

*MINUTES*

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

**REGULAR MEETING**

August 5, 2013

**BOARD MEMBERS PRESENT:**

Howard Barton, Jr., Chairman      John Neal (by phone)      Bruce Schmidt  
Douglas Ficken      Brett Sanderson

**STAFF PRESENT:**

Frank Heald

**OTHERS PRESENT:**

Paul Olson      Ted Reeves      Noah Schmidt (LPC-TV)  
Ralph Pace      Mark Verespy

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:01 p.m.
- B. All members present.

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of July 1, 2013 and the special meeting of July 10, 2013.
- B. Howard Barton advised that for the minutes of the special meeting of July 10<sup>th</sup>, for Set FY2014 Tax Rate, minutes should reflect that he opposed the motion to set the tax rate at \$.2805.
- C. **MOTION by Doug Ficken and seconded by Bruce Schmidt to approve the minutes of July 1, 2013 as presented and the special meeting of July 10, 2013 as corrected. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Award West Hill Storm Drain Replacement Project Bid**

- A. Frank Heald advised that the bids for this project were opened by the committee on Friday, August 2<sup>nd</sup>. Two bids were received; Gurney with a total bid of \$45,450, specifying that the base bid was \$25,450 and the additional \$19,000 was for resurfacing. The second bid, per specifications was from Sanderson Contracting for \$22,500. The committee recommends awarding the bid to Sanderson for \$22,500.
- B. Howard Barton asked if the bid included resurfacing.
- C. Frank Heald said it included patch paving. Paving is on the agenda for next year. They need to let the work from this year settle.
- D. Brett Sanderson recused himself from the vote.
- E. **MOTION by Doug Ficken and seconded by Bruce Schmidt to award the bid to Sanderson Contracting for the West Hill Storm Drain Project not to exceed \$22,500. Motion passed unanimously.**

5. **Consider Transfer Station Culvert Liner Proposals**

- A. Frank Heald said that they budgeted for this project based on estimates of \$35,000 and sent the bid requests to the two companies that do this type of work. Two bids were received. With the lower bid, \$41,273, the town would be responsible for doing more of the work. The higher bid of \$43,600 included all of the work. It would prove to be lower in overall costs. Both bids are over budget.
- B. Bruce Schmidt asked which project is more pressing, the West Hill Storm Drain or this. Could they be combined?

- C. Frank Heald said that the West Hill project will be about budget when you add in the structures and pipes that the town will provide.
- D. Bruce Schmidt noted that the Transfer Station project is \$8,000 over budget.
- E. Frank Heald said that the CRS bid of \$43,600 is all inclusive.
- F. Brett Sanderson said that if anything goes wrong, CRS would be responsible.
- G. Frank Heald said that about a year ago, they ran a televised pipe through and the work should be done. It takes the water from the pond out.
- H. Bruce Schmidt asked where they would get the balance of the money for the project.
- I. Brett Sanderson said the transfer station should have some money.
- J. Frank Heald said there is about \$15,000 in the landfill fund, but they really should not use it for this.
- K. John Neal asked how much it would cost to re-televising the pipe to see if the project could be put off.
- L. Frank Heald said it was not terrifically expensive.
- M. Bruce Schmidt suggested tabling this and do the project next year.
- N. Brett Sanderson said that if it fails, it would cost more than doing the project. He agreed with re-televising the area.

6. **Board of Listers' Errors and Omissions**

- A. Howard Barton advised that there are 13 properties on the list.
- B. Bruce Schmidt noted that Ludlow Electric is on the list and asked if the property is town or village.
- C. Frank Heald said just village. He clarified that the properties listed for Gordon Parker and Shana Jasinski are motor homes that are abandoned in Tuckerville and to be destroyed. These will be removed from the grand list.
- D. **MOTION by Bruce Schmidt and seconded by John Neal to act on the Errors and Omissions report as presented, eliminating the Village of Ludlow Electric Company which should be a Trustees issue. Motion passed unanimously.**

7. **Consider Homestead Declaration Penalty**

- A. Frank Heald advised that town treasurer brought this information to him. It included a list of property owners who made mistakes on their Homestead Declarations. The State Legislature has allowed municipalities to impose an 8% penalty on people who make mistakes related to Homestead Declarations when those mistakes benefit the taxpayers. This is regarding the Education tax. The treasurer says that most towns are not imposing these penalties.
- B. Howard Barton asked if the towns have to pick up the costs.
- C. Frank Heald said yes. If they file as residents and they are non-residents, the taxes are higher for residents. He added that all taxpayers have to make a Homestead Declaration when they file their taxes. The taxpayer is responsible for any mistakes.
- D. Doug Ficken noted that on this list there is one name with no difference between the original and revised taxes.
- E. John Neal asked if this is done yearly.
- F. Frank Heald said yes.
- G. Howard Barton asked if the people have to pay the differences to the state.
- H. John Neal asked if the town is responsible.
- I. Frank Heald suggested the board table this discussion and to asked Ulla Cook to attend the next meeting to further discuss this.

8. **Liquor Control Board**

- A. Howard Barton advised that there are 2 businesses applying for licenses.

<b>Applicant</b>	<b>Business</b>	<b>Applying for:</b>
Olson Hospitality LLC	Sam's Steakhouse	Liquor License/ 1 <sup>st</sup> /2 <sup>nd</sup> Class
Vermont Irish Pub	The Killarney	Outside Consumption permit

- B. Frank Heald advised that both applications have been approved by the Police Department. Taxes are up to date. He added that Ulla Cook must sign the must sign after affirmation by the Select Board.
- C. **MOTION by Brett Sanderson and seconded by Doug Ficken to approve the Liquor Licenses for Sam's Steakhouse and The Killarney as indicated above.**
- D. Bruce Schmidt asked Mark Verespy if the outside area would be covered.

- E. Mark Verespy said no. There would not be an awning. He described the area as where the old cooler used to be. He said the vent comes out of the roof. He added that this stays within the original footprint.
- F. **Motion passed unanimously.**
- G. Frank Heald said that Ulla Cook will move this tomorrow.

9. **Consider Ludlow Garden Club Christmas Tree Request**

- A. Frank Heald advised that the Garden Club has requested that they have approval to put a Christmas tree in the Kesman Park as they did last year.
- B. Howard Barton asked if there had been any issues last year.
- C. Frank Heald said no.
- D. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the Garden Club request to put a Christmas tree in Kesman Park as had been done last year.**
- E. Frank Heald said that the Garden Club and Streetscapes have done a nice job this summer with the plants.
- F. Ralph Pace asked about electricity to the tree.
- G. Frank Heald said there was none last year.
- H. **Motion passed unanimously.**

10. **Discuss VT Solid Waste Bill – Act 148**

- A. Frank Heald said that this is a list of initiatives taken during the last legislative session pertaining to Solid Waste. He said that some of the issues include food residuals, leaf and yard residuals and mandatory recyclables. This is a budget issue and also requires that by July 2015, towns implement a “pay to throw” program. Ludlow has never done this before. The board will need to start discussions with the budget workshops in the fall. They also will need to discuss how to explain this to residents and taxpayers. He said that if the board would like, he can have someone from the Solid Waste District come to a meeting.
- B. John Neal suggested having local state representatives, such as Alice Nitka, come in to explain this and why it has been mandated by the state.
- C. Frank Heald said that could be included as part of the process, but the board needs to prepare for this.
- D. Howard Barton said that it does not specify how towns are going to charge people, so this board can set that. The town has never charged per bag for residential waste. He asked about how this would affect Village pick up and disposal.
- E. Frank Heald said it will change the way we do business.
- F. Howard Barton are they pushing toward more recycling or going to zero sort. That may improve the flow at the transfer station.
- G. Frank Heald said it might improve the flow, but will cost more. He added that the Village does not have the critical mass to do single at the curb. MSW costs will ramp up. We have increased recyclables and that does save money. He said that he does not see any real savings for single sort here.
- H. Bruce Schmidt asked if there are any other states that require no food residuals in the waste stream.
- I. Frank Heald said there are some places that do and some people do compost.
- J. Howard Barton asked how this affects Gobin.
- K. Frank Heald said that contract has a couple more years. Wheelabrator is struggling to get enough trash to keep running. Ours is based out of Coventry. There is also Upper Valley in Hartland that is a district landfill, but may not be permitted yet.
- L. Bruce Schmidt said that he understands the need to recycle, but food and grass decompose. We do a good job recycling, but it could be improved.
- M. Frank Heald said there is a high percentage of waste. MSW is organic and does decompose which in turn is a source of methane gas which causes a greenhouse effect and melts the polar ice caps.
- N. Bruce Schmidt said that he thinks the taxpayers will understand.
- O. Howard Barton said that the state is taking away control from the municipalities.

11. **Review Wyman Complaint**

- A. Frank Heald advised that this email came in on the first and there are two issues. One is the junk in the yard next door. It appears that both properties are in violation of the town mowing ordinance that states that all fields must be mowed by August 1<sup>st</sup>. The property in front also has junked motor vehicles. He said that his plan is to send a letter to clean up the yard and mow. The second issue is the health order issued in July 2011 for sewage on the ground. He said that he

thought it had been taken care of. Loran Greenslet and John Paige also thought the same. Ms. Wyman wants the midnight connection to her sewer lines fixed. The town and/or village are only responsible for the lines to the property at the collection pipe. They are not responsible to lines on the individuals' property. Ms. Wyman may have purchased the property in that condition. The town has no information on the installation of the sewer line and it predates any records we have. He suggests that he write a letter to Ms. Wyman telling her that the town/village are not responsible for the lines on her property and that she needs to take legal action against the other property owner.

- B. Bruce Schmidt asked how the town enforces the mowing ordinance.
- C. Frank Heald said the fine is \$100.

## 12. Department Head Reports

- A. Howard Barton advised that all reports are in.
- B. Ambulance
  - i. Bruce Schmidt asked how the new ambulance is doing.
  - ii. Frank Heald said that some people are reluctant to drive it because it has a longer nose than the other one. People will get used to it. They said that it rides comfortably.
- C. Planning Commission
  - i. Bruce Schmidt said that at the last meeting, he had discussed having the Planning Commission come to a meeting to discuss the changes in the zoning regulations. He feels that this board needs to give them some guidance.
  - ii. Frank Heald said that the mark ups are in progress and the board hopes to have representatives from the Lake Rescue Association at their meeting this month.
  - iii. Bruce Schmidt asked Frank Heald to forward any emails from the Planning Commission to his mountain email address.
  - iv. Frank Heald said he would do that and added that the Planning Commission would be at the October meeting.

## 13. Other Business

- A. Quest
  - i. Frank Heald said that this is the final week for the program and there will be a festival on Wednesday at 6 p.m. There will be some carryover in the budget from this year to next year. There were 27 children who signed up and 2 never made it. Average daily attendance ranged from 16 to 20 students. It appears that each youngster found at least one thing that really caught their attention. Most of the participants gained self-confidence, self-esteem and new friends. The volunteers taught a variety of different things and everyone who participated, including adults, learned something new.
- B. VELCO
  - i. Frank Heald advised that VELCO sent a note to advise that they will be working on the 115KV line from the Coolidge to the new Ascutney substations. This project does not affect Ludlow.
  - ii. Bruce Schmidt asked about a property up there that VELCO had purchased.
  - iii. Frank Heald advised that he had not heard anything about it recently.
- C. Senior Center Building
  - i. Frank Heald advised that the Supervisory Union is out of the Senior Center. He said that he met with the supervisor and the prison work crew will paint the upstairs interiors for \$1500 plus materials. The exterior will cost \$4000 plus materials. The crew did a good job at the fire station. He said there is one refugee from the Supervisory Union who does not have an office at Fletcher yet and also a person from LES still there. The town is trying to get the word out that the space will be available for rent. It has a nice layout and could accommodate 2 to 3 tenants. We don't have a price yet and need to clean it up first.
- D. Health Insurance
  - i. Frank Heald advised that the new health care reform system published rates came last week and the deductibles are wrong. He said that in our office, we are spending a lot of time to get something together for the budget for next year that will work for the town and its' employees.
- E. Lake Pauline Dam Repairs
  - i. Frank Heald advised that Stream Alteration people were there and he would like to get the bid out tomorrow and open the bids at a brief meeting either the week of the 19<sup>th</sup> or at 8:00 a.m. on the August 21<sup>st</sup>.
  - ii. Howard Barton asked if it could wait until the September meeting.
- F. Budget Workshops

- i. Howard Barton said that he would like to start the budget process earlier, specifically mentioning Appropriations.
- G. Tax Rate
  - i. Howard Barton said that the Education tax rate was up from last year and he thought the merger of the supervisory unions was supposed to lower costs. Would the rate have been higher without the merger?
  - ii. Brett Sanderson said the Education rate went up at the state level. He added that the High School budget increased by 3% and the LES budget increased more than 3%. He said there are savings in the merger and more educational opportunities.
  - iii. Howard Barton noted that the Cavendish rates decreased.
  - iv. Frank Heald advised that Cavendish bought down the residential tax rate with surplus from last year.
- H. Personal Vehicle Mileage Reimbursement
  - i. Howard Barton noted that he has noticed in the last few months, that the board is getting charged with mileage for personal vehicle use. He asked why because a couple of years ago they purchased a vehicle for the Highway Department for use instead of personal vehicles.
  - ii. Frank Heald said he would check on this.
  - iii. Bruce Schmidt asked if the charges were from the foreman only.
  - iv. Frank Heald said yes.

14. Set Date for Next Meeting

- A. Howard Barton advised that the next regular meeting would be September 2, 2013 at 7:00 p.m.

15. Sign Warrant Orders

- A. Warrant orders have been signed.

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

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

17. Adjourn

- A. MOTION by Brett Sanderson and seconded by Doug Ficken to adjourn. Motion passed unanimously.
- B. Meeting adjourned at 8:15 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