

MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

April 6, 2015

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Frank Heald	Rose Goings
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OTHERS PRESENT:

Ned Bowen	Ted Reeves	Mycah White
Leslie Boyle	Sara Stryhas	Larry Wilfong
Alan Isaacson	Belle White	Luke Chrisinger (LPC-TV)
Ralph Pace	Gable White	
Jason Rasmussen	Maizy White	

1. **Call to Order**

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

2. **Annual Board Reorganization**

- A. Elect Chair of the Board
 - i. **Motion by John Neal and seconded by Brett Sanderson to elect Howard Barton Chair of the board. Motion passed unanimously.**
- B. Elect Vice Chair
 - i. **Motion by Brett Sanderson and seconded by John Neal 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 Logan Nicoll 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

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- D. **MOTION by Bruce Schmidt and seconded by John Neal to appoint Logan Nicoll to a 4-year position on the Planning Commission. Motion passed unanimously.**
 - E. **MOTION by Bruce Schmidt and seconded by John Neal to appoint Logan Nicoll to a one-year position as Alternate Representative to the South Windsor County Regional Planning Commission. Motion passed unanimously.**
 - F. **MOTION by John Neal and seconded by Logan Nicoll to appoint the balance of the slate for 2015 as presented, including Heather Tucker and Leslie Boyle on the Recreation Committee. Motion passed unanimously.**
 - G. Frank Heald advised that there is one Fence Viewer position still open.
 - H. **MOTION by Logan Nicoll and seconded by Brett Sanderson to appoint Alan Isaacson to the open Fence Viewer position. Motion passed unanimously.**
 - I. **Sign Town Service Officer Appointment**
 - i. **MOTION by John Neal and seconded by Logan Nicoll to appoint Viola Wynne as Town Service Officer and to sign the appointment. Motion passed unanimously.**
 - J. **Sign Town Health Officer Appointment**
 - i. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to appoint Ralph Pace as Town Health Officer and to authorize Howard Barton to sign the appointment. Motion passed unanimously.**

6. **Liquor Control Board**

- A. Frank Heald advised that there is one new liquor license application, Williams Prime to be in the Cool Moose location. The two others are Shaw's and The 5 Spot LLC. He said that the paperwork is in for 5 Spot, but taxes, in the amount of \$1,500 are due. He said that the owner said that the check has been sent directly from the bank. He indicated that the board could approve the license contingent upon receipt of taxes.
- B. Bruce Schmidt asked what they have done in the past.
- C. Frank Heald said this has not happened very often. He added that the current license is good through the end of April. He added that Mark Williams from MR.DARCY'S is taking over the Cool Moose location.
- D. Bruce Schmidt asked about The Outback.
- E. Frank Heald said the license is good through April 30th.
- F. Howard Barton said that The Outback has had plenty of time to get their paperwork in.
- G. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the liquor license applications for The 5 Spot, Shaw's' Beer and Wine and Williams Prime as indicated above. Motion passed unanimously.**

NOTE: Howard Barton suggested Wounded Warrior Discussion be moved up ahead of the Planning Commission Discussion. Minutes are in Agenda order

7. **Planning Commission Discussion**

- A. **Flood Resiliency**
 - i. Jason Rasmussen advised that Ludlow has a grant for a Flood Study to include the Flood Resiliency Element into the town plan. He said that any town plan, adopted after July, 2014, must now include the Flood Resiliency Element based on the FEMA

- maps and the ANR River Corridor maps and stream setbacks. He said that 4% of the town is included in those areas and it includes 198 structures. He said that the new River Corridor map from ANR deals with erosion hazard failure potential where rivers might go over and that includes 3% of the land area and 273 structures. Continuing, he said that the Planning Commission is starting to look at a Flood Resiliency Chapter for the town plan and how it would affect the town. He said that there is a procedure with the ANR for the town to change the River Corridor maps.
- ii. Frank Heald advised that the Municipal Plan is for the town and village combined.
 - iii. Alan Isaacson said that the Planning Commission feels that some mapping is wider than necessary and it may cause problems for some property owners. He said that there is a procedure for changing the map, but it requires that the Select Board and Trustees step up and ask the ANR to review and change the maps.
 - iv. Logan Nicoll said that there is a link on the web that shows the maps and you can overlay it over the Irene damage map. It covers more ground than he is comfortable with.
 - v. Alan Isaacson said that damages from Irene flooding may not relate to this.
 - vi. Ted Reeves asked if the corridor relates to the FEH zone.
 - vii. Jason Rasmussen said it is similar. He said that the River Corridor has a 50 foot buffer and considers geological features, roads and highways. He added that Ludlow does have a FEH map.
 - viii. Ted Reeves said the goal is to limit construction in the corridor.
 - ix. Jason Rasmussen said that new construction in the Flood zones must be elevated. He said that new construction is not allowed in the river corridor, but there are exceptions. He said that Benson's is an exception.
 - x. Bruce Schmidt asked how many property owners does this affect.
 - xi. Jason Rasmussen said he doesn't know about ownership.
 - xii. Bruce Schmidt said he would like to get more in-depth recommendations and suggestions from the Planning Commission. He asked if Select Board members would need to look at the maps.
 - xiii. Jason Rasmussen said he would be able to come back.
 - xiv. Bruce Schmidt asked about a time line for this.
 - xv. Jason Rasmussen said he would like to have the grant work completed by mid-May.
 - xvi. Bruce Schmidt asked about the state time line.
 - xvii. Jason Rasmussen said that the map is now official and he suggested that if Ludlow wants to change the map they should do it as soon as possible.
 - xviii. John Neal said that is the map and 273 structures are affected by it. We need to recommend changing the map. It is a big concern for the town.
 - xix. Alan Isaacson said it also runs through the village. The Planning Commission is considering wording for the town plan but it won't change the map.
 - xx. Bruce Schmidt asked if there should be public input. He said that people should know about this.
 - xxi. Jason Rasmussen said there were public announcements at the state level. He said that we have to make sense of it. He said that he doesn't want people to think they have to get flood insurance unless they are in the floodway. But, if people want to build a new building in the river corridor, they will be affected.
 - xxii. Alan Isaacson said the Select Board can ask the ANR for a more specific study about the areas that may be too wide. He thinks the ANR should see what is happening in Ludlow.
 - xxiii. Howard Barton said that the Select Board needs to look this over.

- xxiv. Bruce Schmidt asked Rose Goings and Frank Heald to see how many people are affected and how we can let them know that they may be affected. He would like this information for the next meeting. He also wanted to know how Rose Goings would be affected by this.
- xxv. Rose Goings said it only affects Act 250. She said if we ask ANR to shrink the area, maybe some of the properties would no longer be affected. She suggested doing a study and try to get the map changed before telling the people about this. Then you would only have to deal with the properties remaining in the zone.
- xxvi. Bruce Schmidt asked what defines “zone.”
- xxvii. Rose Goings said that is why ANR has to come and look at the areas and tell is why. Benson is the only one affected so far.
- xxviii. Alan Isaacson said this just applies to the town plan, Act 250 and Act 248. He said that the Planning Commission needs to review this, now.
- xxix. Bruce Schmidt said that the area is too big and this is hard to understand. He said that individuals can’t do anything about it.
- xxx. Rose Goings said state law says it must go in town plans. We need them to reduce it in certain areas and this is something we should start approaching now.
- xxxi. John Neal said it looks like ANR made it wide and we need to go back and get it revised.
- xxxii. Logan Nicoll said that it includes Smith Street and shouldn’t.
- xxxiii. Bruce Schmidt noted that the board had held 2 or 3 public hearings on trash and we now need to let people know that their properties may be affected.
- xxxiv. John Neal asked the total acres affected for the town and village.
- xxxv. Jason Rasmussen said 119 acres in the village, 554 acres in the town, for a total of 673 acres. He said that he would be able to come back and that he would be able to draft a letter, for the Select Board, to ANR to start the process.
- xxxvi. Howard Barton asked if this could be for the May meeting.

B. Village Center Designation

- i. Alan Isaacson advised that Frank Heald had asked the Planning Commission to look into expanding the Village Center Designation which currently runs from Governor’s Inn to La Mere Square. He would like to have it extended to the Chamber of Commerce Building. Buildings in the Village Center Designation area are eligible for tax rebates or credits for building or façade renovations, and funds may also be available for economic development. The Planning Commission must change the town plan to include the extended area and the Select Board and Village Trustees must hold public hearings. The Planning Commission would like to proceed.
- ii. Howard Barton asked if there are any negatives.
- iii. Alan Isaacson said if the application to expand the area is denied, the state could also rescind the existing portion. We need state approval to expand the area and there is a lot of work for everyone.
- iv. Bruce Schmidt asked who requested this.
- v. Frank Heald said that he had. He said there are a number of benefits that should be available to properties all the way out and it is hard to separate Okemo Marketplace from the designated area. If the Village Center designation was expanded to Okemo Marketplace, the whole area would be eligible for way finding. The state downtown board does not like bigger centers, and may take something away. We have also applied for a CDBG to look at commerce throughout the village and town.
- vi. Bruce Schmidt asked if it would limit what people can do with their properties.

- vii. Frank Heald said no.
- viii. Jason Rasmussen said that a property owner, outside the current Village Center Designation contacted the state about benefits and was told they were outside the area. Their letter was forwarded to Jason Rasmussen.
- ix. Alan Isaacson said that when they change the town plan for the Flood Resiliency, they can add the wording for expanding the Village Center.
- x. There was general consensus among board members for the Planning Commission to proceed.

C. Vacant & Abandoned Buildings

- i. Alan Isaacson said that the Planning Commission has finished with the Village Zoning Regulations and will present it to the Trustees tomorrow. He said they are trying to keep the wording similar between the town and village zoning. He said that there is a section in the village zoning for abandoned structures that is reinforced by a village ordinance. He said that the Planning Commission felt that the town should also have an ordinance. He said that he modified the village ordinance to relate to the town and added that there is nothing in the town like this.
- ii. Bruce Schmidt said that the board would need a meeting to review it.
- iii. Alan Isaacson said there should be a procedure in the town for whom to notify and how to get such a property cleaned up.
- iv. Frank Heald said that the Village has not proceeded with enforcing the ordinance, but has rattled its saber. If this board discusses it in May and warns a meeting for June, the ordinance could become effective in September.
- v. Bruce Schmidt said he would like copies of the Planning Commission minutes after each meeting.

8. Update on Walker Bridge

- A. Frank Heald advised that he had received an email from the engineer and had hoped that the engineer would be able to attend tonight's meeting, but was not available. Frank Heald said that the issue that he has is that they started planning this project in 2010 and it has been "death by 1,000 cuts." They have billed us \$29,000. They were planning to use next beams, but 6 months ago realized they would be too short. Now the new beam may shorten the procedure and we have to go through the ROW process in the winter of 2015-16 with the bid process in the summer of 2016, construction in the summer of 2017. At this point he would like to write to Senator Nitka, who is on the Senate Transportation Committee and Representative Huntley, who is on the House Transportation Committee, to voice his frustration with the situation. We completed Irene repairs in 15 months. There is no practical reason to delay the bridge until 2017.
- B. Howard Barton said that the process really started in 1997 when VTRANS inspected the bridge and said it was in desperate need of repair.
- C. Bruce Schmidt suggested that Frank Heald may want discuss and have Howard Barton review the letter before mailing.

9. Consider Wounded Warrior Project 5k/10k Run

- A. Sara Stryhas advised that she would like to hold the Wounded Warrior Race on May 23, 2015. She said it would be basically the same as the race in October, 2013. The difference is that the 10 k this year will be the 5k run twice. This has been approved by Chief Billings.
- B. Howard Barton said it is a good project.
- C. **MOTION by John Neal and seconded by Brett Sanderson to approve the project as presented. Motion passed unanimously.**

10. **Update on Commonwealth Avenue**

- A. Frank Heald said the Commonwealth Avenue project is moving along. They will have the FEMA project specialist in Vermont next week and he may come here. All emails indicate that the project is moving along. He had hoped to do this project concurrently with the Walker project, but that is not going to happen. He said that Ludlow will be able to construct and maintain traffic.
- B. Bruce Schmidt asked about the stone house at the corner of Commonwealth and Route 103. There is still debris and glass there.
- C. Frank Heald said he will “rattle” the Vacant House Ordinance. The tape is down and the property should be better protected.

11. **Consider Dr. Carey Camp Road Discontinuance**

- A. Frank Heald referred to his memo about this. There is an agreement with the owners for the town to give up this road. We will lose about \$350 per year in state aid, but we spend much more than that on plowing and maintenance. No adjoining properties area affected and the two owners are in agreement.
- B. **MOTION by Bruce Schmidt and seconded by John Neal to instruct Frank Heald to move forward with the procedure for discontinuance of Dr. Carey Camp Road.**
- C. Howard Barton asked if the board would have to hold a public hearing.
- D. Frank Heald said yes. He wants to set the examination for June 1, 2015.
- E. **Motion passed unanimously.**

12. **Continue Act 148 Discussion**

- A. Frank Heald said that they have held multiple public hearings and the Village voted to continue with weekly pick up and biweekly single sort recyclable pickup. We should proceed with the single sort plan at the transfer station and it is time to move forward. We can set the fee structure at a later meeting, but he needs to order the bags now.
- B. Brett Sanderson asked if they are going to enforce businesses putting trash out for pick up in the village.
- C. Frank Heald said he has proceeded against one.
- D. Howard Barton said some of the ski clubs are also putting trash out and asked how we are policing this. He said that the town pays for the weight of the disposals and they need better policing.
- E. Frank Heald said that as of July 1st, the totes will be given to residences only and the contract will be to pick up only town totes or town approved bags. Every other week, there will be single sort recyclables pick up. He said that businesses and ski clubs will not be given totes or

bags. We have had conversations with 2 businesses and the other, left bags on the street. He added that there will always be abusers. He said that Village residents will get one free 46 gallon tote pick up per week. Any additional trash must be in bags that they will have to purchase. We will not allow village residents to purchase stickers for the transfer station. He added that they may have two different colors on the logos for the bags, one for town and one for village. Town residents will purchase sticker and receive fifty-two (52) 33 gallon bags, with additional bags available for \$1.00 each. He asked the board to approve the program as presented and they can set fees at the June meeting.

- F. **MOTION by John Neal and seconded by Logan Nicoll to accept the new Act 148 program as presented with provision that new details and fees to be set at a later meeting. Motion passed unanimously.**

13. **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 Logan Nicoll to sign the certificate. Motion passed unanimously.**
- C. Frank Heald added that he has also applied for \$175,000 for Pleasant Street Extension bridge repairs again.

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

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

15. **Consider Boy Scouts' Parade**

- A. Ned Bowen advised that the American Legion has been in contact with the Boy Scouts' Green Mountain Council and they would like to hold the Scouting Salute to Veterans Parade in Ludlow on Saturday, November 7, 2015 starting at 11:00 a.m. He would like to have community involvement and support. The plan is to have the step off area at Stearn's Pit, come across Witalec Road and then down West Hill to Route 103, ending at the high school, a distance of 1.3 miles. They expect approximately 900 +/- scouts, leaders and families and 25 military organizations with 5 to 25 members and vehicles. They will need traffic control and to shut down Route 103 for about 1 hour. He said that Vermont is the only state in the union that holds a statewide parade.
- B. Howard Barton said that would be a large parade and they would need to consider traffic, adding that there is really no detour for the full area.
- C. Ned Bowen said it would not be much more than the Memorial Day or Alumni Parades.

- D. Frank Heald said it would block Route 103 in both directions and that would be an issue. He added that once the parade passes this area, they could route traffic along Pleasant Street. He said that weather could also be a concern.
- E. Logan Nicoll said it would be an interesting time to have an influx of people in town, economically.
- F. Bruce Schmidt said that other towns put up signs, in advance of the event, warning people that the road would be closed to traffic on a certain date. He said that he would like to find a way to have this event. He supports the veterans and scouting. It will take some logistical planning, involving town, police and fire departments.
- G. Ned Bowen said that Bristol put up signs in advance last year when they had the parade. The state gives us (the Legion) \$4,000 toward the costs of the parade.
- H. Bruce Schmidt said he would like Frank Heald to come back with a plan.
- I. Frank Heald said that he would get together with Ned Bowen.

16. **Department Head Reports**

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

17. **Other Business**

- A. **American Legion State Meeting**
 - i. Frank Heald advised that the legion has a state meeting in June and have asked the town about use of the Municipal Transit buses to move people around in the evening. He said that he initially suggested they contact Okemo or the Connecticut Valley Current. He said that he has avoided using town buses for things like this. But, he asked, does the board have any objections to doing this for them.
 - ii. Bruce Schmidt said they could talk to Ted Reeves as he is the representative to the CT River Valley Current. He said that the problem with Okemo doing it is they would need special insurance to charge for livery service. He said that if needed, Okemo would help. He has spoken to Ray Martel,
 - iii. Frank Heald asked if the board had any objections to using the town buses for this.
 - iv. Bruce Schmidt said there would be possibly 400 people.
 - v. Ted Reeves said that CT River Valley is limited to no charters, but he would check.
 - vi. Frank Heald said that Marble Valley does it, treating it as a community service.
 - vii. Bruce Schmidt said that Okemo would help if needed. Okemo does not want to leave the legion hanging.

18. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be May 4, 2015 at 7:00 p.m.

19. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

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

21. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by John Neal to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:34 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll