

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

May 19, 2008

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman Bruce Schmidt
Brett Sanderson Earl Washburn

MEMBERS ABSENT:

John Neal

STAFF:

Frank Heald Pam Cruickshank

OTHERS PRESENT:

Laura Beliveau	Jay Jurkoic	Dan Parker
Don Buswell	Marilyn Ledoux	Ted Reeves
Jean Frangiose	Ray Martel	Don Stryhas
Mario Frangiose	Margot Martell	Terry Thane
Fred Glover	David Norton	Duncan Love (LPC-TV)
Leo Graham	Ralph Pace	

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 6:00 p.m.
- B. 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 April 21, 2008.
- B. **MOTION by Brett Sanderson and seconded by bsc to approve the minutes from the Regular Select Board April 21, 2008 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. Ray Martel – American Legion/Ballard Hobart Post #36
 - i. Rmt said that he has some difficult news to relay. The American Legion usually sponsors the 4th of July fireworks, but due to funding and increased costs, the program is in jeopardy. The Legion has held raffles to offset the costs, but have not received enough money this year. He is here to request assistance from the town.
 - ii. Hba asked if they had tried reaching out to businesses.
 - iii. Rmt said that the legion has approached about 25 businesses and did get donations, but it is not enough
 - iv. bsc asked if there was a commitment date for the Legion to advise the vendor.
 - v. Rmt said the prices went up this year to \$9,000. There is another company available that would charge \$6,000 for a smaller show, but they are not available on the 4th. The Legion has hesitated in going to Okemo as Okemo sponsors other fireworks displays and contributes so much to the community. He has to let the vendor know by tomorrow.
 - vi. Bsa asked frh if there are any funds available from the town.
 - vii. Rmt said that he is here to ask for an annual allocation from the town, not just for this year.
 - viii. Frh said that this budget year ends in 1 ½ months. There are no miscellaneous funds allocated for next year. They start the budget process for 2010 in November

- and that is when they could put in for an allocation. Any money now would have to be from surplus or out of the 2009 budget.
- ix. Bsc said that the Legion is where people always go to for assistance. We should try to do what we can, even a token gift. It is important to possibly put this as an article before the voters at town meeting. The process includes the applicant writing a letter to the board and it is put before the voters. Once approved it goes in every year.
 - x. Rmt said that he will follow those steps for the next budget. Now, he is appealing to the citizens (via LPCTV) and town for assistance and support.
 - xi. Ewr said that the American Legion is an outstanding citizen and is always there to assist. The town may be able to do something with the Recreation department or an article.
 - xii. Bsa asked if there is anything left in this year.
 - xiii. Ewr asked frh to see what can be done.
 - xiv. Rmt asked if hba would get back to him.
 - xv. hba said he would.

4. **Open Ambulance Bids**

- A. Hba advised that 3 bid requests were sent out and only one bid received. The one bid was from Greenwood Emergency Vehicles for \$156,300. He asked what would be done with the old one.
- B. Don Buswell said it would be sold.
- C. Hba gave the bid to Don Buswell to review.

5. **VT Public Service Department RE: Southern Loop Project**

- A. Lbv advised that she is here to represent the Department of Public Service when it appears before the Public Service Board regarding the Southern Loop Project. This project will only affect Ludlow at the border. The department must meet with all towns affected by the project. She is not representing any one town or any individual land owner. The department has a team of experts who are preparing the report that will go before the Public Service Board.
- B. Bsc asked her to explain upgrading the wire vs. expanding the width.
- C. Lbv said that VELCO has a ROW that has a set of 345 kV wires. They wish to put in another set that is the same as the existing set. The benefit would be more reliability and less threat for both sets being damaged by trees or lightning. It would be an independent set of lines. One half of Vermont electrical loads pass through the existing lines. There would only be one set of poles. They would keep the existing lines and the engineers are looking into adding a lower voltage line.
- D. Hba said it would look the same as by the Sugar House.
- E. Bsc asked how does VELCO argue reliability when they have not had serious problems in the past.
- F. Lbv said that the engineers have done forecasts and models and anticipate that they will have increasing loads especially during peak situations. They need the new lines in place by 2010 or 2011 to avoid potential failures.
- G. Frh said the existing lines go from Vernon to Coolidge and from Coolidge to Cold River. The existing lines will decrease from 345 kV to 115 kV and the new lines will be 345 kV.
- H. Bsa asked about switching the feed from Vernon to Coolidge.
- I. Bsc said that CVPS does tend to have a lot of problems.
- J. Lbv said that they will upgrade the feed to CVPS to shore up their transmission problems. CVPS is a co-petitioner.
- K. Bsc said that he is concerned about the landowners and easements. The swath is very visible from many locations. There will be more trees cut and more pesticides. Even though it is only a small portion in Ludlow, he hopes that the engineers have looked at all sides of the issues.
- L. Lbv said that the Public Service Board had a hearing in Newfane and people spoke about the issues and needs. If anyone is interested in it, they can GOOGLE Vermont Public Service Board and look for docket #7373. Other towns have also intervened. Hearings will be in October and November.
- M. Hba asked about construction..
- N. Lbv said that if everything goes as proposed, they would start soon and the lines would be operating by 2011. She added that she would like to thank Pam Cruickshank for her assistance.

6. **Liquor Control Board**

- A. Howard Barton said there are two businesses up for renewal of their liquor licenses and that Chief Billings has approved them.
 - i. Chef Mei Chinese Restaurant, applicant is Shu Yun Yei Mei. Location is 14 Main Street
 - ii. Tom's Loft Tavern, applicant is T.B.K Inc. Location is Okemo Access Road
- B. Frank Heald said that taxes are current.
- C. **Motion by Bruce Schmidt and seconded by Brett Sanderson to grant approval for the renewal of the liquor licenses for above. Motion passed unanimously.**

7. **Consider Updated Road Cut Policy**

- A. Frank Heald advised Ron Tarbell and Pam Cruickshank have worked on this. They have included items that were unclear such as encasing underground utilities. The board needs to discuss the amount of the bond, given that the cost of hot mix and repairs is more than \$500.
- B. Hba noted that the power company is not listed under EXEMPTIONS.
- C. Frh said that would be added.
- D. Bsa suggested increasing the bond to \$1,000 as he does not feel that \$750 would cover all costs of labor and materials and gas.
- E. Frh said he would not be opposed to that.
- F. Bsc asked how long the town keeps that bond money after the repairs are made.
- G. Frh said until the project is approved.
- H. Bsc commented about the repairs in front of the Pot Belly.
- I. Bsa said the town maintained that until it was fixed today.
- J. Frh noted that you can't do hot mix in the winter, a cold patch was done.
- K. Bsc said that on the main thoroughfares, if the repair is not done correctly, it might be 6 months later and they have big lifts.
- L. Hba said it takes time to compact it down.
- M. Bsc asked who says when the funds are returned.
- N. Frh said Ron Tarbell.
- O. Bsa said that if something happened one month later, it could be an issue.
- P. Bsc agreed with increasing the bond to \$1,000.
- Q. Bsa said they can't do the permanent fix until the hot mix plants are open.
- R. Bsc asked about penalties for cutting without approval.
- S. Frh said the town would need an ordinance for that.
- T. Hba said that Comcast does that a lot.
- U. Bsc said the town needs something with teeth.
- V. Hba said the fee is \$25.
- W. Bsa said that it takes time and gas to inspect even the small jobs.
- X. Bsc said he hates to nickel and dime the homeowners.
- Y. Bsa said that \$50 would cover the costs.
- Z. Bsc agreed on the \$50.
- AA. Frh said they would add the power company to the exemptions, change the fee to \$50 and increase the bond to \$1,000 to be retained until 60 days after the permanent fix is complete.
- BB. Hba said that by law, people also need to use proper, legal signs.
- CC. **Motion by Brett Sanderson and seconded by bsc to move the Road Cut policy as amended. Motion passed unanimously.**

8. **Junkyard Complaint RE: Spaulding Property on 22 Glebe Road South**

- A. Frank Heald advised that the file is now reasonably complete and ready for your review. As per the ordinance, he has tried to resolve the situation informally and sent a letter to the Spauldings requesting a schedule for cleaning up the property.
- B. Jean Frangiose gave the board pictures of the property.
- C. Frh said that now the Select Board needs to send a formal Notice of Action to the Spauldings under Article 4 of the ordinance.
- D. Hba confirmed with frh that frh has made very attempt to resolve the situation.
- E. Frh said that he has done his best.
- F. Bsc referred to the Spaulding's letter saying they would remove the trailer.
- G. Frh said they have the option to effectively screen or remove the junk.

- H. Bsa asked if they would be given 30 days.
- I. Frh said that if they do not comply, they are fined \$500 per day and that rate is set by the state.
- J. Bsc commented that what is frustrating is the time involved.
- K. **Motion by Brett Sanderson and seconded by bsc to give the Spauldings 30 days to resolve this and if they have not, the town will notify the state.**
- L. Mario Frangiose asked if the ordinance includes trucks as well as the trailer.
- M. Frh said it includes junk vehicles also.
- N. **Motion passed unanimously.**

9. **Review Municipal Transit Bus Bids / Award Contract**

- A. Frank Heald advised that he has provided a matrix comparing the bid results. There is a typo in the DATCO line, the bus is a 66 passenger and 1 wheel chair. There is a letter from Dan Parker included. frh added that his brother is the representative for DATCO. He continued saying that Dan Parker and he would like to continue with the International vehicles as all of the fleet is International.. They are easy to deal with and have common services and are a known quantity.
- B. Dan Parker said that Freightliner is more unknown. He never had one and doesn't know about having them serviced. He deals with Reeds and would prefer to stick with International. They have 3 and have had good luck with them.
- C. Bruce Schmidt said that International is a big company. His question is, is this an opportunity to try another make. What about references.
- D. Dan Parker said that he called his ex-supervisor and he said they are comparable, but does not know about maintenance.
- E. Bsa said that all of the fire trucks are serviced by L&B and he has had good luck with them. Also, their service department operates from 7:00 a.m. to 12:00 a.m, while Reeds only operates on an 8-hour day.
- F. Hba said that the Electric Department has had Freightliners in their fleet for 8 years and have not had any problems with them. They also have Internationals and have not had any problems with them either.
- G. Bsc said that this is a bid process and he is nervous. There is a \$3,000 difference and he feels that we need to respect the bid process. Again, it is an opportunity to see what is out there.
- H. Ewr asked if capacity is an issue.
- I. Dan Parker said no.
- J. Hba asked about the warranty policies.
- K. Frh said they are in the packet and highlighted. They are all pretty much the same.
- L. **Motion by Bruce Schmidt and seconded by bsa to accept the low bid price of \$81,295 from N.E. Transit Sales**
- M. Hba asked about the old bus.
- N. Frh said they would sell it outright.
- O. Dan Parker said they should get good money for it.
- P. **Motion passed unanimously.**

10. **Receive Amended Subdivision Regulations**

- A. Frh advised that a copy of a letter from the Planning Commission was included in the packets along with a copy of the proposed Subdivision Regulations. Fgl is present and John Neal does have input to make.
- B. Fgl said that he noted that the agenda only indicated that the board would receive the regulations at this meeting. The plc has worked on this document for 1 ½ years. They view their role to look at the constituents. Rgg came to the plc in September 2006 and advised that the Subdivision Regulations needed some changes. These regulations have been in effect since 1998 and there has been some frustration voiced by DRB members as well as members of the public regarding these regulations. There is not enough guidance for the DRB or applicants. The plc tried to address these concerns. As drafted, the document is lengthier than the existing regulations. The DRB has, over the years, developed a body of case law. Pca has attended plc meetings and provided inout and supports these regulations. They provide guidance for the DRB as well as the applicants. We needed to fill in the gaps in the existing regulations. We also needed to address exceptions. Everyone should be treated the same. A simple subdivision should not require as much work, except when it poses an administrative problem. It is set up that all applicants get preliminary hearings.

- C. Bsc asked if rgg or pca had certain items that caused them angst. The existing regulations have been in effect since 1998 and have worked. Also, was any thought given to the idea that this is just more of a process for people to go through.
- D. Fgl said that he is hesitant to speak for pca or the DRB. There has been feedback from applicants that there is additional work required that is not in the current regulations. Also, the physical character of the land, topography, slope, abutting properties, wells, and septic systems are now addressed. Also the DRB will not have to interpret whether or not they have the authority to require certain things. These offer more clarity, guidance and detail.
- E. Bsc said that the process is too much for a simple subdivision.
- F. Fgl said it really is not much more and that there has been language added for developmental waivers. Also, people will know, up front, what they are required to do.
- G. Hba said that this board will discuss this further at their next meeting on June 2, 2008 and John Neal will also be present.
- H. Bsc said that the board would also like pca and rgg to be present.
- I. Don Stryhas said that he attends all of the meetings and he tried to get the plc to change the regulations, but he can't get it done. The DRB is too strict and Act 250 is too strict. It is driving businesses out of Vermont.
- J. Frh said that there will be a general discussion regarding the proposed Subdivision Regulations at the next Select Board meeting on June 2, 2008 and it is requested that fgl, rgg and pca attend that meeting. This board will need to hold two public hearings after that meeting, one not less than 30 days after the meeting and the other not more than 120 days after the meeting. They would be in July and August.

11. **Jay Jurkoic RE: Thomas & Martha Curry**

- A. Jju advised that there was a conference call with Judge Durkin and he suggested that the Currys and the town try to come to a compromise. It was supposed to happen before now. Jju is representing the Curry's because they live out of state. There are some issues that are legal and others that are personnel related.
- B. Hba said that this board can't get into legal matter and can't jeopardize the case. They are on the outside of the situation.
- C. Jju said the Currys bought a camp at 47 Red Bridge and wanted to do some repairs. They added 25 square foot plus walkways. They eliminated 224 square feet of living space. The DRB rejected their application and it went to Environmental Court in September. October 31, 2007 rgg sent a letter with the file to ecrt. The Currys say that the full file did not exist because the audio tape did not exist. The tape was blank. The judge gave a time line to the Currys. In the motion to reconsider, the Currys were told that they could not rehash old testimony, so, the judge wanted the tape. Chris Callahan said the tape was blank. State law says that if there is not adequate audio, this must be a de novo hearing. The judge proposed a compromise or else reconstruct the record and agree on a settlement. There are also implications that could affect the town.
- D. Bsc said he still does not know how the Select Board can supercede zoning law and a decision of the DRB. He struggles with this and wonders where this board draws the line. We have talked about this for 6 weeks. We have to respect the DRB, but still do not want people to be jerked around.
- E. Jju said the judge wants something by Friday. This has already been extended because the Select Board never received the files that Chris Callahan was supposed to have sent. The case is in ecrt now, not with the DRB. It will now be Judge Durkin's decision. The audio tape is missing in a town that is on the record. If this hearing goes de novo, it will be a question of if Ludlow will continue to be on the record or de novo.
- F. Hba said that would not happen because of just one tape.
- G. Jju said there have been others, one in 1999 at the Jackson Gore hearings and one in 2003.
- H. Ewr said that if this was a concern, wouldn't the Select Board have heard from Chris Callahan or the DRB.
- I. Frh noted that the tape and video both failed on the same evening.
- J. Jju said that they have been sitting on this for 7 months for reasons of recordings and other reasons not to be discussed in public.
- K. Bsc said that he will not support and it is not good practice to make a decision tonight. It is a slippery slope. We need to speak with the DRB and Chris Callahan.
- L. Ewr said it would be opening a Pandora's box.
- M. Bsc asked if a motion was required.
- N. Hba said just general consensus.
- O. Bsa asked to have frh contact Chris Callahan and the DRB.
- P. Ewr agreed that this board needs to hear from Chris Callahan and the DRB.

- Q. Jju said that he came to the meeting on April 7 and Chris Callahan said that he would present the proposed compromise to the board. Why hasn't he done that. Because of his ineptness. He told the judge he would go to the Select Board.
- R. Bsc said this board needs to hear from Chris Callahan. We have retained him for some time. We understand your frustration, but we have not had any big issues with him before.
- S. Jju said that is your prerogative.

12. **Extension Request – Lodging the Abstract of Grand List with Town Clerk**

- A. Terry Thane advised that the listers are doing the fine tuning on the Grand List. They will have Northeast come back and will need to ask the state for an extension from June 3, 2008 for 30 days. He expects that the grievance hearings will start in mid-July.
- B. **Motion by Bruce Schmidt and seconded by bsa to sign the listers letter to apply for an extension from the state. Motion passed unanimously.**

13. **Department Head Reports**

- A. Hba noted that all department reports are in.
- B. Transfer Station
 - i. Bsc asked how things were going up at the swap shop.
 - ii. Frh said that they are doing what the board requested that they do. Most of the people who are getting upset don't live in Ludlow.
- C. Recreation Department
 - i. Hba asked about a letter that said that the after school programs would end on May 9th and wanted to know why it was ending early.
 - ii. Frh asked which program.
 - iii. Hba noted that there is some confusion regarding the after school programs. The school superintendent will be looking into all of the programs and try to coordinate them.
 - iv. Bsc said that frh should speak with Judy Pullinen. This goes back to the budget process. Janet Pipkin came before the board and wanted support. She said that the Elementary School did not put money into the program. Judy Pullinen needs to be put on notice about this.
 - v. Hba said it was a different line item and there was an extra \$7,000.
 - vi. Bsc said they were going to do an after school program and LES was not going to do the rest of the program. It is very confusing – LES, BRACC, K-9 and the Recreation department.
 - vii. Hba said they really need to watch this more closely.
 - viii. Frh said he will get some answers.
- D. Fire Alarm Fees
 - i. Hba said they are doing a good job collecting these fees.

14. **Other Business**

- A. Tax Sales
 - i. Frank Heald advised that they had small tax sales last week and that taxes are in reasonably good shape.
- B. Brooks Road
 - i. Frank Heald said they got the engineering signed shop drawings this week. The concrete company is waiting for the rebar to make the boxes. Construction should run from about 6/15 through 8/18/08, plus or minus 2 weeks.
 - ii. will work on it.
- C. Other fire Truck Tank
 - i. Brett Sanderson they communicated with Fairfield for the body. They would be able to wash the bridges.
 - ii. Frh said they could use it for chloride in the summer.
- D. Mill Street Bridge
 - i. Bsc asked the status of the bridge.
 - ii. Frank Heald said he is waiting for the structural engineer's report. He needs that for the state to sign off on the repairs. He went back to DeWolf and was promised to have the report by 5/15/08, but hasn't heard.
 - iii. Bsc said they need to move on this.

15. **Sign Warrant Orders**

- A. Howard Barton advised that warrant orders have been signed.

16. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by bsc to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

John Neal

Brett Sanderson

Earl Washburn

Bruce Schmidt