deed and transfer any interest we may have in in the property to them. That would cost about \$500.
- D. Bruce Schmidt asked who is getting taxed on it.
- E. Frank Heald explained that he was only able to get to the North corner of the Valente property and this building. He doesn't have the rest of the way to the road.
- F. Bruce Schmidt suggested they do the survey.
- G. Frank Heald said he would have it done by next month.
- H. Bruce Schmidt said they should table this item until next month.
- I. Rogan Lechthaler asked who would pay for the survey.
- J. Frank Heald said the town would.

12. Construction Updates

A. Walker Bridge.

- i. Frank Heald said Walker is pretty much done. They still have the dirt work to do and treat the deck. They should be out this week.
- ii. Howard Barton asked about the final paving.
- iii. Ron Tarbell said it is complete. He added that he did question the rough road northbound.
- iv. Bruce Schmidt said Ron Tarbell should push it with the contractor.
- v. Howard Barton agreed, adding to do it before they go.
- vi. Brett Sanderson said the sidewalk by the old fire station has a lot of texture and is pitted.
- vii. Frank Heald said he will get it treated and will check the paving tomorrow.

B. Hart Property/Commonwealth Avenue

- i. Frank Heald said the project is done pending sign off by the State and FEMA. The certificate will be issued this week. The DRB did the restrictions. He added that the state is interested in Commonwealth Avenue.
- C. Bruce Schmidt asked about Andover Road.
- D. Ron Tarbell said September for that work.
- E. Frank Heald added that they will do a culvert on Trailside. They signed off on the structure for Andover last week.
- F. Ted Reeves asked about the traffic light (Route 103 and Route 100.)
- G. Frank Heald said they have not scheduled the pre-construction meeting and he is not sure if they will do it this fall or spring 2018. He thinks it will be in the spring.

13. Update on Solid Waste District Board of Supervisors Action RE: Reserve Fund

- A. Frank Heald advised that the Board of Supervisors has signed off on this and checks will be issued in September with full and final payment of \$72,000+.

14. **Department Head Reports**

- A. Howard Barton advised that all reports are in for the July.
- B. Bruce Schmidt asked about the Ludlow Enhanced Energy Plan.
- C. Frank Heald said it was included for their information.
- D. Logan Nicoll said the Planning Commission will discuss this at their next meeting. He said it was mostly done by Jason Rasmussen and complies with new state laws and requirements. He said this is the language we need to add to the town plan in order to obtain due deference at PSB hearings. That will give our opinions more weight with the PSB. It must be included in order to re-adopt the town plan. Frank Heald suggested to read it and send comments to Rose Goings as soon as possible.
- E. Logan Nicoll said the Planning Commission does feel that the state goals are ambitious and the state wants mostly electric cars by 2050, hoping for technological breakthroughs.
- F. Howard Barton said a lot of those goals hold the town as hostage. We need to be cautious. Charging stations will cost the tax payers money.
- G. Logan Nicoll said he thinks the Ranger Solar project and New England Clean Power will help Ludlow meet most of our regional goals. We may not be responsible to have any more renewable energy projects in town.
- H. Howard Barton said renewable energy projects will cost you money. He asked the time line for approval.
- I. Logan Nicoll said he thinks November. He said the town plan must be re-adopted by November or we will not have a town plan and lose grants and the Village Center designation. He said we may adopt something now and revise it later on.

15. **Other Business**

- A. **Brooks Road**
 - i. Richard Carle asked why they tore up the road.
 - ii. Ron Tarbell said the black top was on the way out and would cost about \$32,000 to repave. We can do this for \$4,000.
 - iii. Richard Carle said they will need to regard and re-sure pack every year after they plow the roads. The plows will pull it up.
 - iv. Ron Tarbell said the town does not need to re-sure pack every year. We ground up the pavement.
 - v. Richard Carle said it pulls up in chunks.
 - vi. Ron Tarbell said they will cover it with sure pack. Next week they will do the culvers, ditching and cut the road down and sure pack.
 - vii. Richard Carle said he's had a river in his driveway because of it.
 - viii. Howard Barton said it is the beginning of the process done on Buttermilk Falls Road.
 - ix. Peter Kennedy said there was nothing wrong with the road surface before. Also, it makes things very dusty. He said he spoke to Frank Heald and then they oiled the road. He said it is messing with his quality of life and lowering his property value. He said it was not a dirt road when they bought the house. What they did made no sense. The neighbors were not notified. He said they did not pay to live on a gravel road. He said nobody had complained about the road and they dug it up.
 - x. Bruce Schmidt said this was discussed at their meeting and was a decision made by Ron Tarbell and his team. He said we don't put oil on the roads, it's a chloride base.

- He said we have 52 miles of roads in town and he looks to the department at the experts. He would like to see this next spring.
- xi. Howard Barton said this board goes by the department heads' recommendations and the budget. We've done the same process on other roads and we are in the early stages of this project. He added that he lost his driveway from construction. He asked people to give the crew a chance to finish their work and that this board would try to work with them.
 - xii. Richard Carle said the road was last paved about 12 to 15 years ago and 3 years ago they did some work on a water line and repave that patch. There was one pothole that was the only issue
 - xiii. Nancy Carle said in 38 years they have never had a problem with the road. She said the town went backward.
 - xiv. Richard Carle said the road is also wider.
 - xv. Ron Tarbell said it won't be when they are done.
 - xvi. Bruce Schmidt said the bigger challenges are further up the road.
 - xvii. Ron Tarbell agreed that there are bigger problems all the way up at the top.
 - xviii. Bruce Schmidt said the board would look into this again in the spring, adding maybe there's a compromise.
 - xix. Howard Barton said it is late in the game now and paving is not in the budget.
 - xx. Anita Kennedy said they pay taxes for a paved road and said that Frank Heald had said this was an experiment.
 - xxi. Peter Kennedy said he didn't want their road to be an experiment.
 - xxii. Howard Barton said let's finish the process and see what it's like later and figure something out.
 - xxiii. Nelson Richert said there wasn't much work on Buttermilk Falls Road.
 - xxiv. Howard Barton said it's done.
 - xxv. Ron Tarbell said that their road will be done in about 2 to 3 weeks.
 - xxvi. Howard Barton said let's see what happens.
 - xxvii. Nancy Carle said dust comes in the windows and is very bad.
 - xxviii. Rich Carle said the newspaper said it was going to be repaved.

B. GAR Monument Proposal

- i. Paul Barton advised that he has a proposal for a monument in tribute to the Grand Army of the Republic. He explained his family's military history. He explained that the GAR was an organization of Civil War Veterans. He said that on Memorial Day they read Logan's orders from 1868 declaring May 30th as Veteran's Day. He said that Ludlow does not have a monument for Civil War veterans. He is offering to donate a monument to GAR. He has spoken to the American Legion and while they did not vote on it, they were enthusiastic. The monument would be at no cost to Ludlow. It would be 5 to 5½ feet tall, 2 feet wide and weighing about 2 tons. It would be made of Vermont granite and have engraved lettering. It would be located at the east end of the park, backed by the evergreens. There would be a 4 foot deep foundation with bars running through the foundation and up through the monument for stability. There would be a small panel in the back noting that it would be dedicated to his father, but not visible unless you went around to the back. He does not want his name associated with it. He would like to get this going, if the board approves. He can supply a life-sized drawing. The only assistance that may be required is traffic control for the day they dig the foundation and the day they bring in the monument. The wording would face the gazebo and they may have to move the electrical socket.
- ii. Frank Heald said the Legion Commander will run it by the membership for a vote.

- iii. Howard Barton said the park belongs to the town.
- iv. Bruce Schmidt said he supports this and if there are items that the town can help with, he encourages Frank Heald to assist.
- v. Paul Barton said he asked the Legion if there is any spray they can use against graffiti, but they said no, because it would change the color of the granite. He said it would be facing west and catch the glow of the sunlight at sunset.
- vi. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to support the GAR monument. Motion passed unanimously.**
- vii. Paul Barton asked the board for a letter of approval so that he can get the project started.

C. Buttermilk Falls Road Speed Sign Request

- i. Bruce Schmidt said that he had a conversation with Dennis Mr. Pearson attended the meeting on September 5, 2016 and requested a speed limit change and signed. The minutes from that evening did not indicate that any action was taken. Bruce Schmidt suggested putting the Village speed sign up there.

D. State Picking Up Snow Plows in the Village

- i. Bruce Schmidt said that he had a conversation with Dave Van Guilder about the state picking up the snow plows when going through the Village.
- ii. Frank Heald referred that to Brett Sanderson who is their representative on the Transportation Board. He said it is the state's policy to pick up the plows when going through incorporated villages.

E. New Mower

- i. Brett Sanderson asked if Kevin got a new mower.
- ii. Frank Heald said yes, it was in the budget.

16. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be September 4, 2017 at 7:00 p.m.

17. **Sign Warrant Orders**

- A. Warrant orders have been signed.

18. **Possible Executive Session/Personnel Issues**

- A. Frank Heald advised that an Executive Session is needed for Employee Relations.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to enter in to Executive Session. Motion passed unanimously.**
- C. The board entered in to executive session 8:46, and exited at 8:53
- D. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to let Frank Heald handle non-union employees raises. Motion passed unanimously.**

19. **Adjourn**

- A. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:58 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll