

## *MINUTES*

### **TOWN OF LUDLOW BOARD OF SELECTMEN**

#### **REGULAR MEETING**

February 3, 2014

#### **BOARD MEMBERS PRESENT:**

Bruce Schmidt, Vice Chairman      John Neal  
Douglas Ficken                              Brett Sanderson

#### **BOARD MEMBERS ABSENT:**

Howard Barton, Jr.

#### **STAFF PRESENT:**

Frank Heald

#### **OTHERS PRESENT:**

Matthew Birmingham	Logan Nicoll	Karl Rinker
Sharon Bixby	Julie Nicoll	Jessie Steiner
Mozur Casella	Kevin O'Connor	Roy Steiner
Will Dodge	Ralph Pace	Peter Thurrell
Diane Guité	Ted Reeves	Larry Wilfong
Glen Heitsmith		

#### **1. Call to Order**

- A. Bruce Schmidt called the meeting to order at 7:00 p.m.
- B. All members present, except Howard Barton.

#### **2. Approve Minutes of Previous Meetings**

- A. Bruce Schmidt advised that the minutes to be approved are from the regular meeting of January 6, 2014 and the Special Meeting of January 24, 2014.
- B. **MOTION by Brett Sanderson and seconded by Doug Ficken to approve the minutes of January 6, 2014 and January 24, 2014 as presented. Motion passed unanimously.**

#### **3. Comments from Citizens**

- A. There were none.

#### **4. Discuss Solar Soveren Solar for Ludlow**

- A. Frank Heald introduced Peter Thurrell and advised that they have been trying to arrange for him to be here for several months.
- B. Peter Thurrell advised that at this time, there are tax credits available from the Federal government (30%) and also business credits of 7.2% available from the state for solar projects. Panel costs are now at 1% of what they were in 1978. The company goes to private investors to get funding and Ludlow would get the net metering credits. The investors get the tax credits. Ludlow gets the system. The town could buy the tax credits from the investors at significant discounts. The town gets a 10% reduction on its electric bill that could be scaled to include the schools. If town land is used for the project, the town would get the lease income from that. The investors would own the project for 6 years, the depreciation period. After that, the investors would sell the system to the town. If the town took a bond for 7 to 8 years, the system would belong to the town at the end of that period. The system would produce electricity for an additional 30 to 35 years. Maintenance is done by the company and the costs to the town would be the bookkeeping.
- C. Frank Heald asked that if built, the town would have to take the power and include the costs for it into our rate base. What would be that cost.
- D. Peter Thurrell said \$.20/kwH (\$.11 base and \$.09 by state mandate.)
- E. Frank Heald asked that, if after the 7 years, does the town pay the depreciated costs.
- F. Peter Thurrell said the town would probably pay less, but he can't say for sure.
- G. John Neal asked the size of the property needed.
- H. Peter Thurrell said about 1 acre for a 150 kwH system.

- I. Bruce Schmidt noted that Ludlow Electric is very efficient and less expensive than Green Mountain Power. Would we be paying higher rates to get this system?
- J. Peter Thurrell said that all the customer pays for is the maintenance of the grid. GMP did a study and put in a lot of small generator stations and there was a net savings for all of the customers by putting in solar. There would not be the costs of putting in new major power plants. Solar puts the power out when it is most needed and helps even out the curve of the costs for utilities.
- K. Bruce Schmidt noted that Ludlow is a “Gold” town and it is hard to get the state to help out. If the school gets involved, does it impact Acts 60 and 68
- L. Peter Thurrell said that all of the legislature is passed on a statewide basis and they can’t deny any town credits.
- M. Larry Wilfong asked about maintenance costs.
- N. Peter Thurrell said that panels are warrantied for 25 years and only about 20% of them wear out. Most (83 to 84%) are still producing electricity after 25 years and are expected to generate electricity for 40 to 50 years. His company would do the maintenance on the system.
- O. Bruce Schmidt thanked Peter Thurrell for coming and said the board would review this and have Frank Heald get back to him.

5. **Report on VTEL North Hill Project**

- A. Frank Heald advised that they had received a package from VTEL in mid to late December. VTEL floated a balloon on January 3<sup>rd</sup> and have provided photo simulations. He has spoken to the neighbors. There was not sufficient time to warn a public hearing for tonight. He suggests that after their presentation tonight, we hold a public hearing in 15 days more or less. The time frame is that the 45 days expired 3 to 4 days ago. He said that he had suggested that we postpone filing until after tonight and the additional 15 days after tonight. If we have the hearing, the board can take its position in the comment period.
- B. Will Dodge say that as late as April is a problem.
- C. Frank Heald said that this board next regular meeting is in April.
- D. Will Dodge advised that VTEL would like a letter of recommendation from this board. The PSB generally defers to the Select Board’s recommendations. It can be a provision on the town plan to ordinance. There are three stands that the board could generally take. Unconditional indicates that the board has no concerns. Conditional indicates that the board does have some concerns. Against indicated that the board is against the project. VTEL in Springfield has been awarded a grant to promote and expand wireless broadband services to rural areas. There will be two services. Wireless 4G LTE internet for up to 25 MPBS and potentially to 50 MPBS. The other service is mobile phone with voice over the LTE, such as Verizon and T-Mobile. VTEL is partnered with GMP in a statewide network. There would be dish antennae that would provide wireless to homes and routers inside the homes. In the second half of 2014, they would have mobile with SIM cards to VTEL wireless services.
- E. Diane Guité said Wireless costs would be about \$5 to \$7 on a combined internet and cell phone bill and they could insert SIM cards into most cell phone and tablets that would enable service throughout the US and most of the world with roaming. There are BETA sites at Ascutney, Hardwick, Barnett and Fairlee.
- F. Will Dodge said that they are trying to provide coverage to underserved areas as well as other areas. The goal is to serve 3,900 rooftops, 776 RUS rooftops that have either dial up or no internet service and 4 AMI points for advanced metering. For areas that currently have strong service, they may only need indoor routers.
- G. Bruce Schmidt asked the mileage coverage of the proposed tower.
- H. Will Dodge said about 2.5 miles, depending on the topography. He referred to the presentation slides, showing Route 103 to Preedom Hill Road. He said that the pinnacle is 3,000 feet to the northwest of the site and the lot is 77 acres. After discussions with abutters, they moved the proposed location to a more forested area. He noted abutters, including Campos and Katis.
- I. Matt Birmingham said that he represents Campos and Katis.
- J. Will Dodge said that the average tree height is 78 feet. The tower would be 140 feet high and there would be 9 panelized antennae at the top with 4 microwave dishes. There would be an equipment cabinet. There would be a driveway extending to Preedom Hill Road that would require some clearing. They would take erosion control measures. There would be underground utilities. The tower would be 159 feet back from Preedom Hill Road with setbacks on each side of 370 to 525 feet. The road would be compacted gravel. There would also be room for a shelter for the Fire Department on the tower. They looked at the impacts for visual and aesthetics. A staff member drove on all of the public roads while the balloon was up. She went on Commonwealth Avenue, went through Grahamville, Ludlow Center and Fox Lane. She was able to see the tower from Route 103 and 100. The tower will fade into the vegetation. It was not visible from the Twenty Mile Steam Road Cemetery. Wireless is still line of site technology. The tower would not be visible from Bear Hill, North Hill or the Pinnacle. They looked into alternative locations on the Black River Academy Museum, the VELCO tower on Okemo, the town hall roof top and also

looked into using existing poles. None of these would work out. The tower would have structural supports and designed to meet all codes and standards. It will withstand 3 second gusts with 90 miles/hour winds or 40 MPH winds with radial ice. They would do a geotechnical study if the project is approved. The radio frequency emissions are regulated by the FCC and at this site would be less than 1.3% MPE. With regard to natural resources, the site is not in the Flood Hazard area, nor are there any critical wildlife habitats. They will go through the Act 248A procedures. The intent is to balance the benefits of universal high speed broadband service. They need input from the town. The tower needs to exceed 20 feet above the tree line. The tower would allow for collocation. The project meets the town zoning regulation setbacks, but they cannot find an area to meet the 1,500 feet from a residence condition.

- K. Roy Steiner said that on the map that showed target areas, he did not see Ludlow listed.
- L. Will Dodge said it would be part of the network. They need to start with a base where there is service. There is no target area in Ludlow, but they need to start in a place where there are residents.
- M. Diane Guité said that this is partially funded by the Federal government. They need to service underserved areas.
- N. Roy Steiner said that the initial report said 2,00 rooftops and this one says 3,900. What will be in the final report. He asked if the tower at Ascutney gives 10 mile coverage, why not Okemo.
- O. Will Dodge said that you need a site tall enough, but also be able to see the valleys.
- P. Karl Rinker said that signals dissipate exponentially as you go further away from the tower. In Ludlow, the trees block the tower so the signal must be strong.
- Q. Roy Steiner asked about the alternate, stating that his house is 600-700 feet away from the original location. He said there are 2 power lines that cross over and asked if they could be used instead of having a tower.
- R. Will Dodge said they may not have looked into those power lines and will do so.
- S. Roy Steiner said that in Connecticut, they are putting antennae on top of power poles.
- T. Will Dodge said that a problem arises with that because any time they need to change an antenna, they need to de-energize the pole. That can cause problems.
- U. Karl Rinker said that there are also more roof tops in Connecticut.. Here the tower needs to be higher.
- V. Roy Steiner voiced his concerns over the value of his home, aesthetics, the tower would be noticeable when traveling on Commonwealth Avenue, the height should be lowered to the height of the tree tops, harmful emissions. He said that the project is not consistent with the ordinance. He is concerned about height, exposure and generator noise. He said they should investigate using power line poles. He is uncomfortable with their presentation. Does this go to Planning and Zoning. He did not like getting the information at the end of December and wants to know what the hurry is.
- W. Bruce Schmidt explained that the procedure is for the Select Board to hold a public hearing.
- X. Will Dodge said that they would do generator exercise kick tests midweek and they would only be for about ½ hour. They would not do them on weekends.
- Y. Frank Heald said this would not go to the Planning Commission or the DRB.
- Z. Matt Birmingham said that he understood that we were going to plan and warn a public hearing for the 3<sup>rd</sup> week in February.
- AA. Frank Heald said that he has suggested that this board hold a hearing.
- BB. Matt Birmingham said that he represents the Campos and Katis families. The intent is to build this in a place with minimal impact and the new location is closer to the Campos property. There is a 1,500 setback and the tower would be only 450 feet from the Campos house. He said that the height exceeds the ordinance and the new location is closer to the boundary. He asked if the height could be lowered or the tower moved to another location on the Stocker property. His clients want a chance to be heard.
- CC. Will Dodge said that they believe they meet the property boundaries. The 1,500 feet rule was set in 2002 and things are different now, there are more cell phones and wireless devices. There is an imperative. This summer they need to have 4.5 MPBS for speed and 10+ for video. We need to keep the process moving.
- DD. Diane Guité said that the deadline is June 2015.
- EE. Bruce Schmidt said that there is no VTEL service in Ludlow. How does this work.
- FF. Diane Guité said that this project is part of a statewide 4G network project and telephone service.
- GG. Bruce Schmidt asked about other locations in the state.
- HH. Karl Rinker said they would look like the one already in town.
- II. Bruce Schmidt said Godfrey Lane.
- JJ. Karl said the pole is tapered and at 135 feet, the antennae. They are sectored and directionalized toward specific areas. They will also collocate. The tower is built for 5 carriers. There is one in Colchester that is 60 feet tall.
- KK. Bruce Schmidt asked if there is any correlation for this project and the VTEL project that has been started.
- LL. Diane Guité said these are two separate groups doing the projects. This project must be completed by June 2015.

- MM. Bruce Schmidt said it seems like the other project is moving slowly.
- NN. Diane Guité said the fiber project is not slated for Ludlow and not designed for residential.
- OO. Karl Rinker said that they would also need to bring fiber to this tower and microwave. They have many projects in the permit process at this time.
- PP. Bruce Schmidt said this board would discuss the next step.
- QQ. Frank Heald said they would need to schedule a public hearing and need 15 days to warn one. That would keep them within the comment period.
- RR. **MOTION by John Neal and seconded by Doug Ficken to warn and schedule a public hearing on February 24, 2014 at 7:00 p.m.**
- SS. Karl Rinker said he would not be able to be there.
- TT. Diane Guité said she would also not be able to attend, but could send an associate.
- UU. Bruce Schmidt said that Karl Rinker deals with the technology and asked Will Dodge if they could proceed without him.
- VV. Will Dodge said it would be helpful that, if there are any technical questions, they be sent to him prior to the hearing and he would be prepared with answers.
- WW. **MOTION passed unanimously.**

6. **Re-Adopt 2014 Basic Emergency Operations Plan**

- A. Frank Heald said that copies of the plan were included in their packets. This is adopted annually.
- B. **MOTION by Brett Sanderson and seconded by John Neal to re-adopt the 2014 Basic Emergency Operations Plan. Motion passed unanimously.**

7. **Approve Certificate of Highway Mileage**

- A. Frank Heald that there have been no changes in the mileage over the last year.
- B. Bruce Schmidt said there are 64.86 miles.
- C. **MOTION by John Neal and seconded by Doug Ficken to approve the Certificate of Mileage. Motion passed unanimously.**
- D. Frank Heald indicated that all board members need to sign it.

8. **Adopt Town Road and Bridge Standards & Approve Codes and Standards Certification of Compliance for Town Road and Bridge Standards**

- A. Frank Heald advised that the state has made some changes and there was a new directive in February 2013. Ludlow was at or exceeded the standards. Other changes were in stonelined ditches and we also exceeded them. He recommends that the board adopt the new standards. He advised that Jeb Spaulding discussed the new FEMA regulations and the town must have in place the standards, Emergency Operations Plan and All Hazard Mitigation plan to receive funds.
- B. **MOTION by John Neal and seconded by Brett Sanderson to adopt the Town Road and Bridge Standards and approve Codes and Standards . Motion passed unanimously.**
- C. Frank Heald advised that there is also a Certificate of Compliance and that while we did not comply last year, the board members still need to sign the Certificate.
- D. The certificate was signed by board members.

9. **Review & Adopt All Hazard Mitigation Plan**

- A. Frank Heald advised that copies of the plan are in the packets. The plan is from the Southern Windsor County Regional Planning Commission. There is a resolution to adopt in it.
- B. **MOTION by Doug Ficken and seconded by John Neal to adopt and sign the resolution to adopt the All Hazard Mitigation Plan. Motion passed unanimously.**
- C. Board members signed the resolution.

10. **Department Head Reports**

- A. Bruce Schmidt said that all reports are in.

11. **Other Business**

- A. VTRANS
  - i. Frank Heald advised that he would like to have some direction from the Select Board. He was unhappy with VTRANS' response to icy conditions on Route 100S. They did not put

any material on the road. He sent a memo to the Secretary of Transportation regarding the application of material and Scott Rogers replied that they can't put material down and that towns also are not allowed to put material down (on state highways.) He had a meeting last week regarding how, when and who puts material down and the answer was a reiteration. VTRANS does not care. They stick to their Snow and Ice Control Plan. Additionally, the claim that traffic from Killington does not pass through Ludlow and that people should not be out driving at night in snowy or icy conditions. It was a very unproductive meeting. Frank Heald said that the policy is driven by people who don't know what resort towns face. He would like to go further with this.

- ii. Brett Sanderson asked if they put sand down in other places and not here.
- iii. Frank Heald said that they said that sand does not work. This is an insane lack of common sense. They responded that they only put material down in the morning.
- iv. John Neal said Frank Heald should go forth with this.
- v. Bruce Schmidt said that we should get the local representative involved. There is no common sense in this. People still need to travel to get to work and that is not just in resort towns.
- vi. Frank Heald said that this state is dependent upon our winter guests. We need to understand the lack of proper equipment or expertise that some of our guests have.
- vii. Bruce Schmidt said send a copy of the letter to the governor.
- viii. John Neal said that all board members would sign the letter.
- ix. Brett Sanderson said that some roads are bear.
- x. Frank Heald said that from Rutland to West Bridgewater on Route 4, there is a difference in climate conditions and that there is also a difference between Springfield and Terrible Mountain. There is no state sand stockpiled here. There is only one supervisor from Bennington to Rutland and one other from White River Junction to Brattleboro.
- xi. Bruce Schmidt asked if there was no state sand here.
- xii. Frank Heald said salt or brine.
- xiii. Brett Sanderson said they refuse to put sand down.
- xiv. Frank Heald said their position is that in temperatures less than 15°, untreated sand won't work.

12. **Set Date for Next Meeting**

- A. A public hearing for VTEL Tower will be held on Monday, February 24, 2014 at 7:00 p.m.
- B. Bruce Schmidt advised that the next regular meeting would be April 7, 2014 at 7:00 p.m.

13. **Sign Warrant Orders**

- A. Warrant orders have been signed.

14. **Possible Executive Session/Personnel/Contracts/Legal Issues**

- A. Frank Heald said an Executive Session is not needed.

15. **Adjourn**

- A. **MOTION by Doug Ficken and seconded by John Neal to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:51 pm

Respectfully submitted,

Lisha Klaiber

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Howard Barton, Jr., Chairman

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Brett Sanderson

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Doug Ficken

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Bruce Schmidt

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John Neal