

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**REGULAR MEETING**

May 2, 2016

**BOARD MEMBERS PRESENT:**

Howard Barton, Jr., Chairman     Logan Nicoll  
Brett Sanderson                     Bruce Schmidt

**BOARD MEMBERS ABSENT:**

John Neal

**STAFF PRESENT:**

Frank Heald

**OTHERS PRESENT:**

Jeff Billings	Dave Norton	Larry Wilfong
David Carpenter	Deb Norton	John Wu
Glenn Heitsmith	Ted Reeves	Ed McEaney (LPC-TV)
Donald Lagro	Ron Tarbell	
Carl Matteson	Herb Van Guilder	

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:12 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 4, 2016.
- B. **MOTION by Logan Nicoll and seconded by Brett Sanderson to approve the minutes of April 4, 2016 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. Herb VanGuilder asked the board to consider a tarp rule for pickup trucks. He said that trash is spilling out of pickups when people are on the way to the transfer station and other places. He would like to see a rule that pickups must have tarps covering the items being transported.

4. **Liquor Control Board**

- A. Howard Barton advised that the liquor license to be renewed is for 5 Spot LLC.
- B. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to approve the liquor license renewal for 5 Spot LLC.**
- C. David Carpenter advised that he is an attorney represent the Mill Owners Condominium Association (COA.) He said that the Mill is has some commercial units, but is mostly residential and the owners have complained about consistent loud noise until 2:00 a.m. from the 5 Spot. The COA receives the complaints from the owners. He said that there are families with children in some of the units and people can't sell their units because of the reputation the 5 Spot has. They have sent a letter to the unit owners, asking them to have the 5 Spot tone down the music, but have not heard directly back from them. They have heard from the owner's attorney who said that there has been a restaurant/café with music there for a long time. He said that he read the minutes of the Select Board meeting in January and "Frank Heald said that he suggested to Mr. White to have only soft, background music." David Carpenter said that there have not been complaints since then. The January complaint was about New Year's Eve and a parking lot fight. There was also an issue with one Mill unit owner who complained about the noise. He said there is a town ordinance in Section 550. He said that the ceiling of the 5 Spot unit is its boundary and the people above hear the noise. He thanked the town for requiring Entertainment permits. He said that most of the other places are only asking to have music until 9:00 p.m. and 5 Spot is requesting to have a permit to have

music Monday through Saturday until 2:00 a.m. with no restrictions. The COA opposes granting a liquor license and an Entertainment permit to 5 Spot LLC. If the board does issue a permit, the COA would like to have much tighter restrictions placed on the hours, weekends only and only until 9:00 p.m.

- D. Bruce Schmidt said that he struggles with the COA request to deny both a liquor license and an Entertainment permit. He added that the unit owners, who have complaints, should make those complaints to the town. The unit has been a bar for many years and there have been different types of bars in the space.
- E. David Carpenter said that the COA has reached out to the 5 Spot unit owner and their attorney told the COA no. They can basically do what they want. He said if the COA could have worked it out, they would have worked collaboratively with the owner and we wouldn't be here now. He said that he has encouraged the owners with complaints to call the police.
- F. Howard Barton asked if there had been issues with previous owners of the bar space.
- G. David Carpenter said not to his knowledge. This noise is constant and every weekend.
- H. **Motion to approve the liquor license for the 5 Spot LLC was approved unanimously.**

5. **Approve Entertainment Permits**

- A. Frank Heald advised that the ordinance requiring Entertainment Permits has been on the books for years, but not enforced. Below is the list of applicants:

<b><u>Applicant</u></b>	<b><u>Type</u></b>
Ballard Hobard American Legion	Jukebox, live music, DJ, Indoor & Outdoor
The Chophouse	Live music - indoor
Mr. Darcy's Bar & Grill	Live music - indoor
Stemwinder	Live music - indoor
Mojo Cafe	Live music - indoor
Sam's Steakhouse	Live music - indoor
5- Spot	Jukebox, live music, DJ - Outdoor

- B. Logan Nicoll noted that Killarney and The Outback have not applied.
- C. Frank Heald advised that The Outback does not have a liquor license. He said that last month, he sent out a letter to all applicable establishments explaining the requirement for an Entertainment permit and included an application form.
- D. Bruce Schmidt asked about the Hostel, noting that they had previously received one.
- E. Frank Heald said all permits are effective on April 1<sup>st</sup>. He said that he will follow up with places that have not responded. He expects Tom's Loft and Okemo next month.
- F. Howard Barton said that Chief Billings has signed off on all of the above.
- G. Logan Nicoll said that there is no space outdoors for 5-Spot to have music.
- H. Bruce Schmidt suggested voting for all but the 5-Spot and to discuss that one separately.
- I. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the applications for the Legion, the Chophouse, Mr. Darcy's, Stemwinder, Mojo Café and Sam's Steakhouse as presented. Motion passed unanimously.**
- J. Bruce Schmidt asked Chief Billings what he has heard about complaints against the 5-Spot.
- K. Jeff Billings said that on New Year's Eve there was a parking lot fight and then one person made some complaints starting at 7:00 p.m. one evening and called three times that night.
- L. Howard Barton asked if officers go there is there is a complaint.
- M. Jeff Billings said yes. He added that it has been quiet since we talked to them and told them they need a permit. He added that after the flood, the ceiling baffles were removed as directed by the fire marshal.
- N. Frank Heald said maybe they could use acoustic tiles.
- O. Jeff Billings said there has always been a bar there. He said that there is no one up during the week and on the weekends, when the other condo owners are up is when the bar is busiest. He added that for outdoor permits, they usually only go until 9:00.
- P. Brett Sanderson said he does not see how we can allow 5-Spot to have an outdoor permit.
- Q. **MOTION by Logan Nicoll and seconded by Bruce Schmidt that we approve the Entertainment Permit for 5-Spot with the stipulations suggested by Chief Billings that there is no outdoor entertainment and that all music stops by 12:00 midnight on Mondays through Saturdays. (The bar is closed on Sundays.)**
- R. Bruce Schmidt said he wants to go on record that if there are concerns that he is breaking the conditions of the ordinance, people need to communicate those concerns to the police department. This person is running a business that is not new to that location and will continue until concrete complaints come to the police department.
- S. David Carpenter said the COA started receiving the complaints in the fall.
- T. Frank Heald asked if there is any middle ground with the COA. There may be sound deadening attenuation techniques.
- U. Howard Barton said that new baffles may be flame retardant.
- V. Frank Heald said there must be some regulations within the COA documents.

- W. David Carpenter said that the owners of that particular unit are suing the COA and we can't force them to put in baffling. He said that during the week, having music until midnight is late. It is mostly residential. He asked if the board could also limit the times on Mondays through Thursdays.
- X. Howard Barton said if the police department receives several complaints, we may change it.
- Y. **Motion passed unanimously.**

6. **Award Bid for Freightliner M2 106 Highway Truck**

- A. Frank Heald said that it is the recommendation of both he and Ron Tarbell that they go with the low bidder, Patriot Freightliner for a total net price of \$62,900 for the cab and chassis. He said that they sent out 3 bids and received 2 quotes.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to award the bid for the M2 106 to Patriot Freightliner for a total net price of \$62,900. Motion passed unanimously.**

7. **Award Bid for 2016 Highway Truck Fit-Up**

- A. Frank Heald said that it is the recommendation of both he and Ron Tarbell that they go with the low bidder, Viking Cives for a total net price of \$63,895 (including \$600 for the camera.) He said that they received 2 quotes.
- B. Ron Tarbell said they will apply for a safety grant for half of the cost of the camera.
- C. **MOTION by Logan Nicoll and seconded by Bruce Schmidt to award the bid to Viking Cives for \$63,895.00. Motion passed unanimously.**

8. **Award Bid for 2016 Ambulance**

- A. Frank Heald advised that had complicated specifications.
- B. Carl Matteson said they sent out 4 requests for quotations and received 2. He said that both vendors are reputable and the service has used both. The consensus of the committee was to accept the bid from Greenwood. It had a few more of the items in the specifications and a better trade-in (\$17,000.)
- C. Frank Heald asked if it is a Ford Chassis.
- D. Carl Matteson said yes. He said the other bidder; Cromwell may have missed those other items in the specs.
- E. Frank Heald said the Cromwell's quote included a \$2000 pre-pay and Ludlow does not pre=pay.
- F. Carl Matteson said that the lead time for the Cromwell is 270 days and that Greenwood expects to deliver it be mid to late summer (July –August.) The Greenwood price is \$228,784.
- G. **MOTION by Logan Nicoll and seconded by Brett Sanderson to award the bid for the Ambulance to Greenwood for a price of \$228,784. Motion passed unanimously.**

9. **Consider Adopting a Town Ordinance Prohibiting Drug, Tobacco & Vaping Paraphernalia Establishments & Further Prohibiting Marijuana Dispensaries**

- A. Frank Heald advised that it in last month's minutes that there would be a public hearing for the ordinance, but we do not have hearings for ordinances. This board chose to go with Permissive Referendum. If approved by this board, it becomes effective 60 days after the vote, unless recalled by petition. If the board chooses to go to public hearing, then it would lose the authority for Permissive Referendum.
- B. Logan Nicoll said he had questions on whether it would be civil or criminal, and about the Dillon Rule. He said it would be interesting to see how everyone feels about this.
- C. Frank Heald said he spoke to Chris Callahan today and Chris told him that this will establish a sense of the community. However, if a conglomerate, such as the ones in Colorado, took us to court, we would probably lose. This is a preemptive strike and shows how the Select Board and Village Trustees feel. He advised that the draft in the packets is not the correct draft.
- D. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to table this discussion until the June meeting. Motion passed unanimously.**
- E. Howard Barton advised that the June meeting is on June 6<sup>th</sup>.

10. **Discuss Class 4 Highway and Trail Policy**

- A. Frank Heald advised that he had received a model ordinance from VLCT and the league recommends that Ludlow have a policy for Class 4 and Trails.
- B. Howard Barton asked why.

- C. Frank Heald said the policy would be in place for definitions and reclassifications of Class 4 roads to trails or vice versa. We do not do maintenance on Class 4 roads, except at our convenience. He added that roads can only be closed off or gated by town approval.
- D. Bruce Schmidt asked if the town needs this.
- E. Frank Heald said that Ludlow does not have any trails.
- F. Howard Barton tabled this discussion.

11. **Consider Sports Club of America Rallycross**

- A. Howard Barton said that a letter had been received requesting use of the Stearns Pit for a Rallycross to be held on June 26, 2016. He said that the group would pay for regrading of the lot after the race.
- B. Frank Heald said they will grade the ruts and the town will regrade the lot and the group will reimburse the town.
- C. Bruce Schmidt asked if they have been here before.
- D. Frank Heald said a number of years ago. He added that the Rotary bike race will be on Saturday, the 25<sup>th</sup> of June.
- E. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the Rallycross on June 26, 2016. Motion passed unanimously.**

12. **Consider & Approve Killington Sports Car Club Okemo Hillclimbs**

- A. Howard Barton said that a letter has been received from the Killington Sports Car Club requesting hillclimbs at Okemo on June 11<sup>th</sup> and 12<sup>th</sup> and July 9<sup>th</sup> and 10<sup>th</sup>. He said that they done this before and there have not been any issues.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt approve the request from the Killington Sports Car Club for hillclimbs as indicated above. Motion passed unanimously.**

13. **Department Head Reports**

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

14. **Other Business**

- A. **Ambulance Service**
  - i. Frank Heald advised that at last month's meeting we started to discuss the near and long term operations of the Ambulance Service. We have been starting to work out a program with the Chester group to members to work back and forth. The plan is to have members of each town be full or cross members of the other town. If a Ludlow person works on a Chester rig, they will pay the costs and likewise, if a Chester person works in Ludlow, we will pay the costs. Both towns carry VLCT insurance. Chester has one rig and about 400 calls and Ludlow has 2 rigs and about 800 calls.
  - ii. Carl Matteson said that he has been discussing this with Dan Cook from Chester for a while. Coverage during the day is difficult and if we work together, we can cover both towns. It has been working. One issue is electronic documentation, we can't write reports for the other town's calls. We are working with the state on this. We have been doing joint trainings on the rigs. We want to make this a joint, collaborative operation. This is the first step to a regional operation. He noted that Chester just hired a full time EMT during the day. It is getting harder to man the rigs and we are looking at alternatives and to provide the best service for our community.
  - iii. Frank Heald passed out paperwork describing Ludlow's calls and 4 to 5 staffing models. He added that there are legal issues as to the number of hours people can work. Also, ambulance people cannot work fires unless they are fire trained. He said that he has had conversations with the Chester and Cavendish Town Managers and we recognize the need for a 1 to 5 year plan, bringing us progressively toward regionalizing services, including Plymouth and Mount Holly. The Chester town manager will meet with the Andover town manager. We will all meet to discuss bringing all of the towns' services into one collaboration. This may also be the best use of volunteers.
  - iv. Bruce Schmidt asked when they would have a feel of how things are going with Chester.
  - v. Frank Heald said we will have almost monthly reports. He said he thinks there is the ability to get this plan in place for the next few years.
  - vi. Bruce Schmidt asked about the costs on the report and noted that salary and benefits are all in one.
  - vii. Frank Heald said, for today, we have the ability to deficit spend a little, if needed. He added that the costs, per capita, for Plymouth and Cavendish will increase. He said

- that, eventually, this also may be a line item in taxes for Ludlow. He said that the Ambulance Service has worked very hard for years and they can buy the new rig. We have to be cognizant of our resources, but we do need to make changes.
- viii. Bruce Schmidt asked Frank Heald if he is comfortable sharing.
  - ix. Frank Heald said yes.
  - x. Carl Matteson said we already have people from Chester on our roster and some of our people are on theirs.
  - xi. Bruce Schmidt asked if a person from Ludlow gets hurt while working on a Chester rig, who pays.
  - xii. Frank Heald said the responsibility is on whichever town's rig it is.
  - xiii. Carl Matteson said that if a Chester person is working here, he operates as a Ludlow person and likewise.
  - xiv. Frank Heald said he will keep the board in the loop.
- B. Walker Bridge Update
- i. Frank Heald advised that the Walker Bridge continues to deteriorate. He has applied for an Emergency Grant of \$12,000 at 90/10 (10% - Ludlow). The engineer has been in and traffic has migrated a plate. Hopefully, the repairs will hold through the year.
  - ii. Howard Barton said we may eventually end up posting the bridge.
  - iii. Frank Heald will keep the board advised.
- C. West Hill Discussion
- i. Frank Heald advised that he has had a telephone conversation with Bob Thompson of NRCS last week and they have engaged a consultant to look at the bottom drains. There will be a report sent to the state dam people and to us, hopefully before the June meeting. They are looking at 2 or 3 operating shafts and the shear gate on Site 3 is not seating properly. He would like to take out the water, get the gravel out and clean it up while the work is being done. This may take place mid to late June.
  - ii. Bruce Schmidt suggested that they invite Ted Reeves to be there.
  - iii. Ted Reeves said he would go.
  - iv. Frank Heald said that the Recreation Committee minutes show no real progress and he suggested doing a community meeting.
  - v. Howard Barton advised that Green Up Day is on this coming Saturday, May 7<sup>th</sup>.
  - vi. Frank Heald said that Little League is open for the season.
  - vii. Bruce Schmidt noted that there is a damaged dug-out.

15. Set Date for Next Meeting

- A. Howard Barton advised that the next regular meeting would be June 6, 2016 at 7:00 p.m.

16. Sign Warrant Orders

- A. Warrant orders have been signed.

17. Possible Executive Session/Personnel/Contracts/Legal Issues

- A. Frank Heald advised that an Executive Session is not needed.

18. Adjourn

- A. MOTION by Brett Sanderson and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.
- B. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Lisha Klaiber

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Howard Barton, Jr., Chairman

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Brett Sanderson

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John Neal

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Bruce Schmidt

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Logan Nicoll