

***PRELIMINARY MINUTES***

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**REGULAR MEETING**

October 5, 2015

**BOARD MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Frank Heald

**OTHERS PRESENT:**

Christopher Biddle      Katie Buckley      Ted Reeves  
Joanna Bombadil      Alan Isaacson      Ed McEaney (LPC-TV)  
Elizabeth Bridgewater      Wendy Morrison

**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 September 7, 2015.
- B. **MOTION by John Neal and seconded by Brett Sanderson to approve the minutes of the meeting of September 7, 2015. Motion passed unanimously.**

**3. Comments from Citizens**

- A. Georgia Wyman Letter
  - i. Howard Barton advised that a letter had been received from Georgia Wyman with questions concerning the proposed solar development project in Ludlow.
  - ii. Bruce Schmidt suggested that Frank Heald respond to the letter. It appears that she is making the assumption that Ludlow and Ludlow Electric will benefit financially from the project. And neither one are getting any support from the project.
  - iii. Howard Barton said that she wants to know if the project will help her taxes and electric bill. He said the project will not benefit her for either of those and may even increase electric rates. He said that the value of the property is set by the PSB.
  - iv. Frank Heald said with a large solar project like this one, the town will benefit by it being added into the Grand List on a depreciated basis. He said the town will get about \$75,000 in taxes the first year and less each successive year. He suggested that the board consider

- having a public informational meeting to discuss this project, its costs and impact on the town. He said they could bring in experts.
- v. Howard Barton said that Mount Holly recently held a meeting like that and that Frank Heald should look into it.
- vi. Frank Heald said he would bring back information for the November meeting.

4. **Town Zoning & Flood Hazard Regulations Update**

- A. Alan Isaacson said that the Planning Commission sent revised Zoning regulations along with an Executive Summary to the Select Board members. The regulations also have new zoning maps and ridgeline overlay maps. The Planning Commission is asking the Select Board to schedule a public meeting.
- B. Howard Barton asked if they needed 30 days for a warning.
- C. Alan Isaacson said 15 days for a hearing. He said there are lots of changes and they are all marked. He said the plc broke the Residential Commercial District into two sections, the Lakes District has been updated to comply with the State's Shoreland Protection Act, and they have expanded the Aquifer District borders to coincide with the actual area. He said they have created a Municipal Proprietary Zone for town owned lands. Maps no longer have descriptions; they have cleaned up definitions, grammar and brought the town regulations more into line with the Village Zoning, making things more consistent.
- D. Bruce Schmidt asked about the changes made in red to Section 450.
- E. Alan Isaacson said that with WORD, each successive change is made in a different color.
- F. Bruce Schmidt said the Town Residential Commercial district standards for non-residential properties are 40,000 square feet.
- G. Alan Isaacson said that had not been changed.
- H. Bruce Schmidt noted that the district standards for non-residential properties are 80,000 square feet.
- I. Jackson Gore and the Mountain Recreation Districts.
- J. Alan Isaacson said that had not been changed. He said the plc changed RC 1 and RC 2. They removed some commercial uses for the RC district closer to the Lakes.
- K. Bruce Schmidt asked why the non-residential standard for districts other than Jackson Gore and the Mountain Recreation District, is not 80,000 square feet.
- L. Alan Isaacson said the Town residential District has been 3 acres and the Residential Commercial District has been 1 acre to many years.
- M. Bruce Schmidt said that people should be advised of any changes.
- N. Alan Isaacson said he thinks there may not have been a line for lot area minimum.
- O. Logan Nicoll said he thinks there wasn't anything there before.
- P. Alan Isaacson said that some of the things were not clear before and the plc tried to make it clearer for people, making fewer questions for Rose Goings.
- Q. Bruce Schmidt said the plc should point out significant changes.
- R. Alan Isaacson said that is the purpose of the Executive Summary.
- S. Frank Heald asked the board if they want to make the November meeting informational or the statutory hearing.
- T. Alan Isaacson said he thought they would make it the statutory hearing. He said the document would become law when the hearing is warned by the Select Board.
- U. Howard Barton said if it is just an informational meeting, it does not become law.
- V. The board decided to schedule the November meeting as informational.
- W. Frank Heald said they could then schedule the statutory hearing for the December meeting.

5. **Black River Overlook Re-Development Update**

- A. Wendy Harrison advised that the board is invited to tour the renovations at Black River Overlook on Friday, October 16, 2015 at 11:00 a.m. The group from Windham/Windsor housing now also has programs for prospective buyers on how to get mortgages and also advisory programs for Home Repair Loans with low interest.
- B. Katie Bridgewater said that they have made substantial improvements to improve cash flow and energy improvements. They expect work to be complete, except for site work, by October 31<sup>st</sup>. Units have new kitchens, floors; there is a wood pellet heating system for the complex along with a new water system and a new well that supplies 200 GPM. Site work will be done in the spring.
- C. Bruce Schmidt asked, with the removal of the one building, how many units will there be.
- D. Katie Bridgewater said there were 25, now there are 22. There is also a community room and there may be a playground in the spring.
- E. Frank Heald said he had toured the complex and the new systems are impressive.
- F. John Neal asked how people could apply for an apartment.
- G. Katie Bridgewater said they can go on the website, or call the office.
- H. Wendy Harrison said the complex will be managed by Stewart Property Management.
- I. Logan Nicoll asked when people will move in.
- J. Katie Bridgewater said they are already there, and expect the complex to be full occupied.
- K. Wendy Harrison said they are looking for new board members.

6. **Execute Okemo “Stearns Pit” MOU of 12/01/15 to 3/31/16**

- A. Howard Barton advised that this is a yearly lease agreement that runs from December 1, 2015 through March 31, 2016
- B. Ted Reeves said that he, along with Frank Heald, had calculated the increase and due to the low inflation factor, the increase is about \$300. All of the terms are the same.
- C. John Neal recused himself from this vote.
- D. Bruce Schmidt recused himself from this vote.
- E. **MOTION by Brett Sanderson and seconded by Logan Nicoll to approve the Memo of Understanding between the town and Okemo for the lease of Stearns Pit as presented and to authorize the chair to sign on behalf of the town. Motion passed unanimously.**

7. **Schedule FY 2017 Budget Workshops**

- A. Frank Heald advised that he hopes to have appropriations and some department budgets for the next meeting. He asked board members to please let him know, before the next meeting, if they have any concerns or comments. He noted that they are carefully looking at Health Insurance and MVP may end up being better than Blue Cross/Blue Shield. He said he hopes to finish up budgets in December.

8. **Department Head Reports**

- A. Howard Barton advised that all reports are in.
- B. Transfer Station

- i. Bruce Schmidt asked if things are calming down at the transfer station and if they still feel there is a need for a third compactor.
- ii. Frank Heald said that we (staff) had presented you with our best judgement regarding the need for an additional compactor. He said that honestly, we can't do a good analysis for several months. Without a new compactor, we have to pull containers more frequently. He added that he does not know if the village residents are fully integrated into the station. He said there were 300 pick-ups made and only 50 permits have been issued. He thinks people may be doing other things. He said that we will need to "weather on" to see what happens.
- iii. Howard Barton said that the Vermont Journal article said that Patti Carter said we need the 3<sup>rd</sup> compactor and it made it sound like this board is against getting it. That is not true, the board said we wanted to wait and see what happens. This board is fiscally responsible and takes that seriously. We want to make sure that we really need it. The article was misleading and no action was taken by this board.
- iv. Frank Heald said that the author chose to do the story while he was out of town. He said that we (staff) did advocate for the 3<sup>rd</sup> compactor, but it is the Select Board's job to look at the finances and make the decision. This has been the same process for 13 years.
- v. Howard Barton said that he wanted to clarify the board's position to wait and see what happens.
- vi. Frank Heald said that there was an article in the NEW YORK TIMES with an opinion on recycling. The write advocates landfills with organics and methane collection systems.
- vii. Joanna Bombadil asked why everything is thrown together at the transfer station.
- viii. Logan Nicoll said that it is by state mandate that trash bags may no longer hold recyclables and in order to streamline the process, we no longer separate.
- ix. Frank Heald said that each commodity has a different rate of return, but there was still the cost of shipping. Baled cardboard ships efficiently, while plastic and tin do not. Glass has been and continues to go to Springfield to be ground up. With single sort, hopefully, it will encourage more people to recycle.

## 9. Other Business

### A. West Hill Road

- i. Frank Heald advised that the West Hill Railroad crossing will be closed for work on Saturday and Sunday of this weekend. They will reopen it on Monday. He added that East Clarendon Road will be closed on Tuesday.

### B. Upper Crossroad Sewer Project

- i. Frank Heald advised that there is a group of homeowners that have joined together to bring their homes into the Municipal Collection system. This work is ongoing. There was one-way only traffic today and will also be one-way over the weekend.
- ii. Frank Heald said they make a big bunch of cash that goes to improving the department.

### C. Walker Bridge

- i. Frank Heald said that 3weeks, Daniels came in to put in 3 plates over the top. He said that, hopefully, it will hold until the bridge is replaced.

### D. Policy on Others Who Dig Up the Roads

- i. Howard Barton asked if there is a policy that companies that dig up the roads, fix them when the work is complete.
- ii. Bruce Schmidt said that he was told by one company that "it's gotta pack down."
- iii. Frank Heald said that we try to pave over as soon as possible after and we may fix the road if a contractor does not fix it as expeditiously as we like. The policy is to fix the roads. He added

that Commonwealth will be paved within the next 48 hours. They needed a new water line up there to the last house on the right. He thinks it was done today. He said the Fuller is in town doing work. They will also shim coat Walker Bridge.

- iv. Bruce Schmidt asked about Daniels (regarding the work on Walker Bridge.)
- v. Frank Heald said we have not paid them, yet.

E. Ranger Solar

- i. Howard Barton noted that there was information on Ranger Solar in the packets
- ii. Frank Heald said that he thinks Aaron Svedlow may stop by on October 26. He said that we are now in the 45-day period and if board members have any comments to make about the project, now is the time to do it.
- iii. Howard Barton said that, looking at the new information, he did not think they were originally going to be on both sides of the road.
- iv. Logan Nicoll said they were.
- v. Howard Barton said the project was not supposed to be visible from the road, but looks like it will.
- vi. Bruce Schmidt said that we should tell the PSB that the project does not fit into the character of the town. They will be putting panels all the way back to the end of the property line and removing all of those trees.
- vii. Howard Barton said we have to make comments now.
- viii. Frank Heald said the board could file as intervenor.
- ix. Logan Nicoll said that the Regional Planning Commission has filed as intervenor.
- x. Howard Barton said we need to stay on top of this.
- xi. Frank Heald said he would file for the town to be an intervenor.

F. Winter Salt and Sand

- i. Brett Sanderson asked about winter sand.
- ii. Frank Heald said he would like to discuss that in Executive Session.
- iii. Logan Nicoll said he had received a comment from a man regarding the quality of our sand and salt and said it “sucks” and why do other towns have higher quality and that we should redistribute ours. The man said that he got trash out of the sand in our sand pits.
- iv. Howard Barton said he wished the person would come to a meeting. It doesn’t sound right.
- v. Frank Heald agreed that it does not sound right and he would like to talk to that individual in person.

10. Set Date for Next Meeting

- A. Howard Barton advised that the next regular meeting would be November 2, 2015 at 7:00 p.m.

11. Sign Warrant Orders

- A. Warrant orders have been signed.

12. Possible Executive Session/Personnel/Contracts/Legal Issues

- A. Frank Heald advised that a brief Executive Session is needed for Contracts.
- B. **MOTION by Logan Nicoll and seconded by John Neal that in accordance with the provisions of 1VSA §313 (1) (B), he moves that the Town of Ludlow Select Board enter into Executive Session to consider a proposed contracts. The premature public knowledge of this proposed agreement would place the Town and Village of Ludlow at a substantial disadvantage. This motion for Executive Session includes the members present and the Municipal Manager. Motion passed unanimously.**
- C. Board entered into Executive Session at 7:56 p.m.
- D. **MOTION by Bruce Schmidt and seconded by John Neal to exit Executive Session. Motion passed unanimously.**
- E. No Action taken
- F. Board exited Executive Session at 8:18p.m.

13. **Adjourn**

- A. **MOTION by John Neal and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:19 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