

# MINUTES

## TOWN OF LUDLOW BOARD OF SELECTMEN

### REGULAR MEETING

November 5, 2012

#### BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman    Brett Sanderson  
Douglas Ficken                      Bruce Schmidt

#### BOARD MEMBERS ABSENT:

John Neal

#### STAFF PRESENT:

Frank Heald

#### OTHERS PRESENT:

Ken Davis	Elisabeth Kulas	Terry Thayne
Anne Gardner	Margot Martell	Linda Tucker
Mark Gauthier	Logan Nicoll	Sharon Bixby (LPC-TV)
Rose Goings	Ralph Pace	
Robert Kirkbride	Ted Reeves	

### PUBLIC HEARING

1. Howard Barton called the Public Hearing to order at 7:00 p.m. He said that this has been discussed at the past few meetings and that the Planning Commission had made changes discussed at the last hearing.
2. Frank Heald said that the changes in the proposed town plan from the last meeting to this one had been highlighted in the copies provided to board members.
3. Howard Barton asked if the figures in the plan are up to date.
4. Rose Goings said that as far as she knows, they are.
5. Howard Barton noted that on page 77, the number of Ludlow Electric customers in the Village and surrounding towns is not 3,125 as written, but 3,750. He asked that be corrected. He also asked that all references to CVPS be changed to Green Mountain Power.
6. Rose Goings said that this would be done.
7. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to accept the proposed town plan with noted corrections.**
8. Bruce Schmidt said that this board appreciates the amount of time and effort the Planning Commission put into this town plan
9. **Motion passed unanimously.**
10. Frank Heald noted that the Planning Commission now has only 5 members out of 7 and that they have trouble recruiting new members. He would like to discuss decreasing the number of members on the Planning Commission at the December meeting.

11. **MOTION by Bruce Schmidt and seconded by Doug Ficken to close the public hearing. Motion passed unanimously.**
12. Hearing closed at 7:04 p.m.

**SELECT BOARD  
REGULAR MEETING**

**1. Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:04 p.m. All members present, except John Neal.

**2. Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of October 1, 2012.
- B. **MOTION by Brett Sanderson and seconded by Doug Ficken to approve the minutes of October 1, 2012 as presented. Motion passed unanimously.**

**3. Comments from Citizens**

- A. There were none.

**4. Review and Approve the Request of the Housing Trust of Rutland County Regarding the Tuckerville Project**

- A. Frank Heald advised that there is a memo in the board members' packets and that this has been discussed before.
- B. Elisabeth Kulas advised that the Rutland Housing Trust is going to take over the ownership of the Tuckerville project. They would like to upgrade the facility and get the books in order. They have received a \$500,000 grant from the state for the upgrades with a possible \$250,000 in addition if they are unable to secure funds from other sources. They would like to transfer the ownership as soon as possible. The Trust is asking all mortgage owners to forgive the outstanding loans or convert them to grants.
- C. Bruce Schmidt asked what the town exposure for this would be.
- D. Elisabeth Kulas said the funds were originally Vermont Community Development Program grants. There will be legal documents drawn up to insure that the town has no exposure. There will also need to be mortgage releases from the town.
- E. Bruce Schmidt asked if this will affect the town down the road.
- F. Elisabeth Kulas said no. The state hopes the town will do this. If not, it compromises the future of the project.
- G. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to forgive the remaining balances on the 3 loans and to authorize Frank Heald to work with the legal people from the Trust to affect the necessary paperwork.**
- H. Mark Gauthier asked how much money the 3 loans amount to.

- I. Frank Heald said \$167,000. He explained that there were originally three towns in the Rockingham Land Trust and when it dissolved, Cavendish and Weathersfield joined with the Windham Trust. Ludlow was left with this one under the idea that it would convert to a grant. The notes mature in 2024 and 2025 and it makes sense to convert to grants to get the new money for the upgrades.
- J. Mark Gauthier asked how the money was recorded on the books.
- K. Frank Heald said as Notes Receivable.
- L. **Motion passed unanimously.**

**5. Discuss Gill Home False Alarm Fees**

- A. Frank Heald explained that the town instituted False Alarm fees to recoup the costs of moving trucks and equipment. They also felt that the fees may encourage people to keep their alarm systems properly maintained. This is the first request received for forgiveness. There is a fine line between true and false alarms. Burning toast may set off an alarm; a water flow problem may also set off an alarm. We still have to respond to these alarms.
- B. Howard Barton said that he would like to see a copy of the ordinance and review it before the board acts. He said that on some occasions, the owners will call in to notify the department that it was a false alarm.
- C. Brett Sanderson said that usually, if someone calls to cancel, one of the fire department members may drive by to check in, without the trucks rolling. He added that people are allowed on false alarm in 6 months.
- D. Howard Barton said that some alarms are due to problems with the systems.
- E. Frank Heald said that he would ask Chief Kolenda to come to the next meeting to review the ordinance with the board.
- F. Bruce Schmidt said he would also like to see explanations on the alarm report sheet for the alarms. He added that if there is a problem at Gill, we probably want someone to go there. There could be a mechanical problem with the panel.
- G. Howard Barton said that Alarm companies charge maintenance fees for that.
- H. Mark Gauthier said if there was burning toast, the smoke may have caused the alarm. We want someone to go there.
- I. Bruce Schmidt said that at some condos, people will forget to open the damper and the room will fill with smoke. Then they open the condo door to the hallway and the smoke goes out there and can trigger an alarm. He agreed that the board does need to look at the ordinance again.
- J. Frank Heald said that at Gill, a CO detector went off and we would want to check on that. He said that he would call Gill Home and tell them that the board will discuss this at their next meeting.

**6. Consider Sidehill Cronchers Snowmobile Club Road Request**

- A. Howard Barton said that the Side Hill Cronchers have submitted their annual request for use of roads and snowmobile trails. He said that there have never been any issues with this.
- B. **MOTION by Doug Ficken and seconded by Bruce Schmidt to accept the request on the list as presented by Side Hill Cronchers. Motion passed unanimously.**

**7. Discuss New England Municipal Consultants Service Agreement**

- A. Frank Heald advised that he had included a letter from Bill Krajieski of NEMC involving NEMC on a regular basis to review the town properties, sales and to keep the Grand List up to date to avoid having to reappraise large groups of properties.
- B. Terry Thayne said that Frank Heald had suggested this approach and the listers feel that it is a good idea. The equalization study affects the tax rates and helps tax payers.
- C. Mark Gauthier noted that there had been a fair amount of mistakes on the part of the state.
- D. Howard Barton asked if this would help to delay town wide reappraisals.
- E. Mark Gauthier said yes, the Grand List would be kept up to date.
- F. Terry Thayne said that there is currently \$109,000 in the reappraisal kitty. This would pay for NEMC's services.
- G. Bruce Schmidt asked if we would make adjustments as we go along. He also asked if this would be town wide.
- H. Mark Gauthier said that if we are on top of this, we will not have to do certain segments of town.
- I. Frank Heald said that the COD and CLA trigger state mandated reappraisals. If we keep things within the boxes of the COD and CLA, we should not trigger a reappraisal.
- J. Bruce Schmidt asked what the benefits are to the town.
- K. Frank Heald said that the Grand List would be maintained on a more current basis. Ludlow is not a charter town and the state therefore, requires listers. This group of listers stays on top of things. The listers will do the grunt work and we will maintain the professional once per month. We should also have fewer appeals and fairer adjustments. We should be able to stay within the CLA and COD.
- L. Bruce Schmidt said that he questions giving the contract to Bill Krajieski. Is he the right contractor for us? There have been issues in the past, but things do seem better now.
- M. Terry Thayne said that it is the right contractor. He knows the town and works well with the listers.
- N. Frank Heald said he is comfortable with Mr. Krajieski and there are only a few other people who do this work.
- O. Bruce Schmidt said he would be interested to see if it keeps the rates more consistent.
- P. Frank Heald said the Grand List should be fair to everyone and the listers do a great job on this.
- Q. Doug Ficken asked if the \$9,000 would come out of the reappraisal fund.
- R. Frank Heald said yes.
- S. Mark Gauthier said that the mountain properties had to be reappraised because they were way out of whack. Most of the values dropped. This system will help avoid this.
- T. Bruce Schmidt said the average person should not see changes every year, but we should adjust as the market changes.
- U. **MOTION by Bruce Schmidt and seconded by Doug Ficken to approve the contract with NEMC for assistance with Grand List maintenance for a period of one year for \$750 per month. Motion passed unanimously.**

#### **8. Facilities Use Fees Update**

- A. Howard Barton advised that was discussed at the previous Select Board meeting and the members had asked Frank Heald to provide them with a list of facility usage and fees.
- B. Frank Heald said that the town had a fee schedule, but not a policy. The staff needs policies to follow. They need to know when to waive or reduce fees. The list shows usage for 2012.

Additionally, the cover letter shows the following situations when fees may be waived or reduced.

- i. Events or meetings produced by State, regional or local public entities
  - ii. Events or meetings that occur during regular town business hours
  - iii. Events without entrance charge produced by local non-profit organizations that benefit all or a significant portion of the Ludlow community
- C. Frank Heald continued, reading the list of situations when fees would not be waived
- i. Events where there is an entrance fee
  - ii. Events where for profit vendors are involved
  - iii. Events produced by commercial entities
  - iv. Events that result in significant cost to the town for labor, management or clean-up activities
- D. Frank Heald said that Ralph Pace closes up the building for the Democratic activities. He is a certified building closer. He said that the Republicans also should have someone certified to close the building. This way, the town does not have to pay someone.
- E. Bruce Schmidt noted that of the 49 events on 2012, all but 14 had fees waived.
- F. **MOTION by Doug Ficken and seconded by Bruce Schmidt to approve Town of Ludlow Facilities Rental Rates and Polices as presented by Frank Heald. Motion passed unanimously.**

#### **9. Schedule FY2014 Budget Workshops**

- A. Frank Heald advised that he anticipates having a draft budget ready at the end of November. As usual, the Health Insurance rates are not in yet, but hopefully by mid-November. He would like to start the workshops at the first meeting in December. He does not anticipate any significant capital issues except a new bus and truck.
- B. Brett Sanderson said the Fire Department will need a truck in 2014.
- C. Bruce Schmidt asked if all of the requisitions from organizations are in.
- D. Frank Heald said that he is not sure as the staff has been involved in FEMA accounting issues.

#### **10. Discuss Holiday Party**

- A. Frank Heald advised that the Holiday Party is tentatively scheduled for Thursday, December 13<sup>th</sup>. There are 2 locations with basically the same prices and at the same rate as last year. He needs the Select Board, Trustees and Water Commissioners' approval. It will be in a different place than last year.
- B. There was general consensus of approval.

#### **11. Department Head Reports**

- A. Howard Barton advised that all reports are in.
- B. There were no comments.

#### **12. Other Business**

- A. Irene Recovery
  - i. Frank Heald said we have paid back all of the money borrowed from Mascoma Bank for Irene. He sent them a letter of thanks for their really great assistance.
  - ii. Howard Barton asked if we have received all of the money from FEMA.
  - iii. Frank Heald we are doing well in collections. We still have \$100,000 from USDA for dam repairs that has not come it and we are appealing their decision on the Pleasant Street Extension. The balance, 95% is pretty much here. We are still truing up the accounts and will finish that in 2013. We anticipate an audit. By 2014 there will be full true up. He is reasonably happy with the receipts.
- B. Sandy Issues
  - i. Frank Heald said that they did not activate the Emergency Activation Center for Sandy, but he did stay in town overnight in case of any problems. There was one issue and that was the loss of communication with 226 and 228 exchanges out of town, including 911 calls. Howard worked with TDS to cycle the number through dispatch. Verizon and US Cellular cell phones worked, but ATT did not and most of the town employees have ATT cell phones. He said that maybe some of the employees should switch to Verizon or US Cellular. The issue was the result of a tree that fell and melted the line. The trunk runs between Route 103 and Route 131, and Tarbell Road. We need a 2<sup>nd</sup> trunk out of town, but there is no money or initiative. We need a fiber line to the VELCO substation. He feels that we should send a letter to TDS and the PSB to encourage them to do whatever is necessary to get the 2<sup>nd</sup> line in. If this happens during a big weekend it would not be good to lose communication. There was consensus on the board for Frank Heald to write the letter.
- C. Proclamation for Black River High School Girls' Soccer Team
  - i. Frank Heald read a proclamation honoring the BRHS girls' soccer team for winning the Division IV Championship on November 3, 2012. Please see attached copy of proclamation. The proclamation congratulates the team and proclaims November as BRHS Girls' Soccer Championship month.
- D. Highway Truck
  - i. Robert Kirkbride said that he had heard that the town had to buy a new truck because the frame split on the old one because the plow was too heavy. He asked if anyone looks at the specifications when they buy trucks.
  - ii. Frank Heald said they did have a frame issue on the 550 at the end of its useful life. He said that plows and trucks are specified by the equipment manufacturers. In addition, the truck previous to the one in question had a wing in addition to the plow. He said that he does not know where Mr. Kirkbride got his information and asked him the source.
  - iii. Robert Kirkbride would not say.
  - iv. Howard Barton said the specs are reviewed by the Highway department.
  - v. Frank Heald said that truck was at the end of a 6 year life and had worked hard.
- E. Mill Street Bridge
  - i. Doug Ficken asked if anything had been done about the Mill Street Bridge as discussed at the last meeting.
  - ii. Frank Heald said a path was made down the left side.
- F. Jersey Barrier on Commonwealth
  - i. Bruce Schmidt asked if the town had placed the Jersey barrier at the bottom of Commonwealth.
  - ii. Frank Heald said yes and that it would be removed.

**13. Sign Warrant Orders**

- A. Warrant orders have been signed.

**14. Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be December 3, 2012 at 7:00 p.m.

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

- A. Frank Heald advised that an Executive session is needed for Contracts.  
B. MOTION by Brett Sanderson and seconded by Bruce Schmidt to enter into Executive Session for Contracts. Motion passed unanimously.  
C. Board entered into Executive Session at 8:04 p.m.  
D. Board exited Executive Session at 8:20 p.m. No action taken.

**16. Adjourn**

- A. **MOTION by Doug Ficken and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**  
B. Meeting adjourned at 8:21 p.m.

Respectfully submitted,

Lisha Klaiber

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Howard Barton, Jr., Chairman

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Brett Sanderson

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Doug Ficken

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Bruce Schmidt

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John Neal

**PROCLAMATION**

**TOWN OF LUDLOW, VERMONT**

**BLACK RIVER HIGH SCHOOL  
GIRL'S SOCCER TEAM**

**WHEREAS:** The Black River High School Girls Soccer Team finished the 2012 season with a 14-4 record; and

**WHEREAS:** The Black River High School Girls Soccer Team won the 2012 Vermont State Division IV Championship by defeating Proctor in South Royalton, VT on November 3, 2012; and

**WHEREAS:** The Black River High School Girls Soccer Teams have won the Vermont State Division IV Championship four times over the past seven years; and

**WHEREAS:** The 2012 Black River High School Girls Soccer Team displayed outstanding excellence in sportsmanship and preparation; and

**WHEREAS:** The 2012 Black River High School athletes, coaching staff and their accomplishments are an outstanding credit to the school and community; and

**NOW, THEREFORE,** the Select Board of the Town of Ludlow does hereby congratulate the 2012 Black River High School Girls' Soccer Team for their outstanding victory and does hereby proclaim the month of November 2012 as Black River High School Girls' Soccer Championship month in the Town of Ludlow, Vermont.

**IN WITNESS WHEREOF, WE** have hereunto set our hands and caused the Executive Seal of the Ludlow Select Board to be affixed this 5<sup>th</sup> day of November, 2012.

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Howard Barton, Jr., Chairman

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John Neal

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Bruce Schmidt

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Brett Sanderson

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Doug Ficken