

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

September 20, 2010

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

John Neal

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Joanna Bombadil	Ralph Pace	Brigid Sullivan
Andrew Becker	John Paige	Terry Thane
Leo Graham	Ted Reeves	Duncan Love (LPC-TV)

1. Call to Order

- A. Chairman Howard Barton called the meeting to order at 7:07 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 August 2, 2010 and the special meeting of August 26, 2010.
- B. **MOTION by Brett Sanderson and seconded by Doug Ficken to approve the minutes of as presented. Motion passed unanimously.**

3. Comments from Citizens

- A. Andy Becker – Timber Creek at Okemo II, LLC Overview
1. Andy Becker advised that he and his partner, Ted Rossi, are working on a project for land they own on the west side of Trailside. This is phase 2 of a project they started on the east side of Trailside. This project will be a ski in-ski out residential community. They will be able to crossover to Okemo. The project will have its own base lodge and 2 roads. They will have about 200 dwelling units, spread among 114 condominium units, 22 single-family homes and 72 duplex units. They will have a

main chairlift that will terminate at the South Face chair at Okemo. The roads will be private, the units will have wells and they hope to hook on to the municipal sewer. He has spoken to Chief Billings and the chief does not want to have to patrol that area. Okemo will operate the lifts, groom the slopes and provide ski patrol. Okemo will be a co-applicant, because the lift will end on Okemo property, but Okemo will not be a co-owner. They have been working on this project for 4-5 years. He has already made an informal presentation to the DRB. They hope to go to Act 250 in January or February of next year. They hope to get their approvals in 2011, put in the lift and sales office in 2012. They would like to start building units in 2012-2013 and have the units ready in 2014.

2. Howard Barton thanked him for the update.

4. **DRB Appointment**

- A. Howard Barton advised that there are 2 applicants for a one-year term: John Boehrer and Troy Adams. He added that Troy Adams did hold the position last year, but did not get his letter in on time. He noted that neither applicant is at this meeting.
- B. Frank Heald said that he could ask them to come to the next meeting.
- C. Doug Ficken said that he would like to hear what they have to say.
- D. Frank Heald said that they could come to the next Select Board meeting and still be able to be appointed and at the next DRB meeting.
- E. Brett Sanderson said that he would not be able to be at the next meeting. He added that it is always nice to see changes, but that it is also nice to see someone who has lived here all of their life to be on the board.
- F. Bruce Schmidt said it is nice to see change and said that Troy Adams did not get his letter in on time to be re-appointed at the last meeting.
- G. Howard Barton said this would be tabled until the October 4, 2010 meeting.

5. **Review and Approve Digital In-Car Video System for Police Cruisers**

- A. Frank Heald advised that there is a memo from Chief Billings explaining that he obtained 3 price quotes for the systems. They have budgeted \$12,000 and the system that the Chief recommends is \$12,975, but it is also the least expensive. The Police Department did not get a new cruiser this year, but did include cameras in the budget for all three cars. The balance will come from the Police Capital Fund.
- B. Bruce Schmidt asked why this was not done as a bid process.
- C. Frank Heald said that it is specialized equipment and that the chief has gotten 3 prices.
- D. Brett Sanderson agreed that it should have been bid out.
- E. Bruce Schmidt said that he understands that it is specialty equipment and said that he would be okay with pursuing this if the equipment is needed at this time. He understands that there are 3 prices, but he would prefer to bid things like this out in the future.
- F. Doug Ficken asked what is the maximum amount for purchases before they must go out for bid.
- G. Brett Sanderson said anything over \$3,000.
- H. Frank Heald said that the chief had come in with this package about a month ago. He added that all three quotes have differences in the equipment. Some have different software and

- some download differently. It is hard to specify this equipment exactly because they are all just not the same.
- I. Bruce Schmidt said that he does not think this is good fiscal responsibility. It is a significant amount of money and companies are hungry now.
 - J. Frank Heald said they could put it out to bid.
 - K. Bruce Schmidt asked if the existing systems are working and does it pose a safety factor?
 - L. Frank Heald said that at least one of the cameras is not working.
 - M. Brett Sanderson said that he does have 3 bids.
 - N. Doug Ficken said that the chief had mentioned that he needed these early in the spring. He added that it is helpful to have cameras in the cars.
 - O. Bruce Schmidt said that it is helpful to put these things out to bid. He thinks we need to stay very transparent.
 - P. Howard Barton said that they should follow the policies, but that there are 3 quotes and that there are differences in the prices.
 - Q. **MOTION by Bruce Schmidt and seconded by Doug Ficken to accept the quote from Digital Alley Digital In-Car Video System for Police Cruisers for \$12,975.00. Motion passed unanimously.**

6. **Receive and Act on Errors and Omissions from the Ludlow Board of Listers**

- A. Howard Barton noted that there are 9 properties on the list.
- B. Terry Thane said they were overlooked during the grievance process.
- C. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to accept the adjustments to the Grand List as presented by the listers. Motion passed unanimously.**
- D. Terry Thane said that he thought that the issue of the reappraisal would have been on the agenda tonight. He said that, looking at these adjustments; it would be a nightmare if we don't do adjustments and maintenance to the grand list. The condos are the worst, followed by the village. We will be forced by the state to reappraise soon. In fairness to property owners, we should do it. We have \$180,000 available for reappraisal.
- E. Doug Ficken said that they had discussed hiring an assessor, at the last meeting.
- F. Terry Thane said that the listers are not all in agreement on that.
- G. Frank Heald said that the listers are elected on staggered terms. State statute sets up the listers. They are the only ones that can hire outside help, but the Select Board controls the funds that are available. It is their option to hire an assessor. There are only 2 ways to change this; the legislators can change the statute or the town can do something with a charter. You can adopt a charter that is exactly the same as the current one, except you would leave out items dealing with listers. It is not a short process and would probably take about 2 years. It would have to be approved by the voters and by the state.
- H. Bruce Schmidt asked what the listers have that shows this board that we need to reappraise. He added that he is very cautious about this. There will be some properties that the value will increase.
- I. Terry Thane said that he would be very surprised if any went up. He said that the COD is currently at 18.6 and that Margot Martel's husband took all of the samples and estimated that it will rise to 23-24 soon. Anything 20 or higher and the state mandates reappraisal. If it is not done on time or they do not like it, there are problems and they can withhold funds.
- J. Frank Heald said that the COD (Co-efficient of Dispersion) measures the spread of prices above and below market value. As that spread increases, the state says that the values are not

valid. The net effect does not necessarily mean that the tax burden will increase. The state still needs the same amount of money. It is a complicated, inequitable system.

- K. Terry Thane said that the state says that it is our job to be at 100% by every April 1st. We can fix the worst ones now and do the village next year. We have funds available for grand list maintenance. He would like to adjust our budget for lister site visits. The listers spoke to the assessor who did the reappraisal last time and another one who is not familiar with our software program. This needs to be transparent. We can do the data gathering and the assessor can do the computer work.
- L. Frank Heald said they will have more information at the October meeting.
- M. Howard Barton said yes.

7. **Update on Transfer Station Scale Issues**

- A. Frank Heald said that they went through the bid process and looked carefully at the bids that were submitted. You cannot compare them because they are so different. There are 2 different types of installations; one has a cement base and the other has a steel building. George Fairchild went to cement contractors to get prices and will have the costs for the October meeting.
- B. Howard Barton asked if this would be completed before the winter.
- C. Frank Heald said that he hopes so.

8. **Side Hill Cronchers Snowmobile Club Road/Trail Request**

- A. Howard Barton advised that this is an annual request to use the same town roads and trails each year. There have never been any problems.
- B. Brett Sanderson noted that Cobblestone Road is listed twice and that Smoke Rise is not a town road.
- C. **MOTION by Bruce Schmidt and seconded by Doug Ficken to approve the request from Side Hill Cronchers for 2010-2011. Motion passed unanimously.**
- D. Bruce Schmidt said they really do a good job on signage and keep on top of things.

9. **Village Streetscapes Re-Dedication of the Daniel Kesman Memorial Park**

- A. Frank Heald advised that Streetscapes would like to re-dedicate the park to Daniel Kesman and everyone is invited. It will be on October 9th at 11:30 a.m. at the park.
- B. Board members all agreed.

10. **Consider Social Host Ordinance**

- A. Frank Heald advised that this suggestion came up at meetings at the schools. There were concerns about underage drinking and the community and police want the best possible job to protect youngsters.
- B. Brigid Sullivan that the schools are concerned about problems with drugs and alcohol. A committee met from November through May and identified problems where the youth fall through the system. There are problems with the diversion program and there is the question

- of what schools may and may not do. There is a tougher Athletic Co-Curriculum that has been adopted by the schools. There is an Internet safety program. The ordinance would allow for civil fines for hosting underage drinking parties. It would allow the local police to access fines to anyone in violation of the state statute.
- C. Bruce Schmidt asked what other towns have done this.
 - D. Brigid Sullivan said that the bigger cities have done it.
 - E. Bruce Schmidt asked how it would work if the property owner should have known about a problem. Is there any protection for people who don't know?
 - F. Brigid Sullivan said that is a problem, especially for people with large areas of remote locations. The wording of the ordinance specifically says "knowingly host." You have to be aware and this would be determined by individual's situations.
 - G. Bruce Schmidt asked how you would determine what to do for trespassers.
 - H. Brigid said you would have to ask the police.
 - I. Joanna Bombadil asked if this is actually a problem.
 - J. Brigid Sullivan said there are a number of parents who will provide alcohol to their children, saying they would rather the children drink at home where they can supervise them. Research shows that the younger children start drinking, the greater the risk toward alcoholism.
 - K. Leo Graham said that serving alcohol to minors is already illegal in this state. Does this lower the burden of proof for the police?
 - L. Brigid Sullivan said that she is not an attorney, but it is illegal to serve alcohol to people who are underage. This provides the funds for the local police to cover their costs for breaking up parties and going to court.
 - M. Bruce Schmidt said that more people are getting involved, trying to help and so something, including the schools and towns.
 - N. Joanna Bombadil said there should be a presumption of innocence. She had a party and the police came to check on it. She hopes that the police aren't just checking on houses because teens live there.
 - O. Frank Heald said there is a very fine line that the law enforcement people must walk. He referred to the recent incident where young people were trespassing on a property and the home got burned down. We walk judiciously and err on the side of safety.
 - P. Howard Barton asked the reason for this ordinance.
 - Q. Brigid Sullivan said this would enable the local police to collect fees for time and expenses for breaking up parties and going to court. The local police are already mandated to arrest and this supports the state statute.
 - R. Leo Graham asked – under the current laws – who get the fines that are collected if Ludlow police break up a party.
 - S. Frank Heald said that the state does.
 - T. Bruce Schmidt said that the state also likes diversion. He said that he did not see any negatives to this. He said that he would want the police to step in and come to the door of his house. Normally, a situation with cars on the road. He said that he has not heard of a situation like Joanna Bombadil described. He said we should support this.
 - U. Howard Barton asked about fines.
 - V. Brigid Sullivan cited Section 9 – 9.02, 9.03, 9.05 and 9.06 of the proposed ordinance. She said that currently, the state would fund the local police in situations such as prom nights.
 - W. Howard Barton asked what the letter from Brady and Callahan said.
 - X. Frank Heald said that the town has the authority to enact an ordinance. There is no real direction.
 - Y. Howard Barton asked if the town spends a lot of time and expense on these situations.

- Z. Frank Heald said this is to put a local spin on a state ordinance and for the town to recover some money. The Genesis of this is in response to concerns of groups of citizens. It will not make dramatic changes with it and it represents local attitude on social issues.
- AA. Bruce Schmidt asked if the board needs to adopt it tonight.
- BB. Frank Heald said no. This was just to get it out. There would have to be public hearings to get voter input.
- CC. Howard Barton asked Frank Heald to start the process for public hearings.

11. Projects Updates

- A. Armory Project
 - 1. Frank Heald advised that the project is on schedule and budget. He expects substantial completion by October 1st. He met with the superintendent today and was told that there will be no school for students on October 21st and 22nd and that would give us 4 days to make the cafeteria move. It makes sense to do it then. Most of the doors and windows are in. The cafeteria has been painted, the floors are done, the lights are done and the sprinklers are in. The sub-contractors are done in the community room. The upper part of the gymnasium has been painted and the floors were sanded today. The outside roof is finished. In the leased portion – the Tank Barn – the Black River Good Neighbors sheet rock and insulation is done. The LPC section is behind that. Site work is progressing.
- B. Water/Sewer
 - 1. Frank Heald said that they have one more dig at the bottom of Andover at Route 103. They did the 6” by the fire station, today. They will pave Depot and Pond Streets this week. Lines to the tank are being flushed. Most of the connections are now on the new line. The sewer line manholes are $\frac{1}{3}$ to $\frac{1}{2}$ the way up Andover. The inverters are being installed. The project is coming along fairly well. There have been complaints about potholes and they try to handle them the best they can.
 - 2. Bruce Schmidt asked if they would do Depot Street this week.
 - 3. Frank Heald said that he has been told that the pavers will be here this week. They would like to get out of there sometime in October. They are making good progress with the sewer installation.
- C. Walker Bridge
 - 1. Howard Barton asked about Walker Bridge
 - 2. Frank Heald said they are waiting for one more quote and expect it in 2-3 weeks.
- D. Dorsey Park
 - 1. Bruce Schmidt asked about Dorsey Park.
 - 2. Frank Heald said he went there today for a walk through. He said there is a lot of traffic in center field. Homestead came and core aerated again and he does not know why, but it was not helpful. He said that the area in front of the benches had been watered after they put down the sod, but that it went over the weekend with water and died. They will have to fix that in the spring.
 - 3. Bruce Schmidt said that the field was tearing up in some spots, but overall it is not that bad.
 - 4. Frank Heald said they will have to keep after it in the spring.

12. Department Head Reports

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

13. **Other Business**

- A. Traffic Circulation at Schools
 - 1. Bruce Schmidt asked how the bus changes are going at the schools. How does Dan Parker think it's going. He is hearing things on the school side. He is concerned about bus pick up at the end of the day. They stop traffic then, but do not in the morning. He would like a report for the next meeting.
 - 2. Frank Heald said that Dan Parker says they are working out the kinks.
 - 3. Bruce Schmidt said it would be good for Dan Parker to give us an update.
- B. Cities and Towns Managers Meeting\
 - 1. Frank Heald advised that he had been awarded the Outstanding Achievement Award for 2010. He said that he feels that the award should be for the Select Board, Trustee, Water Commissioners and all of the staff. He said that he wanted to tell them before they read it or heard it somewhere else.
 - 2. Bruce Schmidt said that he wishes they had heard this before and congratulated Frank Heald.

14. **Sign Warrant Orders**

- A. Warrant orders have been signed.

15. **Set Date for October Meeting**

- A. Next meeting will be held on October 4, 2010.

16. **Possible Executive Session/Contracts**

- A. Frank Heald advised that a brief Executive Session is needed.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to enter into Executive Session. Motion passed unanimously.**
- C. Board entered into Executive Session at 8:30 p.m.
- D. Board exited Executive Session at 9:00 p.m.
- E. **MOTION by Brett Sanderson and seconded by Doug Ficken to instruct Frank Heald to sign the collective bargaining agreement between the Town of Ludlow and IBEW #300 for the time period of July 1, 2010 thru June 30, 2013. Motion passed unanimously.**

17. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 9:02 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal