

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

July 2, 2012

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Joanna Bombadil Tom Fuller Terry Thayne
Kirk Borodaeff Ann Gardner Steve Turner
Michael Chenette Ron Tarbell KP Whaley (LPC-TV)

1. **Call to Order**

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

2. **Approve Minutes of Previous Meeting(s)**

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of June 4, 2012 and the special meeting of June 8, 2012.
- B. **MOTION by Brett Sanderson and seconded by Doug Ficken to accept the minutes from June 4, 2012 and June 8, 2012 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. Terry Thayne advised that the preliminary Grand List is ready and will be adjusted through the grievance process that will run from July 12 through July 26, 2012. The final list will be close to the draft. At present, the total is down about 6% or \$81,154,000. They have not received the Education numbers from the state yet.
- B. Howard Barton asked what triggers a state audit.
- C. Terry Thayne said the COD needs to be greater than 20 or the CLA less than 80, if not, the state may require further action. Our CLA should be around 90.
- D. Frank Heald said that it is his understanding that you divide the 2011 Grand List by the 2012 Grand List to find the CLA. Our projected CLA is about 94.

4. **Okemo Mountain Road Closure Request**

- A. Kirk Borodaeff advised that he has received letters from Okemo and the state allowing the event. He said they would be using Okemo Mountain Road and Trailside. It is adult Big Wheels and they are very safety conscious.
- B. Howard Barton said this is the first time they are holding this event at Okemo.
- C. John Neal said that he went online to find out about it and it looks like a fun event.
- D. Kirk Borodaeff said the big wheels do have brakes on them.
- E. Frank Heald said that Kirk Borodaeff mentioned Trailside. That is a town road.
- F. Kirk Borodaeff said they would only be using Okemo Mountain Road for the event, not Trailside. He said they would be going from the gate to Sugar House and mostly the Half Pipe to the Sachem lift.
- G. John Neal suggested to board members that there is a video on YouTube for this.
- H. Howard Barton said since there is nothing on the town highways, the board does not need to take any action. This is just informative.

NOTE: THE BOARD AGREED TO MOVE OPEING OF THE SUMMER PAVING BIDS UP TO ALLOW THE REPRESENTATIVES TO LEAVE EARLIER. MINUTES ARE IN AGENDA ORDER

5. **DRB Appointments**

- A. Howard Barton advised that there are 3 open positions and letters have been received from 3 current DRB members.
 - i. Julie Nicoll – 2 year position
 - ii. Linda Petty – 1 year position
 - iii. John Boehrer – 1 year position
- B. **MOTION by John Neal and seconded by Bruce Schmidt to approve the slate as presented. Motion passed unanimously.**

6. **Review Fuel Bids**

- A. Frank Heald advised that he has been working with a company – Competitive Energy that works with schools and municipalities in Vermont, New Hampshire and Maine. He thought he would have more time, but they went out to market earlier than they had originally projected. At the end of last week, he could have locked in for \$1.48/gallon for propane and \$2.81 for the school and \$2.91 for short trucks for #2 fuel oil. He did not get a chance to lock in. He has spoken to Eleanor Brechette and Bruce Williams and they are on board with this company. They will also include Mount Holly School. He is suggesting that this board authorize him to lock when he needs to without holding a special meeting. The company has a good track record. If he had locked in, the savings for the schools would have been about \$30,000 from last year's prices. He said that Competitive was originally not going out to market until after July 1st.
- B. Bruce Schmidt asked how many gallons of propane we use.
- C. Frank Heald said 6,400.
- D. John Neal asked Frank Heald if he would renegotiate.
- E. Frank Heald said no. Competitive suggested that he lock 50% now. The Euro-zone reached a tentative agreement last week and crude rose 6% but it will be soft because of the issues in China.
- F. **MOTION by John Neal and seconded by Doug Ficken to authorize Frank Heald to lock fuel prices when he considers it appropriate to do so. Motion passed unanimously.**

7. **FEMA Update**

- A. Frank Heald advised that funds are coming in more rapidly from FEMA. On the financial statements, it appears that income exceeds expenses because the labor has not been allocated. This will true up toward the end. We are out \$2,000,000 from Irene. He added that he met with the engineers last week, regarding the Mill Street and Pleasant Street Bridges. This will be an ongoing process.

8. **Consider and Sign CVPS Easement Request**

- A. Frank Heald advised this is for an easement up on Brooks Road.
- B. Howard Barton said that he is concerned, more so now that CVPS is owned by a foreign country, about signing this without carefully looking it over. Once it is signed, if we have to do any maintenance or repairs or move any poles, we will be 100% responsible.
- C. Bruce Schmidt asked if we would have to pay 100% of the costs. Was it the same in the past?
- D. Howard Barton said there was a transmission line up at Fox Run and they charged us for it.
- E. Bruce Schmidt suggested that if we give them the right to put poles there, they should move it if we need it moved.
- F. John Neal asked if we should get legal advice.
- G. Howard Barton suggested that state statutes may override it.
- H. Bruce Schmidt suggested just writing what we need on the document and signing it.
- I. Frank Heald said he would get back to them with answers.

9. **Consider Ludlow Garden Club Request**

- A. Frank Heald advised that a letter was received from the Garden Club changing their original request. They are now requesting to put a temporary tree in the park from around Thanksgiving through January 1st. They will light the tree and remove it. We do not plow there. There would not be any religious significance. He has no problems with this request.
- B. Bruce Schmidt asked if it would be set back.

- C. Frank Heald said the town could designate the location. If there is snow, they will have to shovel to put it in.
- D. Bruce Schmidt suggested an understanding regarding snow clearing.
- E. Frank Heald said it would be a simple snow blower.
- F. **MOTION by Doug Ficken and seconded by Brett Sanderson to allow the Garden Club to put in a temporary tree as described. Motion passed unanimously.**

10. **Approve Road Names**

- A. Frank Heald advised this is a request for a road name for a subdivision off South Hill. The suggested names are Turtle Hill and Turtle Hill Road, in the order of preference by the property owners.
- B. **Motion by John Neal to all the name Turtle Hill.**
- C. John Neal withdrew his motion when there was no second.
- D. **Motion by Brett Sanderson and seconded by Doug Ficken to approve the name Turtle Hill Road. Motion passed unanimously.**

11. **Review and Approve Amendment to the Purchasing Policy**

- A. Frank Heald said the copies given to the board members did not contain the new, proposed language and he made copies for them. He advised that he proposes changing paragraph Procedure III, 3F, by adding the language “The bid opening will be conducted in the presence of the Municipal Manager, the Town/Village Clerk-Treasurer, and the appropriate Department Manager who will then make a recommendation to the applicable board.” He explained that the bids would be opened prior to the Select Board meeting and reviewed. A matrix would be prepared for the board, detailing the respective bids, with a recommendation.
- B. John Neal said it makes sense to him and will streamline the process and it would make the details clearer for the board members. It would be easier to understand what each bidder was proposing in his bid.
- C. Frank Heald said the bids would still be publicly warned.
- D. Bruce Schmidt asked about the limit to seven days.
- E. Frank Heald said it would be not less than 7 days.
- F. John Neal said that he would like to have the fully corrected policy.
- G. Bruce Schmidt voiced his concern that the language about the bid opening was not clear.
- H. Howard Barton noted that the new language does say that the bids will be publicly opened.
- I. Doug Ficken added that the new language does say that time and place is noted. He said he would go with this as written.
- J. Frank Heald said there would be public notices in the papers and on the bulletin boards.
- K. Bruce Schmidt said the meeting would have to be warned and the numbers would be out a week before the Select Board meets.
- L. John Neal asked if there would be any bids coming up soon. He would like to see a corrected version.
- M. Frank Heald said there would be nothing critical coming up before their next meeting.
- N. Howard Barton said the board could vote on it at the tax rate meeting.
- O. Frank Heald said that the listers will not have anything to the state before July 26th, so this would probably wait until their next regular meeting.

12. **Award 2012 Summer Paving Bids**

- A. Howard Barton announced the following bids:

Bidder	Cost per Ton
Fuller Sand & Gravel	\$66.00
Pike Industries	\$76.26
Lane Construction	\$80.75
Springfield Paving	\$87.50
Wilk Paving	\$81.90
FW Whitcomb	\$74.68

- B. Bids were given to Ron Tarbell to review.
- C. Ron Tarbell returned the bids and recommended the board accept the bid from Fuller Sand and Gravel.

- D. **Motion by Brett Sanderson and seconded by Bruce Schmidt to accept the bid from Fuller Sand and Gravel for \$66.00 per ton for summer 2012 paving. Motion passed unanimously.**

13. **Alternatives Analysis – Walker Bridge**

- A. Frank Heald explained that the Executive Summary portion of the overall Walker Bridge project was included in their packets. A representative, Michael Chenette from VTRANS is present tonight. He asked that board members refer to Alternative D regarding to use of NEXT beams. He advised that while the costs would be the same, the time would be shorter, 4 to 6 weeks. He added that with total road closure, the town share would only be 5%.
- B. Bruce Schmidt asked if the state fully understands the impact that the road closure would have on the town and said that closing the road from April 1st through May would have the least impact on the town. Construction over the 4th of July and foliage periods would be the worst impacts.
- C. Michael Chenette said that there is the permit process and in-stream work restrictions limiting work to the period June 1st through October 1st. They would try to hit the best time.
- D. Bruce Schmidt asked if there is anything this board can do. This will have a tremendous impact on the town.
- E. Michael Chenette said there really is nothing this board can do. They will try to get the bid out in the winter and up to the permitting agencies, including Fisheries. They are hoping for construction in 2014.
- F. Bruce Schmidt asked if additional lay down space would be needed.
- G. Frank Heald said that with the NEXT beams, they would come right off the trucks and go into place. Black River Associates would be affected. They are considering closing the street in front of the Baptist Church. It would be a very confined construction site. This board needs to confirm Alternative D.
- H. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve Alternative D for the NEXT beams for the superstructure of Walker Bridge #25 on Main Street. Motion passed unanimously.**

14. **Department Head Reports**

- A. Howard Barton advised that all reports are in. Fire Department received today.
- B. **Fire Department**
i. Frank Heald advised that they have collected the fine for the one delinquency for False Alarms.
- C. **Planning Commission**
i. Frank Heald advised that a letter of resignation from the Planning Commission had been received from Christine Fuller. They are moving.
ii. Bruce Schmidt said that he know of someone who was interested and told them to contact Frank Heald.
iii. Frank Heald said the position will be advertised to be filled at the August Select Board meeting.
iv. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to accept Christine Fuller's resignation and to have Frank Heald send her a Thank You letter. Motion passed unanimously.**

15. **Other Business**

- A. **Financial Statements**
i. Frank Heald advised that the draft still needs truing up. They will need to encumber \$86,000 from the Highway budget for monies not used for paving in FY2012. He referred to a charge of \$3,800 that will be a pass through for the paving of the Dean Brown Industrial Park entrance. We will be reimbursed by Ludlow Economic Development.
ii. MOTION by Bruce Schmidt and seconded by Doug Ficken to encumber \$86,000 from the Highway Department for paving not done in FY2012 to be used in FY2013. Motion passed unanimously.
iii. Bruce Schmidt asked about Ambulance Department Revenue.
iv. Frank Heald said that it was not included in this statement because she had not done that sheet yet. There are changes for the billing up there and we are using some of the staff from here.

16. **Set Date for Next Meeting**

- A. The next meeting will be on Monday August 6, 2012. They may have another meeting in late July to set the tax rate.

17. **Sign Warrant Orders**

- A. Board members signed warrant orders.

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

- A. Frank Heald said that a short Executive Session for Contracts is needed.
- B. Motion by Brett Sanderson and seconded by Bruce Schmidt to enter in to Executive Session. Motion passed unanimously.
- C. Board entered into Executive Session at 8:10 p.m.
- D. Board exited Executive Session at 8:40 p.m.
- E. No Action taken.

19. **Adjourn**

- A. **Motion by Bruce Schmidt and seconded by Doug Ficken to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 8:41 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal