

*MINUTES*

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**REGULAR MEETING**

April 1, 2013

**BOARD MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Frank Heald

**OTHERS PRESENT:**

Anne Gardner      Terry Thayne  
Ralph Pace      Sharon Bixby (LPC-TV)  
Ted Reeves

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:30 p.m.
- B. All members present.

2. **Annual Board Reorganization**

- A. Elect Chair of the Board
  - i. **Motion by Brett Sanderson and seconded by Doug Ficken to elect Howard Barton Chair of the board. Motion passed unanimously.**
- B. Elect Vice Chair
  - i. **Motion by John Neal and seconded by Doug Ficken to elect Bruce Schmidt as Vice Chair of the board. Motion passed unanimously.**
- C. Elect Clerk of the Board
  - i. **Motion by Bruce Schmidt and seconded by John Neal to elect Brett Sanderson as Clerk of the board. Motion passed unanimously.**
- D. Appoint Union Negotiation Team Members
  - i. **Motion by Doug Ficken and seconded by John Neal to appoint Bruce Schmidt and Brett Sanderson Union Negotiation team members. Motion passed unanimously.**
- E. Appoint Ludlow Enterprise Fund Committee Members
  - i. **Motion by Bruce Schmidt and seconded by Brett Sanderson to appoint Howard Barton and Doug Ficken as Enterprise Fund Committee members. Motion passed unanimously.**
- F. Set Day and Time of Regular Meetings and Alternate Meetings
  - i. **Motion by Bruce Schmidt and seconded by Brett Sanderson to continue with regular meetings to be held the first Monday of each month at 7:00 p.m. Special meetings, if needed will be held on the third Monday of the month at 7:00 p.m. Motion passed unanimously.**
- G. Appoint Recording Secretary
  - i. **Motion by Bruce Schmidt and seconded by John Neal to appoint Lisha Klaiber as secretary. Motion passed unanimously.**
- H. Designate Newspaper of General Circulation
  - i. Frank Heald said that THE VERMONT JOURNAL had applied to the board to continue as paper of record.
  - ii. **Motion by Brett Sanderson and seconded by Doug Ficken to designate THE VERMONT JOURNAL as newspaper of circulation. Motion passed unanimously.**

- iii. **MOTION by Brett Sanderson and seconded by Doug Ficken to continue using THE RUTLAND HERALD as backup paper. Motion passed unanimously.**
- I. **Adopt Roberts Rules of Order**
- i. Howard Barton advised that the Board has used Roberts Rules of Order for the meetings.
3. **Approve Minutes of Previous Meetings**
- A. Howard Barton advised that the minutes to be approved are from the regular meeting of February 4, 2013 and the special meeting of February 13, 2013.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to approve the minutes of February 4, 2013 and February 13, 2013 as presented. Motion passed unanimously.**
4. **Comments from Citizens**
- A. There were none.
5. **Appoint Town Officers**
- A. Frank Heald advised that there are openings with no applicants for the following:
- i. Black River Senior Center Representative
- ii. Council of Aging Advisory Board
- iii. Surveyor of Wood and Lumber
- iv. Planning Commission Member
- B. Frank Heald said there are 2 applicants for Town Health Officer, Doris Eddy and Ralph Pace.
- C. **MOTION by John Neal and seconded by Bruce Schmidt to appoint Ralph Pace as Town Health Officer. Motion passed unanimously.**
- D. Frank Heald advised that the Planning Commission vacancy is due to late resignations. The board has changed the size of that board from 7 to 5 and they currently have 4 members. There is a quorum.
- E. **MOTION by John Neal and seconded by Brett Sanderson to appoint the balance of the slate for 2014 as presented. Motion passed unanimously.**
- F. Bruce Schmidt suggested that letters of appreciation be sent to all persons who are leaving positions.
6. **Liquor Control Board**
- A. Howard Barton noted that Okemo related businesses will be separated out. He noted that for all businesses on the list, taxes are current.
- B. **The following is a list of non-Okemo 2013-2014 Liquor License Renewal Applications:**
- | <b><u>Applicant</u></b>                    | <b><u>Business Name</u></b>    |
|--------------------------------------------|--------------------------------|
| American Legion Ballard Hobard Post #36    | Same                           |
| Aminah & Rayhan, LLC                       | Ludlow Shell                   |
| Barrich Corporation                        | Pot Belly Pub                  |
| Bella Luna Ristorante, Inc. <i>selling</i> | Bella Luna Ristorante          |
| Brewfest Beverage Company                  | Same                           |
| Brockton Corporation                       | Shaw's Beer and Wine           |
| Cool Moose Café, Inc.                      | Same                           |
| Cumberland Farms of Vermont, Inc.          | Cumberland Farms #8015         |
| FGNYC                                      | Frank's Tavern                 |
| Gaignard, Richard C                        | D.J.'s Restaurant              |
| Good Times Ludlow LLC                      | Ludlow Country Store           |
| Goodfellas Petroleum                       | Goodfellas Petroleum, Inc.     |
| JC Kubec, Inc.                             | The Governor's Inn             |
| KMS Inc.                                   | The Hatchery                   |
| L V P Inc.                                 | Ludlow Village Pizza           |
| Maxi Green Inc.                            | Rite Aid #10312 (tobacco only) |
| MWTGS, Inc.                                | Andre Rose Inn                 |
| Moon Calhoun LLC                           | Downtown Grocery               |
| Outback of Ludlow, LLC                     | Same                           |
| Rose Douglas and Ann                       | Rose Douglas and Ann           |
| Sam's Steakhouse, Inc.                     | Sam's Steakhouse               |
| Stuart, Leslie Pearson                     | The Wine and Cheese Depot      |

TBK Inc.  
Vermont Irish Pub LLC  
Mark J. Williams Corp  
Windrush Investments LLC

Tom's Loft Tavern  
The Killarney  
Mr. Darcy's Bar & Grill  
Tyson Village Store

- C. Howard Barton noted that The Loft is not on the list.
- D. Frank Heald said that Tom was in this afternoon, but had not submitted the paperwork.
- E. Brett Sanderson noted that Tom closes for the spring.
- F. **MOTION by John Neal and seconded by Doug Ficken to approve the liquor/tobacco license applications as indicated above. Motion passed unanimously.**
- G. **Listed below are the Okemo owned businesses.**

<b><u>Applicant</u></b>	<b><u>Business Name</u></b>
<b><u>Okemo Mountain Food and Beverage</u></b>	<b><u>EPIC</u></b>
	<b><u>Willie Dunn's Grille</u></b>
	<b><u>Sitting Bull Lounge-Base Lodge</u></b>
	<b><u>Vermont Pizza at Okemo</u></b>
	<b><u>Sky Bar</u></b>
	<b><u>Jackson Gore Inn</u></b>
	<b><u>Corner Store at Jackson Gore</u></b>

- H. **MOTION by Brett Sanderson and seconded by Doug Ficken to approve the Okemo liquor/tobacco license applications as indicated above.**
- I. **Bruce Schmidt abstained from the vote**
- J. **Motion passed unanimously.**

7. **Sign Warning for Special Town Meeting**

- A. Frank Heald advised that he did not put the proper bond notice on the Australian Ballot for Town Meeting. There are two parts that need to be done, the Special Meeting at 7:00 p.m. on May 6, 2013 and the voting by Australian Ballot on May 7, 2013 from 10:00 a.m. to 7:00 p.m.
- B. **MOTION by Bruce Schmidt and seconded by Doug Ficken to hold a special town meeting on May 6, 2013 at 7:00 p.m. and voting by Australian Ballot on May 7, 2013 from 10:00 a.m. to 7:00 p.m. Motion passed unanimously.**

8. **Adopt Declaration of Official Intent of the Town of Ludlow to Reimburse Certain Expenditures from Proceeds of Indebtedness**

- A. Frank Heald advised that there is a new IRS requirement for a declaration of intent to reimburse if the town borrows in anticipation of bonds. We must do this now, even though we will go to the bond market in July. This declaration must be included in the minutes. The town clerk must attest to this when she receives the minutes.
- B. **MOTION by John Neal and seconded by Doug Ficken to adopt the Declaration of Intent of the Town of Ludlow to Reimburse Certain Expenditures from Proceeds of Indebtedness. Motion passed unanimously.**
- C. **See attached copy at end of minutes.**

9. **Sign Board of Listers' Certificate**

- A. Howard Barton noted that there are any suits or appeals pending.
- B. Bruce Schmidt asked how the BCA process went.
- C. Terry Thayne said smoothly. There are a couple of things that will go to the state. He added that NEMC has come in February and March and will continue to come on a monthly basis.
- D. **MOTION by John Neal and seconded by Bruce Schmidt to designate Howard Barton to sign the Board of Listers' Certificate. Motion passed unanimously.**

10. **Sign VTRANS Annual Financial Plan – Town Highways**

- A. Frank Heald advised that this is the annual certificate to the state that the town is spending at least \$300/mile on Class I, II and III highways. There are about 53 miles of these highways and he assured the board that they spend in excess of \$15,900 annually.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to sign the certificate. Motion passed unanimously.**

### 11. Re-Adopt Basic Emergency Operations Plan

- A. Frank Heald advised that this is the annual plan and that he had cleaned up a few of the names. There were no other major changes. He is working with Regional on a more comprehensive plan and that will come in the next few months.
- B. **MOTION by Bruce Schmidt and seconded by Doug Ficken re-adopt the Emergency Operations Plan. Motion passed unanimously.**

### 12. Department Head Reports

- A. Howard Barton advised that all reports are in for the last 2 months.

### 13. Other Business

#### A. Transfer Station

- i. Frank Heald advised the board that he had been contacted by Keith Arlund who is now the business manager of Earth Waste. Mr. Arlund asked if the board might have any interest in privatizing the transfer station. He had indicated that other communities are doing it. Frank Heald said that he does not have a strong feeling either way and could get a proposal from Mr. Arlund.
- ii. Howard Barton said that the station is running well and he would hate to lose control over it.
- iii. Bruce Schmidt said he would like to see the costs.
- iv. John Neal said he also would like to see the numbers.

#### B. Buses

- i. Frank Heald said that he has been troubled about running the full-size bus to Rutland for rock climbing or Bromley for skiing with only 10 or so passengers. He would like to look at alternatives. In the past, cutaways did not have all of the safety features of the full sized buses. Collins now makes a mid-sized bus on a Ford or GM T-chassis that is available with dual wheels on the back, drop down chains and can also be configured with seats that flip up for wheel chairs. DATCO, the company from which we have previously purchased buses, has a demo. He asked board members if they would be interested in seeing it. It has a gas engine and would cost approximately half the cost of the full size bus. It would get about 2 times the mileage as the diesel buses over 6-7 years.
- ii. Howard Barton asked if this would be in addition to current buses.
- iii. Frank Heald said, no. They would need to replace a bus this year. Soccer or baseball runs only have about 10-15 passengers. The body has ribs and the same safety structures as a regular bus.
- iv. Howard Barton said it would make sense to look at it.
- v. Frank Heald said they may be able to see it on Tuesday or Wednesday and he would let them know.

#### C. Fire Alarms

- i. Bruce Schmidt asked about going over the fire alarm ordinance in May.
- ii. Frank Heald said he would meet with the 2 chiefs and they could discuss it in May.

#### D. Skate Park Issues

- i. Bruce Schmidt said he would like an update on the overview of issues at the skate park. He has heard a lot of rumors about vandalism and behaviors. He thinks this board needs to do diligence on this so they are up to speed on any issues.
- ii. Frank Heald said at this point, no one has discussed any real issues with him. There have been some issues with behavior and habits and they are working with the adults to encourage the youngsters to police themselves. Howie Paul and the police say that some of it is youngsters from outside Ludlow. He said that he does not know if it is better or worse than in the past. There is nothing on his radar to be done within the next 60 days.

#### E. West Hill Park

- i. Bruce Schmidt asked if they plan to do any reclamation projects. The park and building looks as if they are not taken care of. He suggested they talk to people about ideas. At some point we will need to bite the bullet.
- ii. Frank Heald said they have tried spray and plastic coyotes to discourage the geese. This year they will try a snow fence at the water line. They may also have some of the participants in the QUEST program to work there, hands on, for Community Service credits. Also, he has a verbal agreement with USDA to survey the overburden that clogs the water. They can remove it in trucks and crush it in another year. It would be a fair amount of trucking.
- iii. John Neal suggested getting a focus committee together to look into West Hill.

- iv. Bruce Schmidt suggested they put it on a meeting agenda.
- v. Howard Barton said it would be good to explore various options.
- vi. Bruce Schmidt said there are good basketball hoops there and maybe they could be moved to a better location. He added that there are some people who do not trust the water at West Hill.
- vii. Frank Heald said they could clean it up if they can get rid of the geese.
- F. Bike Path Public Hearing
  - i. Sharon Bixby advised that there will be a public hearing for a bike path on Thursday, April 11<sup>th</sup> at 5:00 p.m. in the conference room of town hall. This proposed path will run from the Park N' Ride by the fire station to Locust Street to Jackson Gore to Okemo Ridge Road and to Buttermilk Falls.
- G. Frank Heald advised that he will be out of the country from April 6 to April 23, 2013.

14. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be May 6, 2013 at 7:00 p.m. It will be preceded by the special town meeting for bond notices.

15. **Sign Warrant Orders**

- A. Warrant orders have been signed.

16. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:16 p.m.

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

DECLARATION OF OFFICIAL INTENT  
OF THE TOWN OF LUDLOW  
TO REIMBURSE CERTAIN EXPENDITURES  
FROM PROCEEDS OF INDEBTEDNESS

WHEREAS, the Town of Ludlow Town, Vermont (the "Issuer") proposes to make municipal building improvements to be considered at the Issuer's May 7, 2013 annual meeting the "Project");

WHEREAS, the Issuer expects to pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the Issuer reasonably expects that for that part of the Project consisting of design, permitting, construction and acquisition costs, debt obligations in an amount not expected to exceed \$482,000 will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the Issuer declares its reasonable official intent to reimburse prior expenditures for the above-described part of the Project with proceeds of a subsequent borrowing:

NOW THEREFORE, the Issuer declares:

Section 1. The Issuer finds and determines that the foregoing recitals are true and correct, and that all of the capital expenditures covered by this Resolution were or will be made not earlier than 60 days prior to the date of this Resolution.

Section 2. This declaration is made solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, within 18 months of either the date of the first expenditure of funds by Issuer for such Project or the date that such Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of Issuer funds for such Project), and to allocate an amount not to exceed \$482,000 of the proceeds thereof to reimburse itself for its expenditures in connection with the Project.

Section 4. The Issuer's debt obligations for the aforementioned purpose will not be "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986.

Section 5. All prior actions of the officials and agents of Issuer that are in conformity with the purpose and intent of this Resolution and in furtherance of the Project shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 6. All other resolutions of the legislative body of the Issuer, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. It is hereby found that all discussions and deliberations of the legislative body of the Issuer leading to the adoption of this Resolution occurred at one or more meetings of the legislative body conducted pursuant to public notice and open to public attendance.

Section 8. This declaration shall take effect from and after its adoption.

The undersigned, Town Clerk of the Issuer, hereby certifies that the foregoing is a full, true and correct copy of the declaration of the Selectboard of said Issuer duly made at a meeting thereof held on the date, specified below, and that said declaration has not been amended, modified or revoked.

April 1, 2013

Town Clerk

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JPG:pw