

MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

February 2, 2015

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Brett Sanderson

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Ted Reeves Larry Wilfong Luke Chrisinger (LPC-TV)

1. **Call to Order**

- A. Howard Barton called the meeting to order at 7:00 p.m. Brett Sanderson absent, all other members present.

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of January 5, 2015 and the special meeting of January 22, 2015.
- B. **MOTION by John Neal and seconded by Logan Nicoll to approve the minutes of January 5, 2015 and the special meeting of January 22, 2015 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none

4. **Liquor Control Board**

- A. Frank Heald advised that the list is in the packets. He advised the board that all license applicants are current on taxes and water/sewer. He said there are also outside consumption permits for Okemo. He suggested that the board do all Okemo related licenses together. The outside consumption permits are for Jackson Gore Inn, Saturday January 31, 2015, Jackson Gore Inn, Saturday, February 14, 2015, and Jackson Gore Inn, Saturday February 21, 2015. The regular Okemo licenses are:

<u>Applicant</u>	<u>Business Name</u>	<u>Includes</u>
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<u>Okemo Mountain Food and Beverage</u>	<u>EPIC</u>	<u>Outside Permit</u>
		X
	<u>Willie Dunn's Grille</u>	X
	<u>Sitting Bull Lounge-Base Lodge</u>	X
	<u>Smoky Joe's Grill</u>	X
	<u>Sky Bar</u>	X
	<u>Jackson Gore Inn</u>	X
	<u>Corner Store at Jackson Gore</u>	

B. **MOTION by Logan Nicoll and seconded by John Neal to approve the liquor licenses for Okemo as indicated.**

C. Bruce Schmidt, noting that he works for Okemo, abstained from the vote.

D. **Motion passed unanimously**

<u>Applicant</u>	<u>Business Name</u>	<u>Includes Outside Permit</u>
American Legion Ballard Hobard Post #36	Same	X
Aminah & Rayhan, LLC	Ludlow Shell	
46 Depot Street Annex, LLC	Stemwinder	
Barrich Corporation	Pot Belly Pub	X
Brewfest Beverage Company	Same	
Brockton Corporation	Shaw's Beer and Wine	
Cool Moose Café, Inc.	Same	X
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.	
Goodman's American Pie	Same	X
Harry's Café	Harry's Cafe	X
Homestyle Hostel LLC	Same	
JC Kubec, Inc.	The Governor's Inn	
KMS Inc.	The Hatchery	
L V P Inc.	Ludlow Village Pizza	
MWTGS, Inc.	Andre Rose Inn	
MOJO Café	Same	
Moon Calhoun LLC	Downtown Grocery	
Olson Hospitality LLC	Sam's Steakhouse	
Outback of Ludlow, LLC	Same	X
Rose, Douglas and Ann	Rose, Douglas and Ann	
Stuart, Leslie Pearson	The Wine and Cheese Depot	
TBK Inc.	Tom's Loft Tavern	NOT SUBMITTED
Vermont Irish Pub LLC	The Killarney	X
Mark J. Williams Corp	Mr. Darcy's Bar & Grill	
Windrush Investments LLC	Tyson Village Store	

- E. Frank Heald advised that the following other licenses are on the list:
 - F. John Neal advised that he would recuse himself for the vote on Stewwinder.
 - G. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to approve liquor licenses as indicated. Motion passed unanimously.**
5. **Consider Resolution to Increase the Input of VT Municipalities Regarding the Siting of Renewable Energy Projects in Certificate of Public Good Proceedings Before the Public Service Board**
- A. Howard Barton advised that a letter had been received from the Town of Rutland requesting that other towns sign a resolution to give them more say in the public service board process for new renewable energy project. He added that we had a problem with a tower recently.
 - B. Bruce Schmidt said there would not be any negatives to signing the resolution.
 - C. Logan Nicoll said in general, we would like more input.
 - D. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to sign the Resolution to Increase the Input of VT Municipalities Regarding the Siting of Renewable Energy Projects in Certificate of Public Good Proceedings before the Public Service Board. Motion passed unanimously.**
6. **Act 149 Update**
- A. **Solid Waste District SWIP**
 - i. Frank Heald said the Solid Waste District had to prepare an Implementation Plan and they have made it easier and simpler. It has to be submitted to ANR. There is money left over from the dissolution of the VT/NH project. There are 5 transfer stations that operate differently and SWIP covers this.
 - B. **Solid Waste District Draft Ordinance**
 - i. Frank Heald said the second draft is a district proposal to adopt an ordinance for variable pricing and would cover all of the towns in the district and negate the need for Ludlow to adopt a separate ordinance. The draft is generic, saying that there will be variable rate pricing, but does not give specifics and it would be up to the individual transfer station to develop its pricing schedule. The draft is based on a template from ANR. Ludlow tries to imbed the costs into the tax rate as much as possible. The alternative to adopting this ordinance is to adopt a more restrictive one of our own. There is no need for a decision tonight, but we do need to do something by the April meeting. He asked the board for direction.
 - ii. Bruce Schmidt said he would like to spend time at the end of the meeting to make some bullet points for discussion at town meeting. We need to make people aware of what is going on with recycling.
 - iii. John Neal suggested a Power Point with someone to lead the discussion.
 - iv. Bruce Schmidt said Frank Heald could stand up and tell about the changes that are coming to solid waste. We need input from the people. They need to understand that the \$10 sticker will be removed and as of July 1st, there will be a new program and people will pay as they throw. This is to encourage recycling.
 - v. John Neal suggested that they give people a little history.
 - vi. Bruce Schmidt said they need to keep it short, so they don't lose people. He mentioned maybe Frank Heald gives a 5 to 7 minute dissertation.
 - vii. Frank Heald said they will still drive up, but they will have 52 bags.

- viii. Bruce Schmidt said he is comfortable with leaving it to Frank Heald to explain. This is an unfunded mandate from the state and we must do it.
- ix. Frank Heald said that he wanted the board to be aware of what the district is doing.
- x. Bruce Schmidt asked about Westminster.
- xi. Frank Heald said they thought they could be part of Windham, but it was more expensive.
- xii. Bruce Schmidt asked, since Ludlow is a high supplier of trash to the district, do we get any preferences in voting.
- xiii. Frank Heald said there is a board of supervisors and 1 delegate from each town.
- xiv. Bruce Schmidt asked about Article 5 of the ordinance and who is considered a “hauler.”
- xv. Frank Heald said that we deal with Casella and in other towns, there are some entities with 4 to 6 trucks.
- xvi. Bruce Schmidt asked if the \$15 fee is set in stone.
- xvii. Frank Heald said it is a way to try to get everyone to register. He added that in Ludlow, we do get them to register.
- xviii. Bruce Schmidt said we charge \$100.
- xix. Frank Heald said we charge \$50 maximum for businesses.
- xx. Bruce Schmidt said we charge \$100 for commercial. He asked if we have to adhere to the \$15.
- xxi. Frank Heald said no. Our sticker is for our station, but now, haulers also have to register with the state. A hauler picks up trash and takes it to a consolidation location like Casella does in Rutland. The new policy requires everyone picking up trash to certify that everyone has a pay to throw program. This also applies to property management companies.
- xxii. Bruce Schmidt asked if Frank Heald recommends that we use this ordinance.
- xxiii. Frank Heald said yes. It will save us from having another ordinance, it will be consistent with the rest of the district and it seems to have passed muster with ANR.
- xxiv. Logan Nicoll asked if we would be creating another ordinance.
- xxv. Frank Heald said no, as long as our program meets the general parameters. We won’t weigh every single bag. We will opt for the least restrictive program. He continued, advising that the Trustees will meet on Tuesday to discuss if the Village would continue with village trash pickup. If they decide not to continue, it will increase the volume at the transfer station. We will have a lot of decisions to make at the April meeting.
- xxvi. Bruce Schmidt said people still do not understand Zero Sort.
- xxvii. Frank Heald said all recyclables go in one place.
- xxviii. John Neal verified that there is no charge for recyclables.
- xxix. Howard Barton asked if they would do cardboards separately as we make money on it.
- xxx. Frank Heald said that would take us to dual sort and we would have to pull out the cardboard, bale it and ship it separately. He added that the district is putting out an RFP for services and our contract with Casella runs out on July 1st. He said that today, if we were Zero Sort, Casella would charge us \$80/Ton for recyclables and also transportation fees. He added that there is also a credit or debit based on Average Commodity Rate. They take the Zero Sort bag to market and sell it. If it comes out \$85/Ton, we split the difference and get \$2.50. If it sells for \$60/Ton, we pay an additional \$20, plus the \$80, plus the transportation charges. We are sending an 8 to 10 ton container as opposed to \$230/pull. We hope to consolidate a container and reduce shipping costs. The other hope is that Commodity rates will increase. At this point I don’t know who the hauler will be or what the prices will be. The sooner that we get the RFP out, the sooner we will have the pricing.
- xxxi. Bruce Schmidt asked if we should consider compacting plastic or crushing glass.
- xxxii. Frank Heald recalled that the board had decided not to invest in a third compactor. He added that the simplest thing is to go to Zero Sort.

- xxxiii. Logan Nicoll voiced concern that there will be power issues at the station if we get another compactor.
- xxxiv. Frank Heald said we currently do not run the 2 at the same time. We run them separately.
- xxxv. Bruce Schmidt noted that sometimes trash ends up in the wrong compactor.
- xxxvi. Frank Heald said we will have to manage things more carefully.
- xxxvii. Bruce Schmidt asked about metal.
- xxxviii. Frank Heald said metal will not change. We have a contractor that we deal with for that.

7. **Update on Walker Bridge**

- A. Frank Heald said that he had received an email and the state is concerned about the ROWs and the bridge may not get done until 2017.
- B. Howard Barton said that they told us back in the 90s that the bridge needed to be replaced.

8. **Execute Certificate of Highway Mileage**

- A. Frank Heald advised that this is an annual thing. He added that they have been measuring the highways and are considering reclassifying some, but there are no changes at this time.
- B. Bruce Schmidt asked what a Class IV Road is.
- C. Frank Heald used Freedom Hill Extension as an example. He added that there is also a certification that we meet or exceed standards.
- D. **MOTION by Bruce Schmidt and seconded by John Neal to approve and sign the 2015 Certificate of Highway Mileage and sign the Certificate of Compliance. Motion passed unanimously.**

9. **Update: Dr. Carey Camp Road**

- A. Frank Heald advised that we are not doing anything on this until the April meeting. There is a copy of a letter he wrote back to the two owners to make sure that all parties are on the same page. The town spends more on maintenance than we get. It is a no-brainer to give it up, He added that there are even some driveways that are plowed by the town. He said that he is taking a look at situations like that.

10. **Department Head Reports**

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

11. **Other Business**

- A. **Orders**
 - i. Frank Heald advised that there is a small order in the packet for the new bus. The bus should be in this week. He added that there is also an order to pay our insurance for the 1st of the year.
- B. **Junkyard Issue**

- i. Frank Heald advised that the court had rendered a decision in the Town vs. Alan Thomas case. He has 60 days to clean up the yard and was issued a \$4,600 fine. That money will cover our legal fees.
- C. Tax Sales
- i. Frank Heald advised that the tax sales were last Friday and 2 Valente properties were sold to Mary Jane O'Hara.. They have a year to redeem the properties. He added that there is \$77,000 in delinquent taxes that are in payment or too small to recognize.
- D. #2 Fuel Oil
- i. Frank Heald advised that there is an opportunity to lock in #2 fuel oil at about \$2.20 or a little under. He would like to see it get down to about \$2.05 - \$2.10. The price at the NY Harbor is \$1.74 today and in December, \$1.84. He said that the only country that can take these prices is the Saudis. He said he is inclined to fix now.
- E. New Salt Solution
- i. Bruce Schmidt asked Frank Heald how the new salt solution is working on the roads.
 - ii. Frank Heald said that he has not talked to Ron Tarbell about it.
 - iii. Bruce Schmidt said we need to keep track.
 - iv. Frank Heald said we need more time because the machines need to be calibrated and are scheduled to be this week.
 - v. Bruce Schmidt said that people say it gives a considerable savings.
 - vi. Frank Heald said people say they use less salt.
 - vii. Bruce Schmidt said you need to prep the roads prior to the snow. He said Okemo is using it.
 - viii. Frank Heald said it makes the salt more effective at lower temperatures.
- F. Town Meeting Format
- i. Frank Heald asked the board members how they feel about the format that has been used for town meeting.
 - ii. Bruce Schmidt said that board members should step up and talk if they feel comfortable with the question and or topic. He said people probably expect us to be more proactive and like to hear our opinions.
 - iii. John Neal said we should take the nuts and bolt of things like recycling. We should familiarize ourselves with the law. It is going to have a drastic effect on the people and there are going to be challenges.
 - iv. Frank Heald invited board members that if they want to spend some time, they may call and come in to the office.
 - v. John Neal said the board should be briefed on the law.
 - vi. Bruce Schmidt said he is pretty comfortable with the handout about what happens and when it will happen.
 - vii. John Neal said people will want to know how much it will cost them.
 - viii. Logan Nicoll asked if we are going to change the flow pattern at the transfer station.
 - ix. Frank Heald said it has been suggested that it be changed from clockwise to counterclockwise. That may put people across the scales faster.
 - x. Logan Nicoll said that his perspective is that people want to know we are involved in decisions and have done our research. He said that usually, we don't talk as much and we should be more noticeably involved.
 - xi. Bruce Schmidt said he agrees.
 - xii. John Neal said he also agrees. He said people want to see that we are involved. Frank Heald is the town manager and we hired him and rely on him a lot. At the town meeting, we need to focus on what happens on July 1, 2015.

- xiii. Frank Heald said that Ralph Pace is trying to put together a TW3 show about the new recycling law before town meeting.

12. **Set Date for Next Meeting**

- A. Howard Barton said that the next meeting is Town Meeting on March 3, 2015.
- B. Bruce Schmidt asked if we are okay with waiting until the April meeting for reorganization.
- C. The board agreed that it was okay.
- D. Frank Heald said that he would be away from the Thursday after town meeting for 1 ½ weeks.

13. **Sign Warrant Orders**

- A. Warrant orders have been signed.

14. **Possible Executive Session/Personnel/Contracts/Legal**

- A. Frank Heald advised that an Executive Session is not needed.

15. **Adjourn**

- A. **MOTION by John Neal and seconded by Logan Nicoll to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:16 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll