

**MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**PUBLIC HEARING AND  
REGULAR MEETING**

October 7, 2013

**BOARD MEMBERS PRESENT:**

Bruce Schmidt, Vice Chairman      John Neal  
Douglas Ficken                              Brett Sanderson

**BOARD MEMBERS ABSENT:**

Howard Barton, Jr., Chairman

**STAFF PRESENT:**

Frank Heald                                      Rose Goings

**OTHERS PRESENT:**

|               |                  |                 |
|---------------|------------------|-----------------|
| Suzanne Augee | Richard Harrison | Jason Rasmussen |
| Kathy Beyer   | Will Hunter      | Ted Reeves      |
| Jeff Billings | Logan Nicoll     | Sara Stryhas    |
| Phil Carter   | Ralph Pace       | Ron Tarbell     |
| Terry Carter  | Howie Paul       | Isaac Wagner    |
| Alan Couch    |                  |                 |

**PUBLIC HEARING FOR  
ARTICLE 6: FLOOD HAZARD AREA REGULATIONS**

1. Bruce Schmidt opened the hearing at 7:00 p.m.
2. Frank Heald advised that Rose Goings and Jason Rasmussen are present to discuss and answer questions.
3. Jason Rasmussen advised that a map had been included to show the areas in the Flood Hazard Areas. He advised that the proposed draft regulations are based on a state model and the Planning Commission modified the language in that model to be more appropriate for Ludlow. The first objective was to address FEMA comments to clarify the regulations and make them easier to understand. The second objective was to exceed NFIP (National Flood Insurance Program) minimum standards. Sasha Pealer and Ned Swanberg from ANR came to Planning Commission meetings to discuss Flood Hazard Regulations and encouraged the Planning Commission to include Fluvial Erosion in the new regulations. The Planning Commission decided not to go there, but did look at Stream Setbacks of 50 feet for streams not within the FEMA Flood setbacks areas. The state did push the Fluvial Erosion area. The 50 foot setbacks may be incentivized, but that is not clear at this time. This may benefit the Emergency Response Aid Fund.
4. Bruce Schmidt asked the board if they had any questions.
5. John Neal asked if the previous Flood Hazard Regulations also contained a 50 foot stream setback.
6. Jason Rasmussen said no. He added that at this time, flood insurance does not necessarily ride on it. There would be no new buildings in the setback and existing buildings could remain, but could not be expanded to get closer to the stream.

7. John Neal asked if the 50 foot setback could impact peoples' land.
8. Jason Rasmussen said yes.
9. John Neal asked if there were any other major changes from the previous regulations.
10. Jason Rasmussen said no, but that there can be no new structures in the floodway.
11. Rose Goings added that no new fill would be allowed either.
12. John Neal asked for a definition for structure and if it also applied to portable or removable structures.
13. Jason Rasmussen said that structures are walled and roofed, livable dwellings.
14. Frank Heald asked about the Lake Front incentive.
15. Jason Rasmussen said that H526 is the Shore Land Bill. After Irene, the state became interested in lakes and rivers. The bill did not pass both houses of the legislature at the last session, but probably will come back into discussion. It calls for, among other things, a 50 foot buffer on lakes, rivers and streams. If towns have their own shoreline protection regulations in place, the state regulations may not apply.
16. Frank Heald said that there have been a series of hearings in the state and this board needs to have discussions about this possible piece of legislation.
17. Jason Rasmussen said that ANR is doing a statewide river corridor map and for some main streams or stems from the Black River or lakes have already been identified and they know the erosion zones. Others may get the 50 foot buffers. The possible incentives point to the State River Corridor maps. The Planning Commission did not want to wait to find out what the impact of the state regulations would be. He added that a fair amount of the damage done by Irene was not in the flood zones.
18. Phil Carter said that from the DRB perspective, FEMA has become their new "best friend." The DRB will issue a decision and FEMA does not always like the DRB decisions, but they are not clear on telling the DRB what they want. He said it is coming and we need to face it. We also need to face Fluvial Erosion. FEMA does not tell us what they expect from the applicants and we, the DRB, struggle with every decision where water is involved.
19. Terry Carter said that she wants people to know that she wanted to include Fluvial Erosion maps and advise homeowners or potential homeowners about fluvial erosion areas.
20. Bruce Schmidt said that the Select Board would take this information under advisement and put it on the agenda for the next meeting.
21. The Public Hearing was closed at 7:15 p.m.

## **REGULAR MEETING OF THE SELECT BOARD**

### **1. Call to Order**

- A. Vice Chairman Bruce Schmidt called the meeting to order at 7:16 p.m.
- B. All members present, except Howard Barton.

### **2. Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of September 2, 2013.
- B. **MOTION by Doug Ficken and seconded by Brett Sanderson to approve the minutes of September 2, 2013 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Sign Vermont Municipal Bond Bank Certificate of Project Completion RE: Grader Bond**

- A. Frank Heald advised that this is a certificate that we have done the things that we did on the project.  
B. The document was signed by board members.  
C. Frank Heald said that Paul Juliani is leaving the firm and moving to another firm.

5. **Wounded Warrior Project 10K and 5K Walk/Run Race Request**

- A. Bruce Schmidt advised that a letter was received from Sara Stryhas regarding this event.  
B. Sara Stryhas advised that she would like the board's approval to host a 5K/10K Walk/Run on Saturday October 19<sup>th</sup> at 11:00 a.m. She said that the American Legion would be helping with the event and she provided a map showing the routes. She said that Chief Billings had approved the map. The money collected would go to benefit wounded warriors. She asked if she could put up signs indicating the route.  
C. Frank Heald said that this board cannot approve signs, but since the event would be on a Saturday, there would not be anyone out checking for signs.  
D. **MOTION by John Neal and seconded by Brett Sanderson to approve the request from Sara Stryhas to host a 5K/10K Walk Run for Wounded Warriors on Saturday, October 19<sup>th</sup>.**  
E. Frank Heald said that he is happy to see that Sara Stryhas and several other juniors and seniors are active in the community and congratulated Sara Stryhas on her goals.  
F. **Motion passed unanimously.**

6. **Housing Vermont Update RE: Black River Overlook Project**

- A. Kathy Beyer advised that she is the vice president of Housing Vermont. She gave some background on the Black River Overlook project, saying it has 25 rental units and is 16 years old. They have cash flow problems since 2005. Stewart Property Management is the new property manager. There are still vacancies and the property operates at a loss. They applied and have been denied federal funding through Rural Development. If the units are Section 8, there are subsidies up to 70% of the total rent. They have received Notice of Foreclosure from the mortgage company and also the town will do a Tax Sale on October 15<sup>th</sup>. Housing Vermont has invested over \$140,000 for bills and engineering. They have most of the capital needed to renovate 17 of the units. One risk is that their well is not on their land, and is on land owned by Okemo Land Holdings and is a deeded easement to them. It is in the flood plain and is a shallow dug well. The water is high is iron and manganese. They need to get approval to dig another well or the other possibility is to hook onto town water. They are working with Frank Heald. She continued, saying that there is one 8-unit building with no use at this time. They may use it to house renters while other units are being renovated. They need to keep it a compatible use or possibly demolish it. There are currently 6 Section 8 units, 4 market based units and 7 low incomes, rent subsidized units. The vacancies are due to the appearance of the units, the water is not great and people can't afford the rents.  
B. Frank Heald asked if there was an opportunity to get out of the low income market and rehabilitate the units for fair market rents.

- C. Kathy Beyer said that there are land use covenants in effect and loans would have to be paid off or foreclosed on. Also, according to the Act 250 permit, there was a condition for 25 affordable housing units as mitigation for Okemo expansion.
- D. Frank Heald asked if they were foreclosed on or went to tax sale, was there any way to recoup.
- E. Kathy Beyer said maybe for the first mortgage holder, but she does not know about Act 250, unless the permit is amended.
- F. Bruce Schmidt asked Kathy Beyer what she is looking for from the Select Board.
- G. Kathy Beyer said to make the board aware of the situation for the 8-Step Program and the need to drill a new well. She said if they can pull off this deal, they can pay off the debts and taxes.
- H. Bruce Schmidt asked if there is need for affordable housing in Ludlow.
- I. Kathy Beyer said only low income housing.
- J. Bruce Schmidt asked if the subsidizes rents can travel.
- K. Kathy Beyer said that the 6 Section 8s stay there, but there are some Section 8s that are portable.
- L. Isaac Wagner said that they are trying to keep the project together and don't want to lose it, but there are still barriers and gaps in the finances.
- M. Kathy Beyer said there are Community Development Program loans, but the town needs to give approval and have the town manager submit the forms.
- N. Bruce Schmidt said that Frank Heald would work with them.
- O. Frank Heald said that they have not had any discussions about what happens after October 15<sup>th</sup>. He said they still need the Select Board support of the Community Development loan and that there is still need subsidized affordable housing in Ludlow.
- P. Kathy Beyer said that they had also thought about converting those 8 units to Senior Housing.
- Q. Bruce Schmidt asked if there would be an on-site manager. How would they balance the children with the seniors need for quiet?
- R. Isaac Wagner said that they have a good property manager now and they have exposure to mixed use properties. He added that the funds are not there from the Federal government.

7. **Execute Okemo "Stearns Pit" Lease**

- A. Frank Heald advised that the draft is in the packets and they have reviewed the CPI for the past several years. There are no other changes other than locations.
- B. **MOTION by Doug Ficken and seconded by John Neal to authorize Howard Barton to sign the Memo of Understanding for the lease of Stearns Pit as presented.**
- C. Bruce Schmidt said that he would not vote.
- D. **Motion passed unanimously.**

8. **Walker Bridge Update**

- A. Frank Heald advised the situation is very frustrating. the original design for the new bridge was 11'8'/6'; meaning there was 11 feet for the travel lane, 8 feet for breakdown and 6 feet for sidewalk and fits the structure of net beams, cutting construction times. The historic division of VTRANS raised concerns regarding a tree and loss of grass on the property of the first house on the right. He said that he met with them 2 weeks ago and the leader of the VTRANS Historic Division has the upper hand and went to the Federal highway Department regarding the infringement on the tree and grass, suggesting a bridge 11'4.75'/5' with the railing on the outside. We need the widest bridge possible, but this person said this would be wide enough. The bottom line is we can't mess with him and if we appeal, it would hold up repairs even longer. We should go along with him as it is not worth the fight,
- B. Bruce Schmidt asked if we could wait until next year or later.

- C. Frank Heald said eventually, the bridge would fall in the river.
- D. Brett Sanderson said it is not worth fighting and would be better than the bridge we have now.
- E. Frank Heald agreed there would be more room on the new bridge and it would be less expensive to build.
- F. Ron Tarbell agreed that it was not worth fighting.
- G. Bruce Schmidt asked the time frame.
- H. Frank Heald said it still may fit into 2014, but more likely 2015.

9. **Receive and Comment: VTRANS Review & Sign Proposal TH#2 Mountain Road**

- A. Frank Heald advised that VTRANS will be replacing signs. This is considered a High Risk Rural Road. The new signs will include bank warnings, No Trash, speed limits, etc. There is some concern about the junction of Okemo Ridge Road at Tom's Tavern. They want the center line of Okemo Ridge Road marked. They want the Stop sign on a barrel. Frank Heald noted that the speed limit up there is 50 MPH and suggested lowering it to 35 MPH.
- B. **MOTION by Brett Sanderson and John Neal seconded by to approve the change of street signs as presented. Motion passed unanimously.**

10. **FY2015 Budge Introduction**

- A. Frank Heald advised that in earlier discussions, it was requested that we prepare the draft earlier for the board to review. A suggestion was made that we can save about \$2,800 by not including the financials in the town report. We can put them on the website and also make them available at the town office. We think that most people do not read them. Regarding Appropriations, they have been fairly consistent over the last 4-5 years with minor changes. He advised that After School, Education Opportunities, Library School Books and BRACC are all youth related issues subsidized at the town level. He said that letters for all other Appropriations are in their packets. We have not discussed Capital.
- B. **Highway –**
  - i. Frank Heald said that Salaries and OT are directly related to services and part of that is in the winter. Ron Tarbell does a good job managing the department. He mentioned that we are on course with Retreatment and said that Springfield is \$500,000 behind. We don't believe in deferring maintenance.
  - ii. Bruce Schmidt asked Ron Tarbell if they planned to replace any vehicles this coming year.
  - iii. Ron Tarbell said none in 2015.
  - iv. Bruce Schmidt noted that there is \$30,000 in voted Articles for the Highway Department, should we pull it.
  - v. Frank Heald said that we put money into those funds each year. Present and future tax payers all pay part. If we did not fund that account, in 2-3 years we will need to borrow significantly more money. Debt management remains constant because of those funds.
  - vi. Bruce Schmidt said that the Highway Department is projecting an increase of \$9,748 and we need to look at all departments. He added that department heads have done a good job with the budgets.
  - vii. Frank Heald said that the town is a service organization that is funded by the users. We can motor along with carefully controlled increases. It is the cost of doing business. We can't do anything about the Education Taxes. If we defer maintenance, we are deferring the costs to a later date or provide less service. People are happy with the level of service we provide.
  - viii. Bruce Schmidt said that we still need to have these discussions and still need to operate the town.

- ix. Bruce Schmidt noted that there was \$5,000 in the budget for bridges and we spent \$11,000. Where was that?
- x. Frank Heald said he would research it. He added that Walker Bridge is a continuing allocation.
- xi. Bruce Schmidt asked about Revenue.
- xii. Frank Heald said that VELCO deferred payment from 2012.
- xiii. Frank Heald said we are still working through VLCT and won't get a bill until after January 1<sup>st</sup>. The league is doing well.
- xiv. Brett Sanderson said that we need to look at Insurance increases and we are not bringing up other costs. This will catch up to us. We need to look at salt and fuel.
- xv. Frank Heald said we could shut off every other street light.
- xvi. Brett Sanderson said the new ones are more expensive than the old ones.

C. Police

- i. Frank Heald said we could reduce costs by reducing service. We could have the Police reduce patrol times, but that is not recommended. Or, we could outsource Dispatch. Now we are also doing the County Sheriff, Cavendish and Proctorsville fire departments, and Plymouth fire department.
- ii. Jeff Billings said he does not recommend cutting police service. There are too many people in town to drop an officer.
- iii. Bruce Schmidt asked Jeff Billings if they plan to purchase a vehicle in 2015.
- iv. Jeff Billings said not this year. Maybe a more substantial vehicle every other year.
- v. Frank Heald said it will be interesting to see how the Ford Explorers hold up.
- vi. Bruce Schmidt noted that Dispatch was down this year.
- vii. Jeff Billings said that was because we used more part time staff than over time.
- viii. Bruce Schmidt said that the board should take a hard look at the numbers for Dispatch, but not at this budget time.
- ix. Frank Heald said it is important to know if the board really wants to outsource Dispatch. It provides local control for Police, Fire Department and Ambulance and is worth the difference in costs. It has been an on again/off again discussion. He referred to Springfield and Hartford as having dispatch capabilities, Springfield being closer, but you would still have to have someone looking at a map. In an emergency situation, absolute control of dispatch is critical to the safety of the people. He said that he is not a fan of changing. If we were to outsource, we would have to build modules onto the other system and add staff to that location.
- x. Jeff Billings said that the Police Department does not get any contributions from Fire or Ambulance for their portion of dispatch costs (about \$50,000 combined costs for both.) This makes the Police Budget look high, but they are giving away free services. It is awash in town taxes, but it shows up as costs for the Police Department.
- xi. Frank Heald added that Dispatch also receives calls from Water/Sewer.
- xii. Doug Ficken said that it almost sounds like Dispatch could be a separate department on the budget.
- xiii. Brett Sanderson said that some of the Dispatch costs are offset by Cavendish and Plymouth and we would lose that part.
- xiv. Jeff Billings said that he does not advocate moving Dispatch out of town.

D. Recreation

- i. Frank Heald said that Howie Paul has provided a detailed sheet of costs.
- ii. Bruce Schmidt asked about the decrease in the After School Program.
- iii. Howie Paul said that they are not running as many sessions because they don't have the staffing to do that. We have started using our own staff for After School.
- iv. Frank Heald said that Recreation to School is pooled with Ludlow and Mount Holly after school.
- v. Doug Ficken asked about the Community Center.

- vi. Howie Paul said that is all listed under the Community Center listings.
  - vii. Frank Heald noted that there has been a significant reduction in Coaches/Referees.
  - viii. Brett Sanderson asked if they have thought about using our own Gas tank. It would save money.
  - ix. Frank Heald said that they have thought about it. They would need to clean out the tank they have and change the controls on the tank.
  - x. Bruce Schmidt said that he encourages Frank Heald to discuss the Articles, now at \$180,000.
- E. Health Insurance.
- i. Frank Heald said that they expect to do early (12/1/13) renewal on the Blue Cross and will use the 4<sup>th</sup> quarter rates – up 14% - instead of the 1<sup>st</sup> quarter rates. They are now using about 70% HRAs so the net increase would be about 3-4% for the first half. Union contract adjustments are required for the balance of 2015.
  - ii. Bruce Schmidt asked if Frank Heald envisions rates going up.
  - iii. Frank Heald said that the estimate was based on fully funding on HRAs and he is projecting a 3-4% increase. That would be livable.
- F. Fuel
- i. Brett Sanderson asked about fuel costs.
  - ii. Frank Heald said fuel oil was locked at \$3.29/gallon, diesel was locked at \$.20 over low Boston rack and propane was locked a long time ago.

11. **Review FY2015 Appropriations Budget**

- A. Bruce Schmidt recounted that Howard Barton had requested this agenda item to try to start the Appropriations process earlier this year and suggested that this be tabled until Howard Barton is able to be at the meeting.

12. **Department Head Reports**

- A. There were no comments

13. **Other Business**

- A. Recycling
  - i. Frank Heald advised board members that for the past 2 years NRRA did the recycling. Middlebury put together a contract. ANR went with Casella and a Maine vendor. NRRA tries to stay independent contractor. The state found the contracts with NRRA (after 2 years) inadequate. Now it is in the courts.
- B. Real Estate
  - i. Frank Heald advised that there is a house on the corner of Pond Street Ext. and Dorsey Bridge that is for sale. He had a discussion with the Trustees last week and they expressed an interest in a possible joint venture with the town to purchase the property, raze the house and the property as a parking lot for Dorsey Park. An interesting point is that the house across the river owns a 50-foot segment on the Stewart side of the property that is useless to them. There will be a 5-foot buffer on the Jewel Brook.
  - ii. Bruce Schmidt asked Frank Heald to bring back numbers to the board.
- C. FOLA
  - i. Bruce Schmidt noted that the new screen in the auditorium is nice and they have done a good job up there.

- ii. Frank Heald said the screen is operated by remote control.

14. **Set Date for Next Meeting**

- A. Bruce Schmidt advised that the next regular meeting would be November 4, 2013 at 7:00 p.m.

15. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

- A. Frank Heald said an Executive Session is not needed.

17. **Adjourn**

- A. **MOTION by John Neal and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:47 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