

MINUTES

**VILLAGE OF LUDLOW
BOARD OF TRUSTEES**

REGULAR MEETING

6:00 PM

Tuesday July 1, 2014

BOARD MEMBERS PRESENT:

Bob Gilmore

Richard Harrison

David Rose

STAFF:

Frank Heald

Rose Goings

OTHERS PRESENT:

Jason Rasmussen

Michelle Stinson – LPCTV

1. **Call to Order**

- A. Bob Gilmore called the meeting to order at 6:00 p.m.

2. **Approve Minutes from Previous Meeting**

- A. Bob Gilmore advised the minutes to be approved are from the regular meeting of June 3, 2014.
B. **MOTION by David Rose and seconded by Richard Harrison to approve minutes from the meeting of June 2, 2014 as submitted. Motion passed unanimously.**

3. **Comments From Citizens**

- A. There were none.

4. **Award 2014 Village Summer Paving Bid**

- A. Frank Heald advised that the details of the bid were included in the packets. As they have been doing recently, bids were opened by the committee on Friday, June 27, 2014 at 10:30 a.m. Bids were received from 4 bidders. (See below.) The committee recommends awarding the bid to the apparent low bidder, Fuller Sand & Gravel. The town and village have done work with Fuller previously and were satisfied with their work.

Village	Fuller Sand & Gravel	Pike Industries	Springfield Paving	Wilk Paving
Price per ton	\$64.00	\$82.26	\$83.00	\$72.53

- B. **MOTION by Richard Harrison and seconded by David Rose to award the village paving bid to Fuller Sand & Gravel. Motion passed unanimously.**

5. **Village of Ludlow Flood Hazard Area Regulations Update**

- A. Frank Heald explained that the warning to adopt the regulations was incorrect so tonight's meeting will just be an update for approval at the next meeting.
B. Rose Goings said that the Planning Commission had proposed the new regulations to this board some months ago and this board had suggested some changes. Along with those changes, the Planning Commission also found some minor items that needed to be changed. The board was provided copies of the new proposed draft. Since the last meeting, the Planning Commission also added a FEMA guide to the regulations website address. People will be able to see what FEMA requires, in addition to the town/village requirements. The Planning Commission also

added a procedure for waivers for building on properties with less than a 25 foot setback from named streams. They reduced the setback from the named streams from 50 feet to 25 feet. They also added definitions for “top of bank,” “fluvial erosion” and “stream.” In cases where the owner wishes to increase the footprint, whether residential or commercial, they will need to go to the DRB.

- C. David Rose asked who mandates the setbacks.
- D. Rose Goings said that the Planning Commission recommends 25 feet.
- E. David Rose asked why not 10 to 15 feet in the village as many of the lots are small.
- F. Bob Gilmore said people could apply for a waiver.
- G. Rose Goings said yes.
- H. Jason Rasmussen said that the state ANR recommends 50 foot setbacks. The Planning Commission started there and based on the comments received from this board, reduced it to 25 feet. The waiver procedure allows for a process for lots that are too small to meet the 25 foot setback.
- I. David Rose said people may apply, but may not get the waiver.
- J. Jason Rasmussen said the Planning Commission does not want to render a lot undevelopable.
- K. David Rose said that he would not support a 25 foot setback, but would support a 15 foot setback.
- L. Bob Gilmore said he thinks that Rose Goings and the Planning Commission have done a good job taking the recommendations that the Trustees had made. He understands that David Rose is always concerned about small lots.
- M. Jason Rasmussen said he looked at the named streams and only the Jewel Brook is in the village.
- N. David Rose asked about the Black River.
- O. Jason Rasmussen said that would be in the Flood Hazard area. The map we have is only an approximation, done from the center line and not from the top of bank.
- P. Bob Gilmore asked who would do the review for a waiver.
- Q. Rose Goings said people would come to her office then to the DRB.
- R. Bob Gilmore asked how the waiver would be easier than a variance.
- S. Rose Goings said that for a variance, people have to meet 5 criteria. They don't have to do that for the waiver. It would allow building on small lots.
- T. David Rose said that he is a surveyor and thinks that some lots on the Black River may not be in the AE Flood Hazard area.
- U. Jason Rasmussen referred to the map and said that the Local Flood Hazard Zone goes only by the Flood Hazard Regulations and that the Jewell Brook is the only area highlighted in the Village.
- V. David Rose said that this board can still recommend changes.
- W. Rose Goings said that the Trustees can tell the Planning Commission to change it.
- X. **MOTION by David Rose and seconded by Richard Harrison to decrease the setback from 25 feet to 15 feet in the Special Flood Hazard Area. Motion passed unanimously.**
- Y. Richard Harrison said that gas tanks should be cabled or strapped to buildings. There have been many instances when the tanks floated down the rivers in storms.
- Z. Frank Heald said that he agrees that they should not allow tanks to be able to float away from the buildings, but who is responsible. Is than considered part of zoning.
- AA. Rose Goings said that for the last several years, the DRB makes securing of tanks a condition of permits.
- BB. Bob Gilmore asked how do we get this out to people who are not going to the DRB or who have had tanks for many years.
- CC. Richard Harrison said it is a safety issue and the town and village employees should go around and inspect.
- DD. Frank Heald said that, as a practical matter, we do not have the authority to do that. We would need an ordinance or incorporate it into the zoning regulations. He said he would go to the VLCT for advice. He suggested that vendors of the tanks should be responsible to have their tanks secured. He does not know who regulates this, but he would check into it. He agrees that it is a good idea.
- EE. Bob Gilmore asked if a new building could get a CO if the tanks were not secured.
- FF. Rose Goings said they had to be secured.

6. **Confirm New Open Meeting Law Postings RE: Town Offices, Berkshire Bank and Shaw's Bulletin Boards**

- A. Frank Heald said that the state has passed a new law regarding open meetings. One of the new requirements is posting in 2 places outside of the town offices. We will be posting information at the bulletin boards by the Berkshire Bank and in Post Office. We need a motion to confirm this. Also, board members may not get together and chat about items discussed at meetings. There are also limits regarding changing posted agendas and issues for Executive Sessions and

we need to make specific findings why there was an executive session. He asked board members for read the new law and said that they all need to be aware of the changes.

- B. **MOTION by David Rose and seconded by Richard Harrison to confirm that all notices concerning open meetings will now be posted in the Town Hall bulletin boards, the bulletin board by Berkshire Bank and the bulletin board at Post Office. Motion passed unanimously.**

7. **Authorize Municipal Manager to Sign the LEOP (Local Emergency Operations Plan)**

- A. Frank Heald advised that this has always been done by the town, but now FEMA also wants the Village to sign it. This is the same plan as the town has. He added that he has taken the ICS 402 training.
- B. **MOTION by Richard Harrison and seconded by David Rose to adopt the LEOP. Motion passed unanimously.**
- C. **MOTION by David Rose and seconded by Richard Harrison to authorize the Municipal Manager, Frank Heald to sign the plan. Motion passed unanimously.**

8. **Adopt NIMS**

- A. Bob Gilmore asked if NIMS (National Incident Management System) dovetails with LEOP.
- B. Frank Heald said yes, it incorporates the ICS components. It is a federal top down incident command system, basically common sense. It identifies commanders such as the chiefs of police and fire department and the municipal manager. It centralizes commands for material acquisitions, mutual aid, etc. It was evident during Irene. Ron Bixby is the Emergency Management Coordinator. Again, this has always been done by the town and now FEMA also wants the villages to adopt the plan.
- C. **MOTION by David Rose and seconded by Richard Harrison for the Village of Ludlow to adopt NIMS. Motion passed unanimously.**

9. **Village Trash Collection/Act 148/Casella Contract**

- A. Frank Heald advised that he had included a primer on the new Act 148 Universal Recycling Law. It will be enacted over the next 6 years and is progressive. By July 1, 2015, towns must have a pay-to-throw program in place which means the end of the village collection system as it currently exists, subsidized in the tax rate. If there is a collection system, the provider must pick up recyclables for free. This will mean dynamic changes at the transfer station because it has been included in the tax rate. Frank Heald continued; saying this all creates interesting dynamics for the village and town. If pay-to-throw and recycling are free, people are more likely to recycle. At the town level it is more logistics and they may go to single source. Presently, it is not free for the town to dispose of recyclables. We source separate and sell and generate an income of about \$25,000 per year. This offsets the costs of trucks. If we go to single source, we would not have that \$25,000 income and have to pay to throw away. Also, the contract with Casella expires on 10/1/14 and we need a new contract. Frank Heald said that he suggests a stub contract running from 10/1 through 7/1/15. In that time, this board needs to decide how we are going to treat the Village trash collection. He asked the board to consider a non-bid contract for 9 months to deal with continuing the village pick up. He said that his opinion is that this new law will add substantially to the costs. One community uses totes (carts on wheels) for each property. One tote is equal to one load. If more is needed, they purchase bags that cost about \$2 to \$3 each. We (the Village) would need to buy the totes or have the homeowner buy them. Life will be more interesting and expensive. After 7/1/15, leaf and yard waste will also be banned from landfills and in 2017; food scraps will need to be composted. Hopefully technology will catch up. This change will affect the 2016 budget. We need to think about how much we leave in taxes. We could buy the totes. The transfer station will change and the Select Board will have to deal with pay-to-throw and there has to be pay-to-throw in the Village. One advantage we have is that since VT and NH split solid waste districts, and we are part of the South Windsor Region, I have been on the board.
- B. David Rose asked about composting. He said that we need to figure out how to compost as a town because there are not enough people for a town composting site.
- C. Frank Heald said there is technology for that, but the board still needs to decide on a collection system for the village.
- D. Bob Gilmore suggested that the restaurants join together to compost and sell to pig farmers.
- E. Richard Harrison said that the employees at the transfer station do a good job.

10. **Set Date for May Meeting**

- A. Tax Rate Meeting
 - i. Frank Heald advised that based on preliminary estimates, the Grand List has increased a little and there would be a tax increase for the Village. The increase for residents will be about 1.5% and for non-residents about 1.45%.
 - ii. Meeting to set tax rate will be held on Monday, July 7, 2014 at 5:00 p.m.
- B. Next regular meeting set for Tuesday August 5, 2014 at 6:00 p.m.

11. **Other Business**

- A. **Roadside Mowing**
 - i. David Rose asked about roadside mowing.
 - ii. Frank Heald they will begin mowing right after the new FY begins, July 1, 2014.

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

- A. Frank Heald said none was needed.

13. **Adjourn**

- A. **MOTION to adjourn by Richard Harrison and seconded by David Rose. Motion passed unanimously.**
- B. Meeting adjourned at 6:48 p.m.

Respectfully submitted,

Lisha Klaiber

Robert Gilmore, Chairman

David Rose

Richard Harrison