

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

January 2, 2017

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Brett Sanderson

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Alan Couch Ted Reeves
Alan Isaacson Ed McEaney (LPC-TV)

1. **Call to Order**

- A. Howard Barton called the regular meeting to order at 7:00 p.m.
- B. All members present, except Brett Sanderson.

2. **Approve Minutes of Previous Meetings**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of December 5, 2016.
- B. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to approve the minutes for the regular meeting of December 5, 2016 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Approve Entertainment Permit – Mangiamo/Outback Pizza**

- A. Frank Heald advised that this is the last of the outstanding Entertainment Permits in the town and village. He said that everything is in order and up to date.
- B. **MOTION by John Neal and seconded by Logan Nicoll to approve the Entertainment Permit for Mangiamo/Outback Pizza. Motion passed unanimously.**

5. **Authorize Select Board Chair and Planning Commission Chair to Sign SWCRPC Letter of Intent to Update the Municipal Plan Enhanced Energy Elements**

- A. Frank Heald advised that the town did not receive the grant that they had applied for to update the Energy Section of the town plan. He said that the Regional Planning Commission does have some money and the Planning Commission wants to apply for some of these funds.
- B. Alan Couch said that the funds are limited so they wish to apply as soon as possible.
- C. **MOTION by Bruce Schmidt and seconded by John Neal to authorize Howard Barton and Alan Couch to sign the letter of intent as presented. Motion passed unanimously.**

6. **Review & Comments – Select Board Annual Report**

- A. Frank Heald advised this report covers the period from July 1, 2015 through June 30, 2016.
- B. Howard Barton asked if it includes the paving of Buttermilk Falls Road or the apron.
- C. Frank Heald said the new entrance.
- D. John Neal asked if that could be clarified in the report.

- E. Bruce Schmidt said he thinks that the actual miles paved should be in the report. People should know how little we pave, probably no more than 3 to 5 miles per year.
- F. John Neal agreed.
- G. Howard Barton asked if Upper Cross Road will be in the 2016-2017 report.
- H. Frank Heald said yes and he will check on Buttermilk Falls Road.
- I. Howard Barton said the report looks good.

7. **Continue Red Bridge Dam Discussion**

- A. Frank Heald said they were not happy with the discussion last month and wanted to put repairs off until next fall. He said he went back to the engineer and asked his opinion. The engineer said not to put it off and he will not sign off on waiting. Frank Heald said he went to Paul Giuliani and was told the town could borrow the funds needed for the repairs. The issue is leakage around the edges around the gate. If the leak expands and there were a high water event, it could take out the culvert and road, with several feet of water leaving the lake rapidly. The engineer will not sign off on this and Frank Heald said he does not want to wait. He said the engineer is a Dam Engineer, approved by the state.
- B. Howard Barton asked the cost.
- C. Frank Heald said, if we go forward, we should do it now, as soon as we get the Corps of Engineers' permit.
- D. John Neal asked if the rate would be higher in the winter.
- E. Frank Heald said the quote is about \$70,000. They have to de-water both sides in front of the culvert and the back side. They need to slip line the culvert. These are major issues; the cement, de-watering and slip line. He said he does not know if the costs would be less in the spring.
- F. Bruce Schmidt asked if they should get a second opinion. He said it does sound like they have to do it, but must it be immediately.
- G. Frank Heald said we already have \$2,000 to \$3,000 in to the engineer we are working with.
- H. Logan Nicoll asked if this will be a permanent fix or just a band aid.
- I. Frank Heald said it should have a 25 year life. The last fix was in 1995, but of a lesser nature.
- J. Bruce Schmidt asked where we will get the money for the repairs.
- K. Frank Heald said we can borrow the money and pay it back over 5 years or hopefully, we operate on a surplus this year.
- L. Howard Barton asked if they set aside money to dredge West Hill.
- M. Frank Heald said no, they put \$10,000 in for general dam repairs.
- N. John Neal asked if they will have to lower the whole lake.
- O. Frank Heald said no.
- P. John Neal said he would like to know the difference in cost in doing the work now, or waiting until spring.
- Q. Frank Heald said in the spring the waters will be higher and if there are delays, it will go into the summer. The road will be one-way.
- R. John Neal said it will also be one way now.
- S. Bruce Schmidt asked how long the repairs will take.
- T. Frank Heald said about 3 weeks.
- U. Bruce Schmidt asked if it is better to get the money now and pay it back over 5 years or to use surplus.
- V. Frank Heald said it would be the board's choice. We could get a \$70,000 note and renew it next year.
- W. Bruce Schmidt asked Frank Heald what is needed from the board. He does not want to debate this again next month. What is the price for winter work or does the quote include winter work. If we wait until spring, it may not be done by Memorial Day and he does not want to run the risk of that. Will this be bid out.
- X. Frank Heald said we rebuilt the bridge on East Lake Road in the winter. He does not know if there would be any saving by waiting until spring. He added that Daniels gave us the estimate and there is no time for the bid process. The actual quote is \$69,860 and winter is included.
- Y. Howard Barton asked how this was discovered.
- Z. Frank Heald said during the state dam inspection, but we thought it was the gate and when we got down in there, it showed more than the gate and hoist need work. Ed Floyd is the engineer. He looked at it and saw it was more than the gate.
- AA. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to authorize Frank Heald to sign the contract with Daniels Construction for the repairs to Red Bridge as described for a cost not to exceed \$75,000. Motion passed unanimously.**
- BB. Howard Barton asked when the work will begin.
- CC. Frank Heald said in January. We already have the state permit and the COE permit should not be a problem.

8. **Continue FY2018 Budget Workshop**

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- A. Discuss Re-purpose of Bike Path Funds
- i. Frank Heald advised that he will ask the voters to re-purpose the \$50,000 for the bike path. This must be done by Australian ballot.
 - ii. There was consensus among board members to ask the voters to re-purpose the bike path funds.
- B. Frank Heald said that he had sent a memo to the board, breaking down components and percentages. He said that under Articles, he removed money from Recreation, Town Hall and Municipal Transit. The Cemetery Budget is less than last year. The memo also shows added anomalies. He said that in Ulla Cook's report penalties for outstanding taxes are down, because outstanding taxes are down. The Solid Waste sold fewer bags than anticipated. He added that the county government came in \$5,400 less than last year. This all leaves an increase of 2.97%.
- C. Logan Nicoll asked about Cemetery Labor.
- D. Frank Heald said we looked at the way they use their labor. Also, they have not had much help with budgets in the past and we helped out this year.
- E. Capital
- i. Frank said he removed the Highway Garage Roof, Red Bridge painting, Transfer Station compactor, Highway Garage insulation and Air System Upgrade. He left the Excavator and Trailer in.
- F. Police Department
- i. Bruce Schmidt asked about the Detective.
 - ii. Frank Heald said it is in the memo for \$92,000.
 - iii. Howard Barton asked if they could not do the cruiser this year.
 - iv. John Neal said that he thinks that hiring a detective this year is a great idea, but thinks that it should be done as an article, asking the voters for it.
 - v. Bruce Schmidt said he thinks that is why the voters elect us, to put a budget together.
 - vi. Frank Heald said that at their last meeting, they asked him to find out about Stowe and Dover. He said that Stowe has 10 officers, a couple of sergeants, a detective and a corporal. Dover has a chief, sergeant, investigator, 3 FT officers and 2 PT officers. He said that the other difference with Stowe is that based on pillow count, our effective populations exceeds Stowe's. He said that with regards to vehicles, we use 1 car for patrol, 1 for the chief or call out person, and 1 in the barn. He proposes that the detective vehicle be a non-descript, not terribly expensive, used vehicle. He added that most ancillary vehicles elsewhere have been used.
 - vii. Bruce Schmidt said he thinks this board should go all in. We have discussed burglaries, break-ins and the opiates problem. He said he would be willing to speak at Town Meeting and thinks that the Town Manager and Police Chief will also speak about this. We need someone to investigate crimes and the patrol people do not have the full training for this. We want to make a difference. We know there are also abuse cases. The voters may question or challenge this, but it's about quality of life and we want to do what we can to make it better.
 - viii. John Neal agreed that the detective position is needed, but he thinks it should be done as a voted article.
 - ix. Bruce Schmidt recalled that when there was discussion about adding another person in the Rec Department, we put it in the budget and not through a voted article. We have not asked the voters about adding new employees.
 - x. John Neal said the Rec position was not as much money as the Detective position. This is adding a big component to the Police Department. We do need it, but he thinks it should be an Article.
 - xi. Frank Heald said if it is in the budget, it can be discussed at town meeting on Monday night.
 - xii. John Neal said, yes, but it is about how we deliver it. If we add it in the budget, it goes from a 2.97% increase to a 5.31% increase.
 - xiii. Frank Heald said that we have lumped the entire cost as one item in the budget this year, next year it will be split into different line items.
 - xiv. John Neal asked what the breakdown is.
 - xv. Logan Nicoll said that he agrees with Bruce Schmidt, that it should be in the budget. We can explain it at town meeting. If we pull it out, it looks like we are not fully behind it. This shows that we think it should be in the budget. People will have comments at town meeting. We should stand behind the budget, including this.
 - xvi. John Neal said we should not misconstrue this as not fully standing behind the position. It is clarity to him.
 - xvii. Bruce Schmidt said that John Neal will not convince him to make it an article. It should be in the budget. Town Meeting is an opportunity for people to express their concerns and Ludlow votes from the floor. He said that he is all for having that discussion, but we need to make these tougher decisions and stand up and support them. It is a slippery slope if we try to do staff decisions with articles.

- xviii. John Neal repeated that he is definitely in favor of hiring a detective, but we need to have clear, good, concise information for the voters.
- xix. Logan Nicoll said that we should also provide voters with the information about other towns.
- xx. Bruce Schmidt said we can't just rely on Frank Heald and Jeff Billings; we all need to show support. We need to show that the safety of the people in town is paramount.
- xxi. Howard Barton said the police department has been at the same level for many years and as crime goes up, we need to increase the police department. He suggested that there may be other places in the budget that could be decreased, such as fuel.
- xxii. Frank Heald said we have been lucky with fuel in the past few years.
- xxiii. Howard Barton noted that Fireworks have been added.
- xxiv. Frank Heald said that a portion of that was sponsored by the Okemo Challenge and this money will be used in 2018.
- xxv. Bruce Schmidt asked when this will be warned.
- xxvi. Frank Heald said no sooner than January 26th or no later than February 5th. This board needs to sign the warning on the 25th or 26th.
- xxvii. Bruce Schmidt said that they can go through each area of the budget or ask Frank Heald to try to lower it.
- xxviii. Howard Barton said he does not want to go through each line item and would prefer to have Frank Heald lower it.
- xxix. Frank Heald said he has brought them our best effort.
- xxx. John Neal asked about surplus.
- xxxi. Frank Heald said he has no clue of what it will be until the end of the year.
- xxxii. John Neal said he would like to see the increase at less than 5%.
- xxxiii. Frank Heald said the CLA is off 4 points. He has no idea of what the school taxes will be or what the surplus will be. There is some money in last year's audited surplus. The voters authorize you to set the tax rate based on the budget.
- xxxiv. Bruce Schmidt asked how much they would have to cut to lower the increase to 4.5%.
- xxxv. John Neal said about \$70,000. He would like Frank Heald to try to get us closer to 4.5% or 4.7%, below 5%.
- xxxvi. Bruce Schmidt suggested they meet again in January to discuss this again.

9. Department Head Reports

- A. Howard Barton advised that all reports are in.

10. Other Business

- A. Act 46
 - i. Bruce Schmidt said that he encourages Select Board members to be more mindful of Act 46 and asked if they think it should be discussed at Town Meeting. It will affect the entire character of the town. They are working on an option to make Ludlow and Mount Holly "advisable" towns. The vote on this is April 11, 2017. The vote to close Black River and the Mount Holly Ludlow union be dissolved. Mount Holly will go to Mill River High School. Students from Black River in grades 7 – 12 will go to Green Mountain, with the option that pre-K to 8 go to Ludlow. This can't be adjusted. There are 4 options for Ludlow:
 - a. Close Black River and go to Green Mountain
 - b. Keep Black River open and the Ludlow/Mount Holly union remain the same.
 - c. Have limited school choice where Black River students go to Green Mountain, Woodstock or Springfield
 - d. Full School choice and the town pays the difference in tuition and students can go to whatever school they wish.
 - ii. There is a meeting on January 11, 2017 to discuss this. The train has left the station and this is moving forward to a vote. It will impact Ludlow and if we do nothing, in 5 years, it will add 45¢ to the tax rate.
 - iii. Logan Nicoll asked where the meeting is on January 11th.
 - iv. Bruce Schmidt said he thinks Cavendish, but he will let them know.
 - v. Howard Barton said it will affect the entire town. He suggested that people renting in Ludlow may choose to move so their children won't have to travel as far to get to school.
 - vi. John Neal said it will change the whole dynamics of the town.
 - vii. Bruce Schmidt said we need to get people involved, but can we support a 45¢ increase in the tax rate. He said that families may want Full Choice.
 - viii. Frank Heald asked how they get full choice.
 - ix. Bruce Schmidt said the town would opt for it. It's all about the expenses.
 - x. Howard Barton said we need to pay attention to this.

- xi. Bruce Schmidt said if we go with them now, we have a seat at the table, but if we opt not to go with Green Mountain now, we may not have a seat at the table later on if we want to get back in.

B. Walker Bridge Project

- i. Bruce Schmidt suggested that the board also discuss the Walker Bridge project at town meeting and let people know what will happen and when.

C. Route 100N Solar Project

- i. Howard Barton noted that people living close to this project, not just abutters, were not notified about the project. He feels that all people living in the area of a project should be notified. He added that this project will not improve your electric rates.
- ii. Logan Nicoll said the town automatically has status. It is our responsibility to let people in town know about these projects.
- iii. Howard Barton said that other types of projects go through the DRB and are warned and posted, but not PSB projects.
- iv. Logan Nicoll said the Planning Commission put screening standards in zoning and they will be enforced for this project.
- v. Howard Barton asked if this project affects the Scenic 100N Byway.
- vi. Logan Nicoll said it may be considered, but he does not know for sure.

11. Set Date for Next Meeting

- A. Howard Barton advised that the next regular meeting will be on Monday, January 16, 2017 at 7:00 p.m.

12. Sign Warrant Orders

- A. Warrant orders have been signed.

13. Possible Executive Session/ Personnel/Contracts/Legal

- 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 pending legal action against the Town. The premature public knowledge of this pending action could 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 8:31 p.m.
- D. Exited Executive Session at 8:41

14. Adjourn

- A. **MOTION by Bruce Schmidt and seconded by John Neal to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:44 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll