

PRELIMINARY MINUTES

TOWN OF LUDLOW
BOARD OF SELECTMEN

April 3, 2017

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman Brett Sanderson Bruce Schmidt

BOARD MEMBERS ABSENT:

John Neal Logan Nicoll

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Courtenay Dundy Julia Purdy Ted Reeves
Paul Orzechowski Ed McEaney (LPC-TV)

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:00 p.m.
- B. All members present, except John Neal and Logan Nicoll.

2. **Annual Board Reorganization**

- A. Elect Chair of the Board
 - i. **Motion by Brett Sanderson and seconded by Bruce Schmidt to elect Howard Barton Chair of the board. Motion passed unanimously.**
- B. Elect Vice Chair
 - i. **Motion by Brett Sanderson and seconded by Howard Barton 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 Howard Barton to elect Brett Sanderson as Clerk of the board. Motion passed unanimously.**
- D. Appoint Union Negotiation Team Members
 - i. **Motion by Howard Barton and seconded by Bruce Schmidt 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 Brett Sanderson as Enterprise Fund Committee members. Motion passed unanimously.**
- F. Set Day and Time of Regular Meetings and Alternate Meetings
 - i. **Motion by Brett Sanderson and seconded by Bruce Schmidt 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 Brett Sanderson to appoint Lisha Klaiber as secretary. Motion passed unanimously.**
- H. Designate Newspaper of General Circulation
 - i. Howard Barton said that THE VERMONT JOURNAL had sent a letter to the board requesting to continue as paper of record.
 - ii. Frank Heald said they received letter from THE VERMONT JOURNAL.
 - iii. **Motion by Brett Sanderson and seconded by Bruce Schmidt to designate THE VERMONT JOURNAL as newspaper of circulation and to continue using THE RUTLAND HERALD as backup paper. Motion passed unanimously.**

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- I. Adopt Roberts Rules of Order
- i. Howard Barton advised that the Board has used Roberts Rules of Order for the meetings.
 - ii. **Motion by Bruce Schmidt and seconded by Brett Sanderson to continue using Roberts Rules of Order. Motion passed unanimously.**
3. **Approve Minutes of Previous Meetings**
- A. Howard Barton advised that the minutes to be approved are from the regular meeting of February 6, 2017.
 - B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to approve the minutes of February 6, 2017 as presented. Motion passed unanimously.**
4. **Comments from Citizens**
- A. Paul Orzechowski said that Ludlow is a great place to live.
5. **Appoint Town Officers**
- A. Howard Barton asked if there is an opening on the Planning Commission.
 - B. Frank Heald said none this year.
 - C. Howard Barton noted that the terms of the positions aren't staggered.
 - D. Bruce Schmidt said the letter of interest is actually for the DRB.
 - E. Frank Heald said that will be discussed under Item 7.
 - F. Howard Barton noted that Cheryl Gurdak requested a 3-year appointment to the Council on Aging. It was formerly a 1-year term.
 - G. Bruce Schmidt expressed concern that some of the positions are just being filled by the same people and that other new people may not have the chance to fill these positions.
 - H. Frank Heald said that the positions are advertised. The people who are currently in the positions sent letters thanking them for their service and asking them if they are interested in continuing on in their positions. Most of them send letters, call or stop in to the office. He added that typically, we reach out to people.
 - I. Bruce Schmidt said it would probably only be a problem in a contentious situation.
 - J. Howard Barton asked why there is an "X" next to Heather Tucker's name a bland next to Pat Rumrill's name.
 - K. Frank Heald said both are interested in continuing.
 - L. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to appoint the slate of candidates for 2017-2018 as presented. Motion passed unanimously.**
6. **Appoint Solid Waste District Representative Alternate**
- A. Frank Heald advised that John Denner was appointed to the position last year and would like to continue
 - B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to appoint John Denner, Jr. to the position of Alternate to the Solid Waste District Board of Supervisors. Motion passed unanimously.**
7. **Consider Appointment for an Alternate for the Development Review Board**
- A. Frank Heald said that Dana Wilson has written a letter of interest in a position on the DRB and suggested that the board appoint him as an alternate.
 - B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to appoint Dana Wilson as Alternate to the DRB. Motion passed unanimously.**
8. **Liquor Control Board**
- A. Howard Barton advised that they would do the Okemo licenses first. There are 7 renewals and 8 outside consumption permits.

Applicant

Business Name

Okemo Mountain Food and Beverage

EPIC
Willie Dunn's Grille
Sitting Bull Lounge-Base Lodge
Smoky Joe's Grill
Sky Bar
Jackson Gore Inn
Corner Store at Jackson Gore

- i. **MOTION by Brett Sanderson and seconded by Howard Barton to approve the liquor licenses for Okemo as indicated.**
- ii. Bruce Schmidt recused himself from the vote.
- iii. Howard Barton noted that 3 signatures are required. He added that there was no need for Bruce Schmidt to recuse himself. The licenses are approved by the town, the police and the state. Bruce Schmidt does not receive direct payment from these businesses and there is no conflict.
- iv. Brett Sanderson agreed, saying that he does not see an issue with Bruce Schmidt voting.
- v. Bruce Schmidt said that he always tries to be above board and is glad that Howard Barton and Brett Sanderson do not perceive a conflict of interest. He then dismissed his recusal.
- vi. **Motion passed unanimously**

B. **Other Liquor License Renewals**

Applicant

Barrich Corporation
46 Depot Street Annex, LLC
Stuart, Leslie Pearson
Moon Calhoun LLC
Gaignard, Richard C
Brockton Corporation
Olson Hospitality LLC
Good Times Ludlow LLC
Cumberland Farms of Vermont
Vermont Irish Pub LLC

Business Name

Pot Belly Pub
Stemwinder
The Wine and Cheese Depot
Downtown Grocery
D.J.'s Restaurant
Shaw's Beer and Wine
Sam's Steakhouse
Ludlow Country Store
Cumberland Farms
The Killarney

- i. Howard Barton said all licenses were current on taxes and any other fees. He added that there are 10 license and 2 outside consumption renewals
- ii. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to approve the liquor license renewals indicated above. Motion passed unanimously.**

C. **New Licenses**

- i. Frank Heald advised that there are 2 new licenses and MOJO Café has an outside consumption permit where no signature is required.

Business Name

Tyson Store
The Pettigrew Inn (formerly Andrie Rose)

New Owners

Jeffrey and Tina Rebideau
Courtney Danielle-Nicole Dundy

- ii. **MOTION BY Bruce Schmidt and seconded by Brett Sanderson to approve the licenses for the Tyson Store and Pettigrew Inn as presented. Motion passed unanimously.**

9. **Execute Codes & Standards Certification of Compliance for Town Roads & Bridge Standards**

- A. Frank Heald advised that this is an annual Certification of Compliance stating that we our standards meet or exceed the state template dated January 23, 2013. Ludlow does.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to execute the Certificate of Compliance as presented. Motion passed unanimously.**

10. **Consider 4th Wounded Veteran's Walk/Run Request**

- A. Howard Barton advised that a letter has been received from Sara Stryhas advising that she would like to hold the Wounded Warrior Race on May 27, 2017. She said it would be basically the same as the race in last year. This has been approved by Chief Billings.
- B. Howard Barton said it is a good project.

- C. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the project as presented. Motion passed unanimously.**

11. **Approve 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. He assured the board that they spend in excess of that annually.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to sign the certificate. Motion passed unanimously.**

12. **Adopt Local Emergency Operations Plan (LEOP)**

- A. Howard Barton asked if the plan is the same as last year.
- B. Frank Heald said it is pretty much the same.
- C. **MOTION by Brett Sanderson and seconded by Bruce Schmidt re-adopt the Emergency Operations Plan. Motion passed unanimously.**

13. **Review & Discuss Memo from Bob Thompson NRCS RE: Flood Control Dams**

- A. Frank Heald advised that in their packets, he had enclosed a copy of a memo from Bob Thompson at NRCS concerning the 4 flood control dams. They have completed a preliminary study of the dams and their current capabilities. The initial study indicated the need to heighten dams and increase spillways. The second step in the process would be a Planning Study and Frank Heald suggested that the board authorize that study. This would be done on their money. Step 3 would be the Design and Step 4 would be Construction. The estimated costs, at this time, would be \$1,245,000 with Ludlow's share at \$435,750. However, as time goes by, Frank Heald expects these costs to increase. It would be prudent to begin the process and authorize Step 2. He also suggested that the Select Board consider putting money in the budget, starting next year for dam repairs. The dams did their job during Irene. We need to get in the queue at this time. There are no funds available at this time, but if money becomes available for infrastructure we would be in the queue. These dams are considered Life Safety Infrastructure. We need to get in position to have the work done.
- B. There was agreement in the board to authorize NRCS to begin Step 2.

14. **Department Head Reports**

- A. Howard Barton advised that all reports are in for the February and March.

15. **Other Business**

- A. **State Signalization Project at Intersection Route 103 and Route 100**
- i. Frank Heald said there are some interesting nuances being considered by the state. One would be to extend Locust Hill to "T" with Route 100N. The state owns the ROW in front of the house. The other is to leave Locust Hill as it is, but make it a right turn only. There is a break in the island on Route 103. That would mean a \$160,000 savings. It is a waste of money and invades the property owner's rights. The town would have to change the way we plow, but that can be modified.
- B. **Fuel Purchasing**
- i. Frank Heald advised that in the past, the board has given Frank Heald some latitude with the purchase of fuels for the town. He asked the board for their approval to continue this practice.
- ii. There was consensus among board members to allow Frank Heald to negotiate and purchase fuels as he sees appropriate and in the town's best interest.

16. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be May 1, 2017 at 7:00 p.m.

17. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

- A. Frank Heald advised that an Executive Session is needed.
- B. **MOTION by Bruce Schmidt and seconded by Logan Nicoll that in accordance with the provisions of 1VSA §313 (1) (B), he moves that the Ludlow Select Board enter into Executive Session to consider;**

- i. **A proposed contract.**

The premature public knowledge of this proposed contract would place the Town and Village of Ludlow at a substantial disadvantage. This motion for executive session includes the members present and the Municipal Manager. Motion passed unanimously.

- C. Board entered into Executive Session at 7:37 p.m.
- D. Executive session ended at 7:49.
- E. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to settle on the Hart property to meet Flood Regulations. Motion passed unanimously.**
- F. **MOTION by Bruce Schmidt and seconded by Howard Barton to extend Frank Heald's contract to May 2018. Motion passed unanimously.**

19. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:53 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll