

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

**PUBLIC HEARING AND
REGULAR MEETING**

September 21, 2009

BOARD MEMBERS PRESENT:

Howard Barton, Chairman
Douglas Ficken

John Neal
Brett Sanderson

Bruce Schmidt

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Gary Barto
Jeff Billings
Rose Goings

Leo Graham
Richard Harrison
Ralph Pace

Duncan Love (LPC-TV)

PUBLIC HEARING TO RE-ADOPT MUNICIPAL PLAN

1. Howard Barton called the hearing to order at 7:00 p.m. He explained that this was to discuss re-adopting the town plan. He asked for comments from board members or citizens.
2. Frank Heald advised that since the population of Ludlow is over 2,500, state statutes require 2 public hearings. This is the first.
3. John Neal asked if there were any changes made to the current town plan.
4. Rose Goings said no.
5. Frank Heald said that the Planning Commission is working on an update for the town plan. The process must be revisited every 5 years.
6. Howard Barton advised that the next hearing would take place at the November Select Board meeting.
7. **MOTION by Doug Ficken and seconded by John Neal to close this hearing. Motion passed unanimously.**
8. Hearing closed at 7:04 p.m.

REGULAR MEETING OF THE LUDLOW SELECT BOARD

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:05 p.m. All members present.

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of August 17, 2009.
- B. John Neal noted that Howard Barton had been left off the "MEMBERS PRESENT" box.
- C. **MOTION by Brett Sanderson and seconded by John Neal to approve the minutes from the regular meeting of August 17, 2009 as corrected. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Liquor Control Board**

- A. Pot Belly Pub
 - i. Frank Heald advised that this is for their reference only. The Pot Belly is requesting an outside liquor consumption permit for October 10, 2009. Ulla Cook will sign the permit.

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- B. Cool Moose Cafe.
- i. Frank Heald advised that Gary Barto, the applicant is present tonight.
 - ii. Howard Barton asked Frank Heald if the applicant needs to be a resident of the state. (This was asked at the last meeting.)
 - iii. Frank Heald said no.
 - iv. Gary Barto advised that he is a resident and lives in South Reading, VT. He advised that he wishes to open during the first week in November.
 - v. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the application. Motion passed unanimously.**
5. **Appoint Recreation Committee Member**
- A. Howard Barton advised that there were two applicants to fill the un-expired term of a member who had resigned from the committee. The applicants are Pam O'Neill and Joe Gurdak.
 - B. Frank Heald advised that Pam O'Neill had withdrawn her application, but would like to be considered at a future time. He added that she would be a marvelous addition.
 - C. **MOTION by John Neal and seconded by Doug Ficken to appoint Joe Gurdak to the Recreation Committee. Motion passed unanimously.**
6. **Appoint Zoning Administrator and Assistant Zoning Administrator**
- A. Frank Heald advised that he had downloaded the minutes from the Planning Commission and it had recommended the appointment of Rose Goings for Zoning Administrator and Frank Heald for Assistant Zoning Administrator.
 - B. **MOTION by John Neal and seconded by Doug Ficken to appoint Rose Goings as Zoning Administrator and Frank Heald as Assistant Zoning Administrator. Motion passed unanimously.**
7. **Report of the Ludlow Armory Committee**
- A. John Neal advised that he had been elected Chairman of the committee. He said that the committee has held 2 public hearings and held 7 committee meetings. He said that at the public hearings, the committee had taken comments and suggestions from those present and had compiled a matrix indicating various suggested uses. He distributed copies of the report and said that each use had been assigned values of 1 to 5 based on people who wanted those uses. The uses were broken down into 4 categories: Community, Recreation, Education and other. There was a lot of interest in a commercial kitchen. There was interest in maintaining the museum memorabilia. There is discussion with Black River Good Neighbors and LPCTV to rent space in the tank barn. The next meeting will be on September 24, 2009. The committee hopes to be able to present its recommendations to the Select Board by November.
 - B. Bruce Schmidt asked where the schools fit in.
 - C. Doug Ficken said that the superintendent of schools gave an update to a meeting of the joint school boards last week. The schools are interested in the kitchen for school lunches.
 - D. Frank Heald said that the Physical Education Department is interested in the gym.
 - E. John Neal said that the music department would like to hold band practices there.
 - F. Bruce Schmidt said that he is glad to see people coming together on this.
 - G. John Neal said that Wayne Hammond thought that the tank barn should be used to store town equipment.
 - H. Frank Heald said that he told Mr. Hammond that our job is to manage the town's assets and get the best use and most value to the citizens. His analysis indicated that these organizations serve a greater purpose than storing buses.
 - I. Howard Barton asked if we wouldn't save more money keeping the buses inside in the winter than having them idle using fuel and causing pollution.
 - J. John Neal said that Wayne Hammond was comfortable with Frank Heald's answers.
8. **Receive & Act on Errors & Omissions from the Ludlow Board of Listers**
- A. Property owner: Kevin McCann, Trustee of the Pauline Roncari Revocable Trust. Property Address: 522 Preedom Hill Road South. Value changed from \$820,100 to \$835,000 due to parcels merging.
 - B. Bruce Schmidt said that at some point this board needs to have a discussion about Rutland and Stratton.

- C. Frank Heald said that the Stratton Listers decided to reduce the grand list after the CLA had been published. It took \$2,000,000 out of the state revenues. It is not legal and the state will litigate. In Rutland, one lister was concerned that the company that did the reappraisal rated the properties about 10% higher than they should have been rated. Towns have to follow a procedure and we will need to get a professional opinion on this.
- D. Bruce Schmidt asked what VLCT says about it?
- E. Frank Heald said they are not involved.
- F. **MOTION by Bruce Schmidt and seconded by John Neal to accept the Errors and Omissions report from the Listers as submitted. Motion passed unanimously.**

NOTE: Frank Heald requested that the board amend the order of the agenda and address Item 12 at this time. The board agreed. Minutes are in agenda order.

9. **Review Sign Regulations**

- A. Frank Heald advised that board members had requested copies of the Village sign ordinance at the last meeting. He advised that signs are not allowed on town property and the park is town property. The town received a letter from the Museum about signs they had put in the park that had been removed.
- B. Howard Barton asked if the town has an ordinance.
- C. Frank Heald said it is covered in the Zoning Regulations. He added that off premises advertisements are not allowed in Vermont. Our opinion is that if you enforce one sign, then you must enforce them all.
- D. Bruce Schmidt asked if non-profits are any different.
- E. Howard Barton said that you can put a sign on your front lawn, but it must meet the requirements of the sign ordinance.
- F. Frank Heald said that there are certain exceptions regarding state signs, such as those for official state or municipal entities.
- G. John Neal asked if there is a "One Day" event sign permit? He would like to discuss this with Rose Goings.

10. **Discuss Ranta Road Discontinuance**

- A. Frank Heald said that he went through all of the records and has put together everything that he could find on the issue. When he first started as Town Manager, he found out that there were questions about Ranta Road. He is convinced that no documents exist. We need to give up the area of Ranta Road on the Okemo property from the other side of the cul-de-sac. He is concerned about the disposition of the gate. We don't want people crossing over Okemo Ridge Road. We will need control there; it could be the gate or making the road one-way west/northbound. We also need an easement from Okemo for use of the cul-de-sac. He could not find any DRB or Act 250 permits that address the gate or traffic flow on Ranta Road. If the board wishes to proceed, they need to schedule a public hearing at the November meeting.
- B. John Neal asked if changing the traffic flow or taking out the gate will create issues for the people who live there. The gate is not all bad.
- C. Howard Barton said that initially, the gate was closed in the winter. Now, one resident does not want cars on the town road and wants the gate closed all the time. It is also a hardship on the utilities to have the gate closed. When the gate was used properly, it was good. It is not right to close the gate just for one person.
- D. John Neal said that during the busy time at the mountain, the gate should be closed.
- E. Bruce Schmidt asked who would set the dates when the gate would be closed or determine when it was to be considered as busy.
- F. Brett Sanderson asked who would be in charge of locking and opening the gate.
- G. Bruce Schmidt said that Okemo would probably turn the keys over to the town.
- H. Frank Heald said that if the town throws up that portion of the road, there have to be some very clear rules about who has the keys to the gate.
- I. John Neal asked Frank Heald to draft, for the board, a report of discontinuing the portion of the road and guidelines for the gate.
- J. Doug Ficken asked who owns the gate and the property that it is on.
- K. Frank Heald said that Okemo put up the gate and the town owns the property.
- L. Howard Barton said that Ludlow was trying to keep its highway mileage constant, so it gave up the part of the road from the other side to the intersection,
- M. John Neal asked how the gate came up.
- N. Howard Barton said discussions about traffic.
- O. John Neal asked if Okemo wants the gate.

- P. Bruce Schmidt said you would have to ask them.
- Q. Frank Heald confirmed that he would proceed with the process for the town to give up part of the road and retain the east side and would draft a policy for guidelines for the keys to the gate.
- R. Howard Barton said there will be a public hearing.
- S. John Neal asked Jeff Billings if he has a copy of the key.
- T. Jeff Billings said he did not know.
- U. Howard Barton said the Electric Company does not have a copy.
- V. John Neal said that the emergency services should always have access to the gate.

11. Discuss Cemetery Building Permit Fee Exemption

- A. Frank Heald advised that a letter was received from the Cemetery Commission requesting waiver of the permit fee for the building.
- B. Bruce Schmidt asked if we waiver the fees for town buildings, such as the Emergency Services Building and Dorsey Park.
- C. Frank Heald said that we typically do waiver the fees for town (government) buildings. However, the Cemetery Commission is not part of the town government. They have their own budget and rules.
- D. Brett Sanderson suggested waiving the fees across the board for town buildings.
- E. John Neal said that the Cemetery Commission has an independent budget.
- F. **MOTION by Bruce Schmidt and seconded by John Neal to waive the permit fee for the Cemetery Commission building. Motion passed unanimously.**
- G. Bruce Schmidt said that waiving of fees for municipal buildings should be discussed at a future meeting.

12. Open Police Cruiser Bids

- A. Frank Heald advised that 10 bids were sent out and one other company requested being put on the bid list. Only 2 bids were received.

BIDDER	VEHICLE	PRICE	
Mulkin Automotive, Newport, VT	2010 Dodge Charger	List:	\$23,017.00
		Less trade:	<u>\$8,530.00</u>
		Net Price	<u>\$14,517</u>
			<i>(Sic: \$14,487)</i>
Benson Chevrolet	2010 Impala	List:	\$27,090.00
		Less trade:	<u>\$11,490.00</u>
		Net Price	\$15,600.00

- B. Bids were given to Chief Billings for review.
- C. Chief Billings reviewed the bids and advised that he would like to wait until the next meeting to make a recommendation. The 2 vehicles are different and he has not had a Charger. He would like to contact other Police Departments that have one and get some input. The department has had good luck with the Impalas. He needs more time to study the bids.
- D. John Neal asked about service availability for the Dodge.
- E. Brett Sanderson said Springfield.
- F. Jeff Billings said the garage could do the oil changes.
- G. Frank Heald noted that the Dodge is rear wheel drive.
- H. Jeff Billings said that is another concern that he has.
- I. Board agreed to wait until their next meeting.

13. Department Head Reports

- A. Howard Barton advised that all reports are in.
- B. **Recreation Committee**
 - i. Bruce Schmidt said that the minutes from the Recreation Committee indicated a problem with the school.
 - ii. Frank Heald said that Howie Paul and the Athletic Director have been having some discussions.

14. Other Business

- A. Delinquent Tax Payer Report
 - i. Frank Heald advised that the deadline for delinquent taxpayers is today. People need to either pay the taxes or make arrangements to pay them. If they do not, the town will proceed to the next step. There are 18-20 taxpayers who have made payment agreements. He tries to be as flexible as possible. Generally, we try to get 20% down and the balance on a monthly basis. It amounts to about \$133,700 in payment agreements. There is \$4,800 due in taxes of less than \$500 and we let that accrue. There are 35 taxpayers who have ignored us with taxes amounting to \$212,000 and we will proceed with tax sales on those properties.
- B. Water Project
 - i. Bruce Schmidt asked how the water project is going.
 - ii. Frank Heald said the contractor is generally getting up to speed. They started at the worst spot. There will be a second crew coming in next week. The tank site work has also begun.

15. **Possible Executive Session – Personnel/Contracts**

- A. Frank Heald said that an Executive session is needed.
- B. MOTION by Brett Sanderson and seconded by Doug Ficken to enter into Executive Session. Motion passed unanimously.
- C. Board entered into Executive Session at 8:20 p.m.
- D. Board exited Executive Session at 8:48 p.m. No action taken.

16. **Sign Warrant Orders**

- A. Warrant orders have been signed.

17. **Adjourn**

- A. **MOTION by John Neal and seconded by Doug Ficken to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:49 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal