

MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

**PUBLIC HEARING AND
REGULAR MEETING**

October 6, 2014

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Ron Bixby Ted Reeves Sharon Bixby (LPC-TV)
Elaine Jones Ron Tarbell
Kevin O'Connor Larry Wilfong

**PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY**

- A. Howard Barton called the public hearing to order at 7:00 p.m.
- B. Frank Heald advised that the board has previously discussed application for this grant. It is to access money to study economic development in the Village Commercial and Industrial Park. The grant would be used as a vehicle for a study and to come up with a plan to encourage businesses in the village and industrial park. They would apply for a \$90,000 grant and the Ludlow Economic Development Corporation would fund the matching 10% - \$10,000 for a total of \$100,000. The preliminary steps would be to work with consultants and the money would probably go a long way.
- C. Ron Bixby, speaking as President of the Ludlow Economic Development Corporation confirmed that the group would put up the 10%. He said that the group is really excited about this grant in hopes of encouraging new businesses to fill the empty buildings in the village and Industrial Park.
- D. **MOTION by John Neal and seconded by John Neal to close the public hearing. Motion passed unanimously.**
- E. Howard Barton closed the public hearing at 7:04 p.m.

REGULAR MEETING OF THE LUDLOW SELECT BOARD

1. **Call to Order**

- A. Howard Barton called the meeting to order at 7:04 p.m. All other members present.
- B. Frank Heald advised that in order to comply with the new state Open Meeting laws, he is requesting an adjustment in the agenda for tonight's meeting.
- C. **MOTION by John Neal and seconded by Logan Nicoll that in accordance with 1 VSA§312(d)(3)(A) to add to this evenings agenda an item to approve a special events permit for Saxton's River Distillery, LLC on October 19, 2014. This will become agenda Item 3A. Motion passed unanimously.**

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of September 1, 2014.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the minutes of September 1, 2014 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

3A. **Special Events Permit: Saxton's River Distillery, LLC**

- A. Frank Heald advised that a request has come in from Saxton's River Distillery for a special event permit to participate in the Okemo Bridal Fair on October 19, 2014. They will set up a 10' x 10' booth. He said that all of the paperwork is in order and Ulla Cook will sign the permit.
- B. **MOTION by Brett Sanderson and seconded by John Neal to approve the request from Saxton's River Distillery, LLC for a special events permit for the Okemo Bridal Fair to be held on October 19, 2014.**
- C. Bruce Schmidt asked if this request was from Okemo.
- D. Frank Heald said no, it was from Saxton's River Distillery. He said that the request was received on October 3rd.
- E. Bruce Schmidt abstained from the vote.
- F. **Motion passed unanimously.** (Except for Bruce Schmidt.)

4. **Approve Certification of Compliance for Town Road and Bridge Standards**

- A. Frank Heald advised that the board had voted to approve the standards but evidently did not sign the certificate.
- B. **MOTION by Logan Nicoll and seconded by Brett Sanderson to sign the certificate of Compliance. Motion passed unanimously.**

5. **Consider Letter from Elaine Jones**

- A. Elaine Jones advised that she had purchased the property in 2007, with hopes to eventually build a house there. Water collects on the property from the east from a culvert on East Lake Road. She has spoken to Frank Heald and he arranged to have the culvert cleaned. She believes that over the year, the receiver collapsed and the culvert is blocked. She has attempted to contact her neighbors for their assistance, but they have not responded. She has contacted the state and they say it is not their jurisdiction. She did get a letter from the State Storm Water division and they suggested contacting the Zoning Administrator or local builders. There may be a drainage easement. In that letter, Mr. Armstrong said that if the culvert is over 15 years old, they may look into a Prescriptive Easement.
- B. Howard Barton asked Ron Tarbell about this.
- C. Ron Tarbell said that there is a culvert that is filled in on the neighbor's ROW and he cannot go on the neighbor's property. There is no problem on the town road portion.
- D. John Neal asked if the culvert has daylight.
- E. Ron Tarbell said yes, but it does not go there.
- F. Bruce Schmidt asked what it is blocked with.
- G. Ron Tarbell said it is hard to tell, maybe logs.
- H. Bruce Schmidt asked if the maps show it.
- I. Ron Tarbell said no.
- J. Elaine Jones said that Steve Mungeon said the map shows a rock wall that is not there.
- K. Howard Barton asked Frank Heald for his opinion.
- L. Frank Heald said that unfortunately this is a neighbor's issue and neither of the neighbors wants to cooperate. He said that he and Ron Tarbell have looked at this and we have no authority as it does not affect town property.
- M. Bruce Schmidt said that a culvert must have an inlet and an outlet. This may have only been used for higher water. The town accepted the road after it was built. The town would have to replace a culvert, but who is responsible to maintain the ditch.
- N. Frank Heald said it is on private property. He said that he would look into Prescriptive Easements.
- O. Elaine Jones asked what the time frame would be.
- P. Frank Heald said for the next meeting.
- Q. Elaine Jones asked that they discuss this with Steve Mungeon.

6. **Consider and Re-Approve Purchasing Policy RE: Purchases with Federal Funds**

- A. Frank Heald advised that there is an email from the state. This deals with Conflict of Interest of people making purchases and satisfies federal requirements. The town buys items with funds from state grants. For example, items for the Police and Ambulance departments.
- B. Bruce Schmidt asked if that means that the people can do the work, but not participate in the award process.
- C. Frank Heald said yes.
- D. **MOTION by Bruce Schmidt and seconded by John Neal to approve the amended purchasing policy as presented. Motion passed unanimously.**

7. **Execute Okemo “Stearns Pit” MOU of 12/1/14 to 3/31/15**

- A. Howard Barton advised that this is a yearly lease agreement that runs from December 1, 2014 through March 31, 2015 with a total lease price of \$65,940, with the only change being the CPI.
- B. Frank Heald advised that for the period from September 2013 through August 2014, the average CPI increase was 1.392%.
- C. Bruce Schmidt recused himself from this vote.
- D. **MOTION by John Neal and seconded by Brett Sanderson 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.**

8. **Consider Resolution for Sustainable Education Funding Reform in Vermont**

- A. Frank Heald advised that a group of elected officials met for one day and came up with this resolution. Pam Mackenzie from the South Burlington City Council sent it out. A number of towns' legislative bodies have signed on to it. Frank Heald said that he professes that he does not have great knowledge of educational funding, but if the state education property tax is capped, then school boards must operate within that cap or raise the funds on their own. He said that he is concerned about making a profound decision like this after only one day of discussions. He is also concerned about the effect that it would have on Ludlow.
- B. Bruce Schmidt said that he does not know if this is the way to go, capping without considering the needs of the towns. This could put Ludlow Elementary and Black River High School in a bad position. He said that he would like to send a message to the state, but does not like the idea of the cap. He said that Montpelier will have to look at how the gold towns are pouring out money to other towns and some of those receiving towns don't keep their budgets down.
- C. Frank Heald suggested deferring this for a month.

9. **Review TDI New England Update & Consider Support Letter**

- A. Frank Heald advised that TDI is moving forward with the Act 248 process. He said that he has one issue that has been brought to his attention. A tax payer noted that a cable will be attached to the bridge on Reservoir Pond and that is the only place in the USA where the cable is above ground. The town recently rebuilt the abutment on that bridge. It is private property and TDI is working on that. They may need an easement from Clear Lake and the first house on the right. An engineering decision will be needed. That is the only comment that Frank Heald has heard about the construction and will be handled at Act 248.
- B. Logan Nicoll said that it would be going underground along Route 103.
- C. Frank Heald said they could use our ROW. He said that we identified the issue at the intersection of East Lake Road and Route 100.
- D. Bruce Schmidt asked if town can tax underground lines.
- E. Frank Heald said he thinks so.
- F. Howard Barton said that we need to keep track of underground fiber cables in our ROWs from VTEL, Comcast and TDS. They can be taxed.
- G. Frank Heald said he would talk to the listers and said he would be interested in getting a copy of Howard Barton's notes. He said that we can send out a formal request to VTEL, Comcast and TDS for what cables they have done in the town ROWs. They have to maintain lists of where their cables are located.
- H. **Motion by Brett Sanderson and seconded by Logan Nicoll to write an Interim Letter of Support for the TDI project. Motion passed unanimously.**

10. **Schedule FY2016 Budget Workshops**

- A. Frank Heald said that he should have a draft of the proposed budget for the November meeting. He said that the auditors will be here next week. After the November meeting, the board can schedule department heads to come in. He said that he does not expect any great changes or super projects for next year. He said that it would be at least a year before the Walker Bridge or Commonwealth projects.

11. **Update: Solid Waste Discussion**

- A. Howard Barton asked if they would need to do work up at the transfer station to accommodate the new recycling law.

- B. Frank Heald said that he does not think they will need to do a lot of work up there that would have a profound impact on the budget. At this point, he does not anticipate any redesigning or much new equipment. If they go to single or zero sort, they will need another compactor and would purchase it over 5 years. There may be some power issues as there is only single-phase electricity up there. They may reverse the traffic flow. By July 2015, they will have to decide how we get to pay to throw and there is some ambiguity regarding how much we have to pay to throw. He does not like the idea of having cash transactions up there. Other possibilities include imprinted bags for purchase, stickers to put on regular bags, electronic bar codes and scanners. There may be people who will not pay to throw and will throw trash on the roads. In 2017 they will have to deal with food scraps, but he is hoping that technology will help there. He plans to hold another public meeting at the end of October, he said that he did a show with Ralph Pace on TW3 and is considering a direct mailing. He added that Zero sort will be easier for the property management people and they will have to pick up recyclables. He said that the village is a separate issue and if we continue to pick up in the village, we will have to go to zero sort.

12. **Department Head Reports**

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

13. **Other Business**

A. **Train Station**

- i. Frank Heald advised that Representative Herb Russell from Rutland is a railroad buff who is trying to encourage towns to apply for funds to rehabilitate train stations. Frank Heald said that in 2007, they looked at the Ludlow station for LPCTV. The estimate for rehabilitation was over \$300,000. He asked board members their feelings about rehabilitating the Ludlow RR station. He said it would probably not see a lot of use and there are concerns about safety factors about the siding and ROW around the station.
- ii. Howard Barton asked who owns the station.
- iii. Frank Heald said Vermont Railroad.
- iv. Howard Barton asked Frank Heald why the railroad doesn't maintain it.
- v. Logan Nicoll asked if the foliage trains stop there.
- vi. Kevin O'Connor said that the train does stop in front of the building, then goes on to Chester.
- vii. Board members were not interested in rehabilitating the station.

B. **Special Occasion Permits**

- i. Frank Heald advised that Ludlow currently has special permits for catering, outside consumption and special events. The board must issue liquor or water permits, but there are some towns that have abdicated their authority to issue these permits to town clerks or the town clerk and town manager. For these permits, in order to warn the board meeting, it has to be done 30 days in advance. If handled by the town clerk and/or town manager, it would be done in less time. He asked the board if they would consider abdicated this authority.
- ii. Bruce Schmidt asked Frank Heald to bring back a proposal for the next meeting. He said it would encourage business in town.
- iii. Frank Heald said he would have a proposal for the next meeting.

C. **West Hill Area**

- i. Bruce Schmidt said he would like to have a discussion about spending money on West Hill or not. He said that he saw tents up there this weekend.
- ii. Frank Heald said it was Jam at the Dam and the noise was heard all the way to Orion Avenue. He added that on October 20th, the USDA engineers would look at all 4 dam sites. We may do away with the pool at West Hill, rehabilitate it and refill it in the fall. It was a recreation area, but is not used now because of the geese.
- iii. Bruce Schmidt suggested making it a nature area for walking. He suggested that they discuss it during the budget process. There is a building up there and sewer.
- iv. Frank Heald said the town has to maintain the building. He added that the Recreation Committee will meet this month and include this on the agenda.

D. **Community Center Use by Employees**

- i. Frank Heald said that will be on the agenda for November.

14. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be November 3, 2014 at 7:00 p.m.

15. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

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

17. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by John Neal to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:08 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll