

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

January 16, 2017

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Frank Heald	Pam Cruickshank
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OTHERS PRESENT:

Susan Barton	Tom Kennedy	Frank Procopio
Jay Clark	Michael McDermott	Alston Springer
Kimberly Ferguson	Janet Mordaunt	Regina Springer

1. **Call to Order**

A. Howard Barton called the regular meeting to order at 7:00 p.m.

2. **Consider Request from Housing Trust of Rutland County and Authorize Municipal Manager to Sign RE; Tuckerville**

A. Partial Release of Mortgage (Lot #4)

B. Agreement Regarding Lot Lease

C. Frank Heald explained that there are 2 pieces to this item. The Trust borrowed money from the Vermont Community Loan Fund for an energy efficient modular home to be placed on Lot #4 at Tuckerville. Vermont Community Loan wants an agreement that they can take the home if payments on it are not paid. They also want to be able to access the park in the event that the loan is not paid.

D. **MOTION by Brett Sanderson and seconded by John Neal to authorize Frank Heald to sign the Partial Release of the Mortgage and the Agreement Regarding the Lot Lease. Motion passed unanimously.**

3. **Review Application of the Ludlow Driver Solar, LLC's Driver Solar Project on VT Route 100 North just north of the VT Route 103 Intersection**

A. Howard Barton advised that the application was submitted in November and the 45 day period began. The developer wanted to get the application in before the December 31st deadline for pricing regarding net metering. The process calls for them to have notified adjoining property owners, but they were never notified. He recounted that he has brought this up at the last meeting. He advised that people were not made aware of this project and have no way of knowing about proposed projects. This project will be on a 7 acre lot and have 3 acres with 2,200 solar panels. They will bull doze the gravel pit.

B. John Neal asked if the PSB is supposed to notify the adjoining property owners.

C. Howard Barton said they are and it is supposed to be part of the permit process.

D. John Neal asked if there is a local part.

E. Howard Barton said Driver Solar is supposed to notify adjoining property owners. In Section 5 of the statutes describes adjoining properties as including properties separated by river or public highway and only a few were notified. Howard Barton said that he contacted Driver Solar to come to the last Select Board meeting, but they were unable to make it. We never were able to make comments. The application is now in the 30 day period and our only recourse now is to write letters. We have no control over Act 248. The town plan does have some impact, but the PSB is very lenient with granting these permits.

F. John McDermott asked who owns that property.

G. Frank Heald said Austin Anzaretti and Roger Danyew.

H. Frank Procopio asked if this project would be about the same size as the one in Rutland.

I. Howard Barton said yes.

J. John McDermott said they are ruining the state.

K. Jay Clark said it would affect property values.

L. Susan Barton asked if the project would need to go to Act 250.

M. Howard Barton said no.

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- N. Alston Springer asked if the project would be in the flood plain.
- O. Howard Barton said they are staying away from the part of the property in the flood plain.
- P. John McDermott asked who gets the benefits from this project.
- Q. Howard Barton said the developers and we will have to pay them higher rates for the electricity.
- R. Regina Springer asked if the developer gets tax credits.
- S. Howard Barton said yes and they get state and federal funding.
- T. Alston Springer asked what happens if the technology becomes obsolete.
- U. Howard Barton said there should be a decommissioning fund, but he had not seen anything about one. Ludlow has the infrastructure and there are no regulations for this.
- V. Frank Procopio asked what our state representatives have said about this.
- W. Howard Barton did not know. He said that this is a net metering project and the Barker project would go right into the grid.
- X. Regina Springer suggested forming an association and hiring an attorney.
- Y. Jay Clark asked if the Scenic 100 Bypass designation has any effect on this.
- Z. Howard Barton said Frank Heald looked into that, but there are no regulations on the bypass.
- AA. Regina Springer asked about Ludlow's zoning regulations.
- BB. Howard Barton advised that the developer is supposed to be at the Planning Commission meeting tomorrow.
- CC. Logan Nicoll advised that the Planning Commission did update the zoning regulations to include screening requirements. They are also working on designating areas where we would want and areas where we would not want these projects, but there is nothing we can do about this project.
- DD. Howard Barton said they won't put up trees that would block the sun. The simulation shows trees. They also can't put trees in the state ROW.
- EE. Jay Clark asked who the developers of these projects answer to.
- FF. Howard Barton said the PSB. The PSB does take comments from adjoining property owners.
- GG. Logan Nicoll said it seems like the PSB does not listen to us. They did add "due deference" to the rules, but that is not defined. He is not sure how that would affect this project, but it should be in effect.
- HH. Alston Springer asked if any other towns have fought projects like this.
- II. Howard Barton said Rutland did, but was not successful. We opposed the VTEL tower on Commonwealth, but it still went in.
- JJ. Frank Heald said that the town has contacted our attorney and asked him to file a Motion to Intervene. Once this happens, we can file our issues. Screening is an issue, because they can't put in tall trees and the trees they put in must be salt resistant. The Town of Ludlow was not properly warned about this application. We did get a 45 day notice from the developer. The town was also improperly notified of the Certificate of Public Good. Also, adjoining property owners were improperly notified, by Title 24's definition of adjoining property owners. At this point, the Town of Ludlow will participate at the PSB hearings on these points. Beyond that, it is his personal opinion that the whole solar project situation has gotten out of control. The town attorney will file the motion tomorrow. The PSB will hold one or more hearings if there is an issue that the Certificate of Public Good in not in the best interest of the people in the state.
- KK. John McDermott asked if people can go to the hearings.
- LL. Frank Heald said yes, and the town is going to try to correct the adjoining property status. The town will make sure you know about the hearings in advance.
- MM. Regina Springer asked if people should go to the Planning Commission meeting tomorrow.
- NN. Howard Barton said they can.
- OO. Alston Springer said the property is for sale, what is someone buys it before the project is approved.
- PP. Frank Procopio asked if the PSB can overrule the town zoning regulations.
- QQ. Howard Barton said yes. He referred to the screening plan and said that they can't plant inside the floodway or in the state highway setbacks.
- RR. Frank Procopio said the trees shown are birches and birches are not salt resistant.
- SS. Howard Barton said they can't plant trees as shown on the drawing.
- TT. Bruce Schmidt said the property is on sale for \$500,000.
- UU. Tom Kennedy said that the town and the Regional Planning Commission are required to advise in writing that they will participate in the hearings. If you are not an intervener, you will not be allowed to speak. You can write to the Department of Public Service about your concerns. It is very formal.
- VV. **MOTION by John Neal and seconded by Brett Sanderson to go forward with the Motion to Intervene. Motion passed unanimously.**
- WW. Howard Barton said if you are an adjoining property owner and were not notified, you should write a letter. The only ones that were notified were Danyew Carreras, Harry's and Terry Roundy. He said that he is sending a letter. He said that he is frustrated that people are not notified of upcoming projects. He said he will give a copy of his letter to anyone who would like a copy.
- XX. Frank Heald explained that the Public Service Board (PSB) and the Department of Public Service are different departments.
- YY. Pam Cruickshank thanked the board and Frank Heald for what they are doing about this.
- ZZ. Jay Clark asked if there is any tax benefit to the town.

AAA. Frank Heald said it is based on annualized KWH output and may be \$550,000 to \$600,000 to the tax rolls. He added that the developer may be at the February 6th Select Board meeting, but they are not obligated to be here.

4. **Continue FY2018 Budget Workshop**

- A. John Neal noted that at their last meeting, the board asked Frank Heald to try to get the increase lower than 5% and this draft is 4.46%
- B. Frank Heald advised that it includes the detective. He added that County Government had increased.
- C. Cemetery
- i. Bruce Schmidt asked how the Cemetery Commission budget decreased so significantly.
 - ii. Frank Heald said that the Cemetery Budget does satisfy its commissioners. He said that in this budget, we moved things around and labor went from \$54,000 to \$10,000. This is due to the way we hire and use staff. Instead of having 2 people there, we have one full time person for 6.5 months and will hire a new person in the spring. We have Kevin O'Connor or Eugene Dean there for parts of days. This also means a decrease in insurance costs. The Cemetery Commission also has 3 separate funds that we will use to modernize equipment. We hope to sell more lots and burials have increased in the last few years. We will take \$15,000 out of the Trustee of Public Funds account. The money taken out of this is only interest and not part of the principle.
 - iii. Bruce Schmidt asked if the Capital Reserve Fund is just for the Cemetery.
 - iv. Frank Heald said that the Cemetery does have its own Capital Reserve Fund and that every year, for the past 6 to 7 years, deposits into this have been voted Articles. People vote to fund the Equipment Fund, the Building Fund and the Reserve Fund. Money not spent at the end of the year, goes into their Capital Reserve Fund and not into the town general fund. There will be an Article at Town Meeting to consolidate the 3 funds. This board supports that article.
- D. Ambulance
- i. Bruce Schmidt asked how many full time EMTs we have.
 - ii. Frank Heald said only Carl Matteson. We have a couple of 6 month contract employees, one paramedic and a couple of EMTs. There will be a meeting next week to try to get a grip on where we're going staff-wise. The situation is that our volunteers are getting older and tired and there are less of them. We have augmented this with contract and part time people. We have an informal agreement with Chester. They have staffing problems at night and we have staffing problems during the day. We are still working on a plan. The meeting will be next Wednesday at 6:00 p.m. We have prepared a 10 year draft capital plan for replacing equipment. This budget dips into revenue for \$21,000 and we may have to do that for the next couple of years. The Legislature changed reimbursement for Medicaid to be the same as Medicare and there will be a 3.3% tax on reimbursement to offset that. The legislature did not look at the state demographics about that and metro services will come out ahead of services like ours.
- E. Police Department
- i. Bruce Schmidt said that it is very important to have a plan on how to explain and educate the voters that the detective position is not just about the opiate problem. We have not increased the staff based on the numbers of calls, more alarms and false alarms. We need to emphasize that there has also been more abuse cases and more break-ins
 - ii. Frank Heald said we are 5-6 years behind the curve in staffing and this is not just for the past few months.
 - iii. Howard Barton said it is time to increase the department.
 - iv. Frank Heald said that everything is more complex when dealing with issues. We can't minimize the opiate issues, but they have been increasing over the last 10 years. The population is down, but we still have to deal with difficult issues. There was the recent rash of burglaries, but, there have been burglaries over the last 7-8 years. This community has 1900 year round residents and 3500 pieces of property to protect and any town of equal size has more staff.
 - v. John Neal said that Bruce Schmidt's point is valid. There has been a significant increase in problems and we have not done any staff increases in a long time. We all (Select Board members) have to take a portion of the discussion at town meeting. It will also be good to have Chief Billings be involved in the discussions. People want to understand and want to know the reasoning behind the addition. We have to show that we support it and tell why.
 - vi. Howard Barton said that the whole board should show their support.
 - vii. Bruce Schmidt said that he is concerned that people will agree that we need the additional staff for the police department, but will want this board to cut money out of other departments to cover it. We need to keep a balance of life in town.
 - viii. Howard Barton said it will help when Ranger Solar gets on line.
 - ix. Frank Heald said they could also consider a Local Options Tax.

- x. John Neal said that businesses will need to support it and sell it to the community.
- xi. Howard Barton said we could put it on the ballot as separate line items and let people choose. We need more voter education.
 - a. Sales
 - b. Rooms and Meals
 - c. Alcohol
- xii. Logan Nicoll said it was close last time.

5. Other Business

A. Upcoming Construction Projects

- i. Frank Heald said that the bid opening for the Pleasant Street Ext. Bridge is February 2, 2017 and the board can discuss it at their meeting on February 6th. Beginning that week, we will begin running a regular schedule of summer construction in THE VERMONT JOURNAL, THE FRONT PORCH FORUM, on the website and he will be on TW3 on February 9th. He will also make a presentation to Rotary. The key is to help people understand the schedule.
 - a. They hope to begin construction on Pleasant Street Ext. Bridge on April 1st.
 - b. Route 100N bridge will start in May and Beldin is doing that project
 - c. Walker Bridge – we have asked the contractor if they can back this project into May if possible, so that it is complete before summer
 - d. The Route 100 N signal will happen this summer.
 - e. The State will be paving Route 103 from Rockingham to Clarendon this summer (except for in the Village of Ludlow.)
 - f. The culvert at the bottom of Hemingway Hill will also be this summer and we will have 1-way traffic there during construction
 - g. There is another culvert on Trailside that needs repairs
 - h. Red Bridge construction will start within the next week.
- ii. Bruce Schmidt asked where the detour would be for the Walker Project.
- iii. Frank Heald said High Street and Pleasant Street. We will take parking off this street for this project and for the Pleasant Street Ext. project. He said that when we take parking off Depot Street, the church goes will be asked to use the church parking lot for services.
- iv. Bruce Schmidt asked about using Dug Road.
- v. Frank Heald said people going up High Street can go straight through up Dug Road.
- vi. Howard Barton said we will also have problems with the 100N bridge project.
- vii. Frank Heald said that the information flow will be steady starting in February.

B. Soapstone Railroad Crossing

- i. Bruce Schmidt advised that the tracks are up high and they have to pick up the plows to go over it.
- ii. Frank Heald said he had heard about this on Friday, but was unable to contact the state because of the holiday today. The state is responsible to fix it. He will start the contact process tomorrow.
- iii. Logan Nicoll said the town automatically has status. It is our responsibility to let people in town know about these projects.

C. Set Date for Next Meeting

- i. Frank Heald said they will have a special meeting on January 27 at 8:00 a.m. to sign the warning for Town Meeting.
- ii. Howard Barton advised that the next regular meeting will be on Monday, February 6, 2017 at 7:00 p.m.

6. Sign Warrant Orders

- A. Warrant orders have been signed.

7. Adjourn

- A. **MOTION by Bruce Schmidt and seconded by John Neal to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:27 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll