

MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

REGULAR MEETING

June 2, 2014

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Allison Gillette	Ted Reeves	Herb Van Guilder
Mary Mc Callum	Carol Scafuro	Larry Wilfong
Kevin O'Connor	Jodi Seward	Vincent Guerrero (LPC-TV)
Mary Jane O'Hara	John Seward	

1. **Call to Order**

- A. Chairman Howard Barton called the meeting to order at 7:00 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 May 5, 2014 and the special meeting of May 13, 2014.
- B. **MOTION by Brett Sanderson and seconded by John Neal to approve the minutes of May 5, 2014 and the special meeting of May 13, 2014 as presented. Motion passed unanimously.**

3. **Comments from Citizens**

- A. Mary Jane O'Hara asked the board about the issue regarding a permit that was issued and then the Environmental Court ordered a remand. She said it was not done and she is not sure if it is legal.
- B. Frank Heald said that he does not know how he or the Select Board is involved with this issue. He said that the DRB is the final authority below the court on these issues. He said that she and her attorney may want to go to court.

4. **Liquor Control Board**

- A. Frank Heald advised that there is one application for a liquor license and that is MOJO Café. He said that his concern is that the café will be located in the former location of American Pie and that the entrance to the Teen Center will be through the pizza shop. He said if this remains the same, there may be unaccompanied teens going through a licensed facility.
- B. John Seward referred to a drawing that he had, showing that there will be a new door to the Teen Center and they will also have their own bathroom. They will not have to go through the café. He submitted the drawing for the record.
- C. Howard Barton asked if these changes were all done.
- D. John Seward said yes.
- E. Frank Heald said the drawing will become a part of the file and that the application has been approved by Chief Billings.
- F. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the liquor license application for MOJO Café with the changes to the entrance and bathroom. Motion passed unanimously.**
- G. Frank Heald advised that for their information, there is also a copy of a special events application in the packets. This is signed by the Town Clerk.

5. **Execute FY2015 Renewal Notes**

- A. Frank Heald advised that there are copies in the packets. He said that the town purchases equipment with 5 year notes and there are two here for renewal. One is for the 2011 Dump Truck and the other for a 2012 School Bus.
- B. **MOTION by Bruce Schmidt and seconded by John Neal to sign the renewal notes for the dump truck and bus as indicated. Motion passed unanimously.**
- C. Frank Heald advised that there is also a renewal note for the wood chipper, but a copy was omitted from the packets.
- D. **MOTION by John Neal and seconded by Bruce Schmidt to sign the renewal note for the wood chipper. Motion passed unanimously.**

6. **Execute FY2015 New Notes**

- A. Frank Heald advised that are copies in the packets. There are two new notes, one for the little bus and the other for the new highway truck.
- B. **MOTION by Brett Sanderson and seconded by John Neal to sign the new notes for the little bus and highway truck as presented. Motion passed unanimously.**

7. **Consider Green Mountain Power Petition and Order for Pole and Wire Locations on Whitcomb Lane**

- A. Frank Heald advised that a request has been made by Green Mountain Power for wire and pole locations on Whitcomb Lane to supply service to the Brinton residence.
- B. Howard Barton said it was off Pettner Hill.
- C. **MOTION by Bruce Schmidt and seconded by John Neal to approve the request from Green Mountain Power for pole and wire locations on Whitcomb Lane as indicated. Motion passed unanimously.**
- D. Frank Heald noted that there was also an agreement to sign and board members did sign the document.

8. **Consider Posting Parking Lot Signs in Public Spaces to Warn About The Danger of Dogs in Hot Cars**

- A. Mary McCallum advised that there is a national campaign – My Dog is Cool – to prevent death of dogs from overheating in cars in the summer. There is also a similar campaign to protect children from deaths in cars in the summer. There are already signs posted in Brattleboro. These signs list the state statute that applies to this. They are trying to get businesses to purchase these signs and have them posted in public places. The business names will be on the signs. They want to place them in lots owned by the town. Black River Good Neighbors is one particular location.
- B. Carol Scafuro said that they are also looking to Main Street locations and are negotiating with Shaw's. They have sold signs to 4 businesses in Ludlow and also Singleton's in Proctorsville. They have sold a total of 41 signs.
- C. Howard Barton said it is a good idea.
- D. Herb Van Guilder said that he and his wife fully support this program. He said that he had seen an article about it in THE VERMONT JOURNAL.
- E. Frank Heald said that the Select Board could only grant approval on the Black River Good Neighbors, fire station and Dorsey Park properties as those are owned by the town. He said that the Village rents the municipal lot by Brew Fest from the Costa Estate.
- F. Howard Barton asked if they would put any signs on Main Street.
- G. Frank Heald said it would be illegal if business names were advertised on them.
- H. Howard Barton said the Select Board would have to have signs with no advertising on them.
- I. Frank Heald said he would work with Ms. Mc Callum and Ms. Scafuro on this.
- J. Bruce Schmidt asked if the town would buy the ones they put up and asked if the board should authorize Frank Heald to purchase some. He asked the cost.
- K. Carol Scafuro said the first sign is \$35 and each additional sign would be \$30.
- L. Frank Heald said that those amounts would be within his purchase authorization limits. They would look into signs at Black River Good Neighbors, the Fire Station, Dorsey Park and Main Street. He said that he would confer with the Village Trustees about this.

- M. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to support the My Dog Is Cool signs program to make people aware of the danger to dogs in cars. Motion passed unanimously.**

9. **Review Junkyard Ordinance Complaint RE: Route 100 South**

- A. Howard Barton advised that a letter of complaint had been received from Stephen Carroll, Eileen Dormer and David Marlinski regarding violations to the Junkyard Ordinance.
- B. Frank Heald said that this has been an ongoing problem and this is not the first complaint made by these people. He said that he rode by the property and saw the Jeep Wagoneer. He said that the ordinance kicks in when there are 4 or more unregistered vehicles in a yard. He said that the property periodically does have more than 4 vehicles, but some are registered, but do not move. He said that the owners are not operating a repair shop as the letter says.
- C. Brett Sanderson asked if the owner is still Benson.
- D. Frank Heald said that he sent the first notice to the brother, Randy.
- E. Brett Sanderson said that Randy is gone for over 1 week.
- F. Frank Heald said he would like to reach an informal solution to this problem. He said that the people who wrote the letter are concerned that nothing is being done, but I address each complaint.
- G. Herb Van Guilder said that he is a neighbor to the property in question and people do come and go occasionally, but he has not seen any consistency that would indicate a business. There are many months when there is no activity.

10. **Sign Proclamation to Recognize Richard King's Accomplishment in Achieving His Master's Degree**

- A. Frank Heald advised the board that Richard King has received his Master's Degree, with honors in Public Administration in Law Enforcement from Norwich University. He accomplished this while working full time shifts as a police officer for the town. We should be very proud of him. Frank Heald drafted a proclamation to congratulate Mr. King and asked the board to sign it.
- B. **MOTION by John Neal and seconded by Bruce Schmidt to sign and the proclamation form Mr. King, recognizing his accomplishment. Motion passed unanimously.**

11. **Discuss Regional Planning Commission Alternate Position**

- A. Frank Heald advised that Rose Goings would like to resign her position as Alternate to the Regional Planning Commission. Logan Nicoll has volunteered to work with Norman Vanasse at Regional.
- B. **MOTION by John Neal and seconded by Brett Sanderson accept the resignation from Rose Goings and to appoint Logan Nicoll as Alternate to the Regional Planning Commission. Motion passed unanimously.**
- C. Bruce Schmidt suggested they send a Thank You Letter to Rose Goings for her service as Alternate to the Regional Planning Commission.
- D. Frank Heald said he would.

12. **Department Head Reports**

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

13. **Other Business**

- A. **Planning Commission Update**
- i. Logan Nicoll advised that the Shoreline Protection bill was passed and the Planning Commission is moving forward to adopt our regulations in order to maintain local control. Our regulations must meet or exceed the state regulations in strictness. We would like to rewrite the state regulations into a shorter format (they are 40 pages long.)
- ii. Howard Barton asked, if our regulations must be the same or stricter than the state regulations, what the benefit to us to rewrite ours is.
- iii. Logan Nicoll said to maintain local control. We would have someone inspect the properties and be able to sign permits. It would probably take less time for us to do

this than the state. He said that he personally is a little hesitant adding that much work to the town, but would like to have Rose Goings review applications. He said that the state is creating new positions for people to be licensed inspect the properties. It will be very complex. The Lakes Association supports local control. They also support the bill.

- iv. Bruce Schmidt asked about the 50 foot buffer.
 - v. Logan Nicoll said that he has not read the entire bill, but know that there are grandfather exemptions. He said that the state also added a provision that paths to the lake may only be 16' wide and that people may not cut any trees or bushes over 4 feet tall.
 - vi. Howard Barton asked about dying trees.
 - vii. Logan Nicoll said that the Planning Commission is exploring that.
 - viii. Howard Barton noted that after one bad storm, a lot of trees were badly damaged and people can't wait 3 to 4 months for the state to come and inspect.
 - ix. Logan Nicoll said there is also a provision for sectioning off the land between the house and lake into 10' x 10' grids and each grid needs to have a certain number of trees. If that number is not met, they are in violation and must plant trees.
 - x. Bruce Schmidt said that he is surprised that the association supports the bill.
 - xi. Logan Nicoll said they are not completely against it, but they do prefer local control. They are against the clear cutting that some people have done.
 - xii. Howard Barton asked when the bill becomes effective.
 - xiii. Logan Nicoll said July 1, 2014, but we need to get our district standards before January 1, 2015.
 - xiv. John Neal asked is there had been an opportunity before the bill was passed to get our regulations in place.
 - xv. Logan Nicoll said each draft of the state bill kept changing and we never knew if anything we wrote would be effective. We decided to wait until the state passed its bill. As it turns out, nothing we wrote would have been enough.
- B. New Chairs for the Auditorium
- i. Frank Heald advised that new chairs for the auditorium would be in sometime in June. He said that he had an antique's dealer look at the existing chairs. He suggested that the 2-seat ones be priced at \$50, the 4-seat ones at \$125-\$135 and that a couple of folks may want to purchase some. He will run an ad in THE VERMONT JOURNAL and if there is no response, he will advertise them on Craig's List. He added that there is one 3-seat unit that he will refurbish and put in the Town Manager's office.
- C. Senior Center
- i. Frank Heald said that the ball was dropped back in 1999-2000 and even though the voters voted to have the space perpetually designated for the Senior Center, there was never an agreement put in place. At the next meeting, Frank Heald said he will have a lease for the board to sign for this.
 - ii. Bruce Schmidt asked who is paying the utilities on the spaces that the Supervisory Union vacated.
 - iii. Frank Heald said that 2 of the offices are leased and he had a handshake deal with THE VERMONT JOURNAL. We have the heat and lights and charge the Supervisory Union for 2 offices. He said the original agreement said the Supervisory Union would occupy the upstairs and the town should make the payments on the bonds. The Supervisory Union (Ludlow, Plymouth and Mount Holly) left at year 19. Mount Holly has paid their portion and he is not sure about Plymouth.
- D. Police/Ambulance Telephone System Upgrade
- i. Frank Heald advised that the telephone system for the Police and Ambulance building is suffering from age and they need to upgrade the console. They want to get a line or 2 from Comcast because during one storm, the telephones in the building went dead for 12-13 hours. The only communication with 911 in Rockingham was via Verizon cell phone. They could communicate with 226 and 228 exchanges. The cost to get lines from Comcast is about \$4,000.
- E. Bond Funds Access
- i. Frank Heald advised that the Select Board never authorized Ulla Cook and Frank Heald to access bond funds. We need to have the chair sign a document to authorize Ulla Cook and Frank Heald to access funds.
 - ii. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to sign the Appointment of Authorized Representatives appointing Ulla Cook and Frank Heald as representative. Motion passed unanimously.**
- F. Dan Parker Retirement
- i. Frank Heald advised that Dan Parker will be retiring from his position effective June 13, 2014. Dan has requested no formal activities, but we will take him out for lunch and I will send him a letter.

- ii. Howard Barton asked how long Mr. Parker has been supervising the municipal buses.
 - iii. Frank Heald said we acquired him from the schools in 2002 and he had been with the schools for years. He added that he does not know how to manage the buses without Dan, but will have a plan by 6/14/14.
 - iv. Bruce Schmidt said that Dan has run the buses since 2002 and stepped up when the transition from the schools was not easy.
 - v. Frank Heald recalled some of the items like lights and bus colors that they had to deal with. He said that Dan will drive part time if needed.
- G. Tax Meeting
- i. Howard Barton asked about the meeting to set the tax rate.
 - ii. Frank Heald said it would be before the next regular meeting. He said that the Grand List is ½ ticks higher than last year and it looks like ½ cent gross higher tax rate. He will not know the actual until the school rates come in. He thinks that the town portion is almost level.

14. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be July 7, 2014 at 7:00 p.m.

15. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

- A. Frank Heald advised that no Executive Session is needed.

17. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:01 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll