

***PRELIMINARY MINUTES***

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**REGULAR MEETING**

December 7, 2015

**BOARD MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Frank Heald	Pam Cruickshank	Rose Goings
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**OTHERS PRESENT:**

Jeff Billings	Dulcey Mastrangelo	Todd Sumner
Jane Bixby	Janet Mordaunt	Aaron Svedlow
Chris Callahan	Otis Nelson	Ron Tarbell
Phil Carter	Alice Nitka	Alice Thayne
Michael Chenette	Tom Potvin	Terry Thayne
Alan Couch	Ted Reeves	Ken Thetford
Mike Goings	Barbara Ruiss	Linda Tucker
Ron Greene	Nate Stearns	Georgia Wyman
Aaron Guyette	Chris Stewart	Ed McEaney (LPC-TV)
Cliff Hewes	Peg Stratman	
Alan Isaacson	Phil Stratman	

**PUBLIC HEARING TO CONSIDER THE CONDEMNATION BY EMINENT DOMAIN**

1. Howard Barton advised that this is a public hearing to consider the condemnation by Eminent Domain of permanent and temporary easements upon the land of Black River Amato, LP for the purposes of bridge replacement on Vermont Route 103, also known as Walker Bridge, Ludlow BRF 025-1(42).
2. Chris Callahan advised that easements have been secured for all properties except one. However, a handshake deal has been agreed upon for the easements on the Black River Amato property. The signatory is in Florida and there is still paperwork to be done. He will state the information pertaining to this hearing.
3. Aaron Guyette presented and referred to a site plan, showing the position of the proposed bridge and the property needed. He explained that Route 103 is a principal artery and is on the national highway system. The existing bridge has been found to be functionally deficient and does not meet required standards. There will be 11 foot lanes. The standard for shoulders is 8 feet, but there is leeway on that as it is in the historic village. The shoulders for the new bridge will be 4'10". The project will go through the NEPA review process. Referring to the drawing, he showed what the impact would be on the Amato property, indicating both temporary and permanent easements. He showed where the new roadway, abutments and guardrails would be.
4. Bruce Schmidt asked if the federal standards are the same or different from the VTRANS standards.

5. Aaron Guyette said VTRANS adopted the federal standards, but they are somewhat looser for the village.
6. Chris Callahan asked if there was anyone else who would like to present evidence.
7. Nate Stearns advised that he is the attorney representing the Amato property owners and he does not wish to present evidence now.
8. **MOTION by John Neal and seconded by Logan Nicoll to take the necessary steps to acquire the easements as described.**
9. Bruce Schmidt asked if any and all alternatives have been explored.
10. Aaron Guyette said yes. He said they had gone through all alternates for evaluation. He said they took comments at the last public hearing and taken them into consideration. There have been several design iterations.
11. Otis Nelson asked how long the new bridge would last.
12. Aaron Guyette said it will be built to the standard guide of 75 years with stainless steel reinforcements.
13. **Motion passed unanimously.**
14. Phil Carter explained that the permanent easement would contain 602 square feet and was valued at \$1,806.00 and the temporary easement, which will expire when construction is complete, is valued at \$186.00. They have rounded this to \$2,000.
15. Nate Stearns advised that he will not present evidence as to the evaluation evidence provided for \$2,000.
16. Howard Barton noted the town portion of this would be 10%.
17. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to pay the property owner \$2,000. Motion passed unanimously.**
18. **MOTION by Brett Sanderson and seconded by John Neal to close this public hearing. Motion passed unanimously.**
19. **Public hearing closed at 7:20 p.m.**

#### **PUBLIC HEARING ON TOWN ZONING**

1. Howard Barton advised that at their last meeting, the board had a public information meeting to discuss proposed changes to the Town of Ludlow Zoning and Flood Hazard Regulations, revised August 19, 2015. He said that at that meeting a few changes were requested.
2. Alan Isaacson said that the changes pertained to Accessory Use and Accessory Structure. The Planning Commission made changes to the definitions, adding that an accessory structure or use may be constructed prior to the principle use. Accessory uses and Accessory Structures were added as permitted uses
3. Howard Barton asked if an accessory structure is built, must a person build a principle structure.
4. Alan Isaacson said a person would be able to build a barn or garage first, it is now a permitted use. The landowner can do as the Select Board requested.
5. **MOTION by Bruce Schmidt and seconded by John Neal to adopt the revised Town of Ludlow Zoning and Flood Hazard Regulations revised August 19, 2015. Motion passed unanimously.**
6. **MOTION by Brett Sanderson and seconded by Logan Nicoll to close the public hearing. Motion passed unanimously.**
7. Hearing closed at 7:27 p.m.

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:30 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 November 2, 2015.
- B. **MOTION by Logan Nicoll and seconded by Brett Sanderson to approve the minutes of the meeting of November 2, 2015. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Continue Solar Project Discussion**

- A. Howard Barton advised that representatives are here from Ranger Solar. He said that the town had recently had a special public hearing to help people understand the scope of the project.
- B. Mike Goings said that he is not in favor of the project. He noted that when Mr. Burns wanted to change the farm, he had to go through Act 250. This project will have 38 acres clear cut and Ludlow should set standards. We already have VELCO, Ludlow Electric, Green Mountain Power and ISO New England. He asked how board members feel about the project.
- C. Howard Barton said the board has not taken a stand. We need to listen to what the benefits are for the town and the whole scheme. We need to evaluate all sides.
- D. Aaron Svedlow said that Ranger Solar has not filed with the PSB yet. He said that Ranger has met with the State Historic Preservation department and Ranger is making concessions to retain the historic character.
- E. Bruce Schmidt said that personally, he drives by that farm several times a week and likes the look of it. He said that the town could spend a lot of money on a futile attempt to stop the project, but we need to think about the whole thing. We can't change the PSB laws and they tell us what they are doing. He added that only the Legislature can change that. This board voted against the Telecommunications tower and the PSB did not listen to us. He said we should try to negotiate with Ranger to find benefits for the town. We should have conversations with Ranger to try to mitigate the impacts of the project.
- F. Otis Nelson said he agrees about talking with Ranger, but thinks the board should make a decision sooner than later and should send a representative to the PSB and say we don't want this project. He does not think the town needs to spend a lot of money. Letting this project go through is like opening a Pandora's Box. More similar projects will come.
- G. Howard Barton said that Pandora's Box was opened a long time ago with the PSB making decisions and dictating to towns.
- H. Alice Nitka said that an amendment was proposed in Montpelier last year to include "Due Deference" for towns, but it did not pass. She said that she has put in a draft request for a similar bill. She also has grave concerns for other property owners up there.
- I. Linda Tucker noted that a large solar company in Spain went bankrupt, what happens if Ranger Solar goes bankrupt.

- J. Aaron Svedlow said that the project must comply with Act 248 and includes the requirement for a bond to cover decommissioning at the end of the project.
- K. John Neal asked if the bond would still cover it over 20 years.
- L. Aaron Svedlow said it would cover the decommissioning from the inception of the project.
- M. Bruce Schmidt said that with a project as large as this, the Select Board opinion would have little impact. We have made our opposition known, but at the end of the day, the PSB makes the decisions. We should be working with Ranger for the benefit of the town.
- N. Alan Isaacson said that he agrees with Bruce Schmidt, noting that our impact at Act 248 is very little. Our best position is to negotiate and get the best deal for the town.
- O. Mike Goings asked the board to consider the following
  - i. the 38 acres to be clear cut
  - ii. negotiate that when done, the area should be stumped, top soiled and seeded
  - iii. tree line buffers should be included for adjacent properties
  - iv. buffers at the south end
  - v. clearing should not be up to the tree line
  - vi. there should be buffers for wildlife
- P. Ken Thetford said the Select Board should voice our opinions to the PSB. The project is inconsistent with preserving the scenic beauty of Vermont. He said that as a taxpayer, he objects to the project. He is not sure it is a viable project. He said the legislature gave away local authority. He said we have to endure pollution from other states.
- Q. Alan Couch said that the town plan says that we support renewable energy. This project is a greater scale than anyone ever dreamed of when that was put in the plan. He said the community will benefit from less air pollution. He added that it is possible that someone could have built condominiums up there. This project will not put a drain on municipal services.
- R. Georgia Wyman said the town should hold and get the interest on the bonds. She asked who would shovel the 95,000 panels when the snows come.
- S. Aaron Svedlow said that there will be an operations and maintenance crew and they will hold a job fair to hire people. They will be responsible for snow removal, plowing, mowing and weed whacking. He added that the panels are like metal roofs and the snow will slide off. They will be mounted at a 30° angle.
- T. Alan Isaacson said that he attended a meeting that VLCT held on solar projects. He asked what would happen on a sunny day if a fire started. He said the panels would still be generating power. He suggested that the town should add training for the fire department in the negotiations.
- U. Clifford Hewes asked about compensation for the town.
- V. Howard Barton said they are looking at the Enterprise Fund and a tax program.
- W. Clifford Hewes asked if taxpayers would be compensated for loss of value of their properties.
- X. Bruce Schmidt said the Select Board has nothing to do with the Listers' process for grievances.
- Y. Mike Goings asked Alice Nitka if this project is a conflict of interest with people taking land out of the Land Use program where they have been paying lesser taxes and then putting in a large solar project.
- Z. Alice Nitka said land is put into land use for certain periods of time. It can be taken out.
- AA. Aaron Svedlow said only 88 acres are going to be used and the project will produce 33,000 MW per year.
- BB. Alice Nitka suggested that the town plan be changed to include tighter controls.
- CC. Logan Nicoll said the Planning Commission is working on that.
- DD. Georgia Wyman asked if Ludlow Electric produces at a lower rate.
- EE. Howard Barton said that Ludlow Electric has 13 different contracts where they purchase power, all at different price, some more, some less.
- FF. Georgia Wyman asked, if Ludlow Electric and Green Mountain Power are not going to be using the power generated by the project, who will?

- GG. Logan Nicoll said it would go to regionals like ISO New England.
- HH. Bruce Schmidt said that it was his understanding that the power generated would not leave the state.
- II. Aaron Svedlow said the power will not leave the state.
- JJ. Otis Nelson asked at what cost to the beauty of Vermont this power would be generated.
- KK. Alice Nitka asked about agreements for the life of the project,
- LL. Aaron Svedlow said it adheres to the FIRPA process for 20 years. Power is sold to utilities in the state in proportion to their share of the total power usage in the state.
- MM. Alice Nitka said that GMP would not be using the power.
- NN. Aaron Svedlow said that GMP would be obligated to participate in the purchases.
- OO. Clifford Hewes asked where the underground power is going and who polices it.
- PP. Howard Barton said it is going down south and will be federally regulated.
- QQ. **MOTION by Bruce Schmidt and seconded by John Neal to appoint a committee of 2 members, suggesting Frank Heald and Howard Barton, to enter into negotiations with Ranger Solar to start a process and meet here on the 3<sup>rd</sup> Monday in December to report progress to keep the process going forward.**
- RR. Clifford Hewes asked if it could be sooner.
- SS. Bruce Schmidt said the next meeting would be on December 21, 2015.
- TT. Howard Barton said that would give the committee time to meet.
- UU. **Motion passed unanimously.**
- VV. Howard Barton said he would get in touch with Aaron Svedlow.

#### 5. **Transfer Station Update – E-Waste**

- A. Frank Heald advised that E-waste is free, but the state contract is problematic. He said that the market is down and we were getting \$.02/lb. He said that he would just like to see it go away and it will be more expensive with the state system. The new state law says that people may take e-waste to any facility in the state and Ludlow has always required a town permit. We will probably have to accept e-waste from other towns, but it is okay for now because Cavendish and Plymouth also accept e-waste. He continued, saying that we take e-waste from people at no cost. We transfer it and there are no truck costs, only minimal labor costs. He said that MSW transportation costs are going up because we are moving 2 times per week because we didn't get the additional compactor.

#### 6. **Continue FY 2017 Budget Workshop**

- A. **Insurance**
  - i. John Neal asked about the increase in insurance costs.
  - ii. Frank Heald said that was driven by employee changes, single to family coverage. He added that there was an 8% to 9% across the board. The challenge in the budget process is that our fiscal year runs from July 1 through June 30, and health coverage runs on a calendar year. We had 3 relatively expensive injuries this year, so Workman's Comp. increased, but Property/Casualty Liability decreased.
  - iii. Howard Barton asked where the 2 new employees were hired to.
  - iv. Frank Heald said one was for the Ambulance Service. He said that Karl Mattson has been out for surgery and rehab. He added that 3 to 5 of the part-timers have gone elsewhere and call volume is up 50%. When deciding whether to hire an additional person, he said that he had checked the Personnel Policy and there is a process to hire a new employee on a not to exceed 6 month basis. He said that the Mount Holly ambulance squad is having problems and their

Select Board has asked their coordinator to ask Ludlow and Regional Ambulance to help pick up some of the calls. If Mount Holly squad crashes, mutual aid will set in. It is a challenge and we need more volunteers.

- v. Bruce Schmidt asked if we should have some exploratory discussions with the Ambulance Squad.
- vi. Frank Heald said yes, adding that is why we only added the person for 6 months. We are working on it. We also don't want to travel too far up into Mount Holly. Ludlow will need more people and more rigs if we go regional. He said they may want to have Ambulance come in to the meeting in February. The issues with Mount Holly came up recently and it is a work in progress.
- vii. Bruce Schmidt noted that less than 30% of the call volume, year to date, is from Cavendish, Proctorsville and Plymouth.

B. Highway Department

- i. Frank Heald advised that he took \$15,000 out of paving.
- ii. Howard Barton asked if the project on Upper Crossroad is done.
- iii. Ron Tarbell said that the contractor patched it for the winter and will be repaving in the spring.
- iv. Howard Barton noted that state aid revenue is up 3.3%.
- v. Frank Heald said he estimated that based on this year's numbers.
- vi. Bruce Schmidt asked if the town is doing paving the right way. He thinks we may get behind. He said that we have deficiencies on the paved roads.
- vii. Frank Heald said he is not in favor of bonding to do paving. By the time you pay off the bond, it will be time to repave again. That happened with the village sidewalks and they had to be replaced before the bond was paid off.
- viii. Ron Tarbell said that he doesn't think they are behind much.
- ix. Howard Barton said it seems like every time we repave, something happens and the road has to be dug up. Who should pay if a business tears up the road.
- x. Phil Stratman asked if Ludlow can get some of the money that is reported to be coming from the Federal government.
- xi. Frank Heald said that the Walker Bridge project may come from that, but he really doesn't know.
- xii. Bruce Schmidt asked about the reclassification of the roads discussed at the November meeting.
- xiii. Frank Heald said that didn't file by December 1<sup>st</sup>, so it didn't happen.
- xiv. Bruce Schmidt said, with the bond rates so low, should be consider putting that \$15,000 back in.
- xv. John Neal said that the biggest impact is insurance.
- xvi. Bruce Schmidt said we are looking at a 3.8% increase.
- xvii. Frank Heald said if you want to do a bond for paving, we need to look at what roads need to be done. If we take a 7-year bond, it may be paid by the time we need to repave.
- xviii. Bruce Schmidt suggested that they may want to take it to the voters.
- xix. Ron Tarbell said he would like to do the rest of Upper Crossroad.
- xx. Howard Barton said maybe we could look at other ways to pay for it, such as impacts on other developments. We should leave it as it is for now.
- xxi. Bruce Schmidt said we should look at bonding for next year. He asked what the bond rate is.
- xxii. Frank Heald said 2% to 3%.
- xxiii. Howard Barton said they could look at bonding.

C. Police Department

- i. John Neal asked about staff changes in the insurance line item.

- ii. Jeff Billings said John Gaudet left and there is one new hire with family.
- iii. Bruce Schmidt asked about the increase in the vehicle cost.
- iv. Jeff Billings said they spent \$2,000 more this year. They will be getting AWDs from now on, so he put more into the line item.
- v. John Neal asked about the part time dispatcher.
- vi. Jeff Billings said he put in more time to cover more shifts.
- vii. Bruce Schmidt asked about the \$5400 cost for Building Maintenance Repairs.
- viii. Jeff Billings explained that the back door had to be replaced and the door itself cost \$1600. There were also other issues.
- ix. Frank Heald said we should put money in each year for repairs for the Public Safety Building, like we do for town hall and the Community Center.
- x. Bruce Schmidt asked if the line item could stay at \$3,000.
- xi. Jeff Billings said the money has to come from somewhere if something breaks. He added that he doesn't want for fall short on the cruiser as we are getting AWDs now.
- xii. Howard Barton asked about dispatch for Cavendish and Proctorsville.
- xiii. Jeff Billings said that they are using Hartford now. They like Hartford better and are paying more. Jeff Billings asked the board why the Police Department does not charge Fire and Ambulance for dispatch. He said the costs come out of his budget, but it doesn't show revenue to the Police Department. He said that he asks this every year, adding that other towns do it.
- xiv. Howard Barton said that is a good point and we should look into it.
- xv. Brett Sanderson said he thinks he agrees that the department budgets should be balanced.
- xvi. Frank Heald said it makes no difference to the fire department, but they could take a contribution from the Ambulance department.
- xvii. Bruce Schmidt asked about the \$13,500 for Computer Services.
- xviii. Jeff Billings said that is for computers plus the statewide system.
- xix. Bruce Schmidt asked about Radio. He said the budget was \$1600, but the actual cost was \$395. Why is the FY2017 back up at \$1600. He said we need to find a way to cover the increase in the Vehicle purchase line item.

7. **Department Head Reports**

- A. Howard Barton advised that all reports are in.
- B. Bruce Schmidt noted that the Transfer Station report says they sent out 5 containers, and Frank Heald had said they were sending 8.
- C. Frank Heald said we figured 2 per week and he thinks the numbers on the report are transposed.

8. **Other Business**

- A. **Contractor List**
  - i. Brett Sanderson asked Frank Heald where the contractor list that was discussed at the November meeting is.
  - ii. Frank Heald said he would email it out tomorrow. He has the list for FY2015 and the FY2016 to date. He doesn't have the November bills yet.

9. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be January 4, 2016 at 7:00 p.m.

- B. Howard Barton said that there will be a Special Meeting on December 21, 2015 at 7:00 p.m. to discuss the Ranger Solar Project negotiations and other items..

10. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

- A. Frank Heald advised that an Executive Session is needed for Contracts.
- B. **MOTION by Bruce Schmidt and seconded by John Neal to enter into Executive Session. Motion passed unanimously.**
- C. Board entered into Executive Session at 9:15 p.m.
- D. Board exited Executive Session at 9:31 p.m. No action taken.

12. **Adjourn**

- A. **MOTION by John Neal and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 9:31 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