

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

February 6, 2012

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman John Neal (by telephone) Bruce Schmidt
Douglas Ficken Brett Sanderson

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Sharon Bixby Terry Thayne Duncan Love (LPC-TV)
Ted Reeves

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:00 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 of January 2, 2012 and the special meetings of December 19, 2011 and February 1, 2012.
- B. Howard Barton noted that on the minutes of January 2, 2012, on page 3, Section 6, O, the results of the motion should read, "Motion passed, 3-2; Howard Barton and Brett Sanderson against."
- C. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the minutes of December 19, 2011, January 2, 2012 and February 1, 2012 with corrections as indicated above. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Town Reappraisal Update**

- A. Terry Thayne advised the board that the reappraisal process is on schedule, but they have not crunched the numbers, yet. They have done about 300 houses and are sending out a mailer. They will arrange weekend appointments for property owners not available during the week. The visual should be complete by Friday. They expect the entire reappraisal to be on time and within the budget.

5. **Consider Okemo Letter RE: "Festevol"**

- A. Ted Reeves advised that his letter dated January 30, 2012 explained the upcoming event. It will be basically the same as last year, except that it will be over two days, March 24 and March 25, 2012. There will be 2 bands each day. They will have the area clear by 8:00 p.m. on Saturday and 7:00 p.m. on Sunday. They are applying for a town Entertainment permit and will conform to state Liquor Commission requirements. There will be security on site and it will be supported by the Windsor County Sheriff.
- B. Frank Heald said that there had not been any problems last year.
- C. Bruce Schmidt recused himself from the vote.
- D. **MOTION by Brett Sanderson and seconded by Doug Ficken to approve this request. Motion passed unanimously.**

6. **Open Audit Services RFP**

- A. Frank Heald advised that 5 RFPs were sent out to Kittle, Branigan & Sargent, Telling & Associates, Fothergill, Segale & Valley, Graham & Graham, and Mudgett, Jennett & Drogh-Weisner. The only responses were from Fothergill, Segale & Valley and Graham & Graham.

| <u>Firm Name</u> | <u>1st Year - 2012</u> | <u>2nd Year - 2013</u> | <u>3rd Year - 2014</u> | <u>Total</u> |
|-----------------------------|-----------------------------------|-----------------------------------|-----------------------------------|--------------|
| Fothergill, Segale & Valley | \$14,500 | \$15,000 | \$15,500 | \$45,000.00 |
| Graham & Graham | \$28,800 | \$31,500 | \$33,000 | \$93,300.00 |

- B. John Neal asked if the bid from Graham & Graham also included the Village.
C. Howard Barton said no, it was just for the town.
D. Frank Heald said that the issue is that the next regular meeting is not until April. His recommendation is that the town stays with Fothergill, Segale & Valley.
E. **MOTION by Bruce Schmidt and seconded by Doug Ficken to award the bid to Fothergill, Segale & Valley. Motion passed unanimously.**

7. **Consider Reimbursement Resolution**

- A. Frank Heald explained the town purchased a grader and the plan is a 10 to 15 year payoff. This resolution is to affirm the town's intent to issue bonds. Paul Guliani, bond counselor said that with this affirmation, they can go to the bond bank and execute the instrument.
B. **MOTION by John Neal and seconded by Brett Sanderson to adopt the Declaration as presented. Motion passed unanimously.**

8. **Certificate of Highway Mileage**

- A. Frank Heald advised that the mileage is the same as it has been for several years.
B. **MOTION by Bruce Schmidt and seconded by Doug Ficken to accept the Certificate of Mileage as presented. Motion passed unanimously.**

9. **Update on Bike Path Feasibility Study**

- A. Sharon Bixby advised that the board had previously endorsed the Bike Path Committee to apply for a grant. They did and were awarded a grant of \$24,000 to be matched with a 20% local contribution. She said that there is \$1,600 remaining from the prior bike path route. There will be a public hearing here on Wednesday at 6:30 and they are hoping to gather more public support and financial assistance. The Rotary has been taking weekly collections and so have other organizations.
B. Ted Reeves advised that Tim and Diane Mueller from Okemo have made a \$2,000 donation to the project.
C. Sharon Bixby said the committee will hold a Walk-A-Thon on the proposed route in the spring to gather more support. The committee is confident they will make the \$6,000.
D. Frank Heald said that he asked the committee to come before the board to ask for the board's affirmation of the project. By March 16th, the committee has to confirm acceptance of the grant with the local matching funds. He would like the board to authorize him to tell the state that the board will accept the grant with matching funds.
E. **MOTION by Bruce Schmidt and seconded by Doug Ficken to authorize Frank Heald to accept the grant for the Feasibility Study for the Bike Path. Motion passed unanimously.**

10. **Discuss Policies**

- A. Frank Heald advised that the Management Letter from the auditors was clean. They did recommend that the town have formal Employee policies for Fraud, Conflict of Interest and Ambulance Collection.
B. **AMBULANCE**
i. He said, going backwards, the Ambulance draft in the packet is close to final. He would like the board to take a final look at it. It outlines what we do, but he has not spent any time with Ulla Cook on it.
C. **FRAUD**

- i. Frank Heald said that he has a draft from the VLCT in the packet and it is a good idea to go forward with this. He would meet with the employees and everyone would be made aware of what to do should they suspect that someone is doing something wrong. They would be told how to report this. They would go to the auditors. There was a new checklist issued in January. Ulla Cook and Frank Heald will work on it to review internal controls. He feels that the current internal controls are as good as you can get with the size of the staff. There is separation of duties. Any POs over \$100 go through his desk. Invoices are matched with POs then sent to Accounts Payable. From there they go to Frank Heald and then to this board. After that they go to the Treasurer. The Assistant Treasurer reconciles the bank statements. Everyone takes appropriate vacations and no one person has control of any transaction. The new policy will include a comprehensive checklist and one person from either side of the house will meet with Frank Heald to go over the checklist. The auditors are very comprehensive and have an employee who is familiar with municipal procedures. He said that he does not feel that anyone is doing anything fraudulent.
- D. CONFLICT OF INTEREST
- i. Frank Heald said that he has no strong feelings on this. He said that he has watched our people and has not seen anything. There are inherent conflicts in small towns, but he does not think anyone is getting extra financial benefits.
 - ii. Bruce Schmidt asked about Direct or Indirect financial interest.
 - iii. Frank Heald said an example would be when they were bidding out busses and he disclosed that one vendor was related to him. When we hire Sanderson to do work for the town, it must be defensible and he can't vote on it. If a benefit is self-serving, then it may be conflict of interest.
 - iv. Bruce Schmidt asked if he could be involved in the discussion.
 - v. Doug Ficken said that Article 6 #2 says a person involved in a bid should leave the table. He said that not once has anyone ever asked a person to leave this table.
 - vi. Howard Barton said they can sit with the board, but not enter the discussion unless we question them.
 - vii. Doug Ficken said he does not like the wording in that section.
 - viii. Frank Heald said the person should not participate in discussions or vote. He added that everyone on this board operates with full disclosure and honorably.
- E. Frank Heald said he would bring back final drafts of all 3 in April.
- F. SMOKING
- i. Frank Heald said it is difficult to have a blanket policy for smoking on town property. Much of that property is parks. He has included everything that he could quickly find. He suggests that they set an arbitrary number of feet from buildings. Town Hall and the Senior Center have no smoking at all. He added that it is hard to enforce.
 - ii. Howard Barton asked about Dorsey Park.
 - iii. Frank Heald said maybe nothing there. People go there for adult softball games.
 - iv. Bruce Schmidt asked if the policy could be different at different parks.
 - v. Frank Heald said they could have different rules for each park.
 - vi. Bruce Schmidt asked if they could say no smoking in public parks.
 - vii. Frank Heald noted that Site 5 is public land.
 - viii. Bruce Schmidt said not land, maybe distance from buildings.
 - ix. Frank Heald said that Dorsey Park is different from the land around the Community Center.
 - x. Bruce Schmidt said that he is okay with restricting smoking in parks, but we need consistency.
 - xi. Howard Barton said that they should not allow smoking in Dorsey or the Little League field. He noted that many places are going smoke-free.
 - xii. Bruce Schmidt said that enforcement would have to be by town employees.
 - xiii. Frank Heald said if they are going to enforce it, it must be an ordinance.
 - xiv. Bruce Schmidt asked if they would fine people.
 - xv. Frank Heald said one issue is a lack of respect for authority.
 - xvi. Howard Barton said they should start with policies and see what happens.
 - xvii. Sharon Bixby said they could put up "NO SMOKING" signs in the parks.
 - xviii. Bruce Schmidt asked if the Fletcher Foundation puts up signs.
 - xix. Sharon Bixby said the field is a town park.
 - xx. Frank Heald suggested making the athletic parks, Dorsey, Little League and Fletcher Field no smoking, set a 20 feet area around buildings as no smoking and leave basic parks silent. He will have a draft for the April meeting.
- G. Frank Heald said that one key piece is that it is recommended that the board members should receive monthly Summary sheets, Income and Expense Sheets and Balance Sheets. He said that at any time if anyone has any questions he encourages them to ask him for more detail.

- H. John Neal said that he would like to see the Balance Sheet and Income & Expense sheets quarterly.
- I. Frank Heald said that is easy to do, but it is 10-11 pages long.

11. **Department Head Reports**

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

12. **Other Business**

- A. **Frank Heald Review**
 - i. Bruce Schmidt asked where the board is in the review process for Frank Heald.
 - ii. Howard Barton said they still need input from John Neal.
 - iii. John Neal said he would send it in the next day or two.

13. **Set Date for Next Meeting**

- A. Howard Barton advised that the next special meeting would be Town Meeting on March 5, 2012 and the next regular meeting would be held on April 2, 2012. He said that if anything comes up, they can arrange to meet.
- B. Frank Heald said he would be away from March 14 – March 23rd.

14. **Sign Warrant Orders**

- A. Warrant orders have been signed.

15. **Possible Executive Session/Contracts**

- A. Frank Heald advised that an Executive Session for Contracts is not required.

16. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Doug Ficken to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:53 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal