

***PRELIMINARY MINUTES***

**TOWN OF LUDLOW  
BOARD OF SELECTMEN**

November 7, 2016

**BOARD MEMBERS PRESENT:**

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

**STAFF PRESENT:**

|             |             |
|-------------|-------------|
| Frank Heald | Rose Goings |
|-------------|-------------|

**OTHERS PRESENT:**

|               |            |                      |
|---------------|------------|----------------------|
| Jeff Billings | Ralph Pace | Sheree Vaughn-Tucker |
| Terry Carter  | Ted Reeves | Larry Wilfong        |
| Alan Couch    |            | Ed McEaney (LPC-TV)  |

**PUBLIC HEARING  
TOWN OF LUDLOW ZONING AND  
FLOOD HAZARD REGULATIONS (AMENDED)**

1. Chairman Howard Barton called the Public Hearing to order at 7:00 p.m. He advised that pursuant to the provisions of Title 24, Chapter 117, §4444 of the Vermont Statutes Annotated, the Board of Selectmen for the Town of Ludlow proposes to adopt an amendment to the Town Zoning and Flood Hazard Regulations.
2. Rose Goings advised that there are changes to RC1 and RC2 in the zoning regulations and to the Land Use Section of the Municipal Plan. There are also changes to the Zoning Map with regard to changing the portions of Mountain Road, previously listed as Residential Commercial to Mountain Recreation District. The Planning Commission added a paragraph for District Standards to the RC1 and RC2 Districts.
3. Logan Nicoll advised that the Planning Commission, as a consolation for the Select Board liking the previous 5,000 square feet suggestion, added the District Standards verbiage in order to make the districts more judicious and agreeable while trying to keep out large stores.
4. Terry Carter added that the district standards additions were made with the consensus of the Planning Commission members.
5. Alan Couch said that the Planning Commission added the District Standards in RC1 and RC2 and also added language to the town plan to back it up. He said that the changes to lower Mountain Road go from Route 103 to the Loft.
6. Howard Barton asked how far over on either side does it go.
7. Rose Goings said from the centerline of the road 500 feet on both sides. She explained that the changes to RC1 and RC2 were only to add the district standards.
8. Terry Carter said the intent is to protect the vibrancy of the downtown.
9. Alan Couch noted that Ted Reeves had been at the Planning Commission meeting when the change to Mountain Road was discussed and agreed with the change.
10. Ted Reeves said the changes to the zoning map making lower Mountain Road go from R to Mountain Recreation make it consistent with the rest of the uses for the Mountain Recreation District.

11. Rose Goings said it will go from the bottom all the way and will have whatever uses are allowed in the Mountain Recreation District. It may be less than the RC district, but will be consistent with the rest of the Mountain Road and Mountain Recreation District.
12. John Neal asked if there is any list of uses for clarification.
13. Rose Goings said the Planning Commission just added the standards, the uses have been there.
14. Terry Carter said the Phil Carter said that he thought that this would accomplish the job to protect the downtown. It will keep big box stores out.
15. Howard Barton asked if someone outside the downtown wanted to start a business, does this mean that they would not be able to get a permit.
16. Terry Carter said no, this is to keep big box stores out.
17. Logan Nicoll said that RC2 is residential commercial outside the main sections of town. The standards are more about housing and less about businesses. There are no gas stations. He said that RC1 is more about business and commercial real estate. In RC2 they can operate businesses out of their homes. He said they spoke to the DRB and this allows for interpretation and the DRB thinks it is enough to say no to big box stores.
18. John Neal said it is subjective not listing what is not allowed.
19. Terry Carter said it only lists what is allowed.
20. Rose Goings said if something is not listed as a conditional use, it is not allowed. She added that it would not allow any new larger stores, but Aubuchon's is expanding.
21. Howard Barton asked if this affects the Industrial Park. He added that there are not really a lot of large buildable lots.
22. **MOTION by Logan Nicoll and seconded by John Neal to accept the changes as presented. Motion passed unanimously.**
23. Public hearing closed at 7:12 p.m.

### **REGULAR MEETING OF THE SELECT BOARD**

#### 1. **Call to Order**

- A. Howard Barton called the regular meeting to order at 7:13 p.m.
- B. All members present.

#### 2. **Approve Minutes of Previous Meetings**

- A. Brett Sanderson advised that the minutes to be approved are from the regular meeting of October 3, 2016.
- B. **MOTION by John Neal and seconded by Brett Sanderson to approve the minutes for the regular meeting of October 3, 2016 as presented. Motion passed unanimously.**

#### 3. **Comments from Citizens**

- A. Frank Heald advised that a taxpayer commented that they thought the town had done a wonderful job paving Upper Crossroad and said they are concerned about the speed limit. They asked if it could be lowered to 25 MPH. He added that they do need to get more 35 MPH signs up there.

- B. Howard Barton noted that most of the area is 35MPH.
- C. Frank Heald said that anything not in the village is 35 MPH.
- D. Howard Barton said that is what the speed limit is and if they lower it too much, people will want the police up there with radar.

4. **Discuss Penalty for Late Filing of Homestead**

- A. Frank Heald noted that there were 2 additional new property owners who had not filed. They are leaving \$145 on the table for one and \$426 for the other.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to waive the penalty for the 2 new non-filers of the Homestead information. Motion passed unanimously.**

5. **Discuss Okemo “Stearns Pit” MOU of 12/1/16 to 3/31/17**

- A. Howard Barton advised that he requested an increase of 3% and no less than 2.5% and no more than 4%.
- B. Ted Reeves said that when they discussed this at the last meeting, the CPI was .9% and he was not aware of the 3%.
- C. Howard Barton said the union contract for labor was 3%.
- D. Frank Heald said for the previous year, one is 3% and the other is 2.5%.
- E. John Neal said the Transfer Station is 3.7%.
- F. Frank Heald said the language in the lease sets a bottom and a top cap. This reflects language that has been used. They could look at a 5 year CPI instead of one year.
- G. Howard Barton asked the number of acres.
- H. Neither Frank Heald nor Ted Reeves had that available.
- I. Howard Barton asked the number of cars it holds.
- J. Ted Reeves said he was not sure, maybe 900.
- K. John Neal suggested it may be about 1,200.
- L. Howard Barton asked the value of the land at the last appraisal.
- M. Frank Heald said he does not recall, but it is in the file. It may have been about 6 to 7 years ago.
- N. Howard Barton said he would like to see 3%.
- O. Ted Reeves said that the program that he and Frank Heald have been using for years has been based on the CPI and he negotiated in good faith. He is not happy with 2.5%, but agreed to it and he is also not happy with the brackets. He would like it to stay at 2.5%. It would still give the town a reasonable income.
- P. Frank Heald said it (2.5% vs. 3%) amounts to about \$325.
- Q. Brett Sanderson said pay raises are 3%; it is still a good deal for Okemo.
- R. Logan Nicoll said he thinks the brackets are good. He added that either 2.5% or 3% is okay with him. He would hate to see Okemo try to find another location.
- S. Ted Reeves said last winter was really bad and they were way behind in the revenue numbers. We have restraints on cash flows.
- T. Howard Barton added that there have been years when Okemo was above projections.
- U. **MOTION by Brett Sanderson and seconded by Logan Nicoll to set the brackets at 3% to 4.5%.**
- V. Bruce Schmidt said that he recused himself. He added that he is disappointed. They negotiated an agreement. He would like this item put on the March agenda for next year’s negotiations.

- W. Howard Barton said it is hard when things are done at the last minute.
- X. Frank Heald said the other option would be to make it more than a one year contract. This would give Okemo more stability.
- Y. Howard Barton said it had been done that way in the past.
- Z. Logan Nicoll suggested this be sent out for further negotiation.
- AA. Frank Heald said if we use a 5-year rolling CPI, it would probably never go above 3%.
- BB. Logan Nicoll said he likes the longer term.
- CC. Ted Reeves said that Okemo has not agreed to 3%.
- DD. Logan Nicoll said if the motion is passed, they probably will not sign the agreement. He suggested asking Frank Heald and Ted Reeves to work out a new agreement and negotiate a longer term.
- EE. Howard Barton called for a vote on the original motion (Item U.) Brett Sanderson in favor, Logan Nicoll and Howard Barton against. Motion did not pass.
- FF. **MOTION by Logan Nicoll to ask Frank Heald to renegotiate with Ted Reeves for a longer term agreement. No second.**
- GG. Howard Barton said he would like a base number and is okay with a longer term.
- HH. Logan Nicoll said he would like to set a minimum/maximum in the contract and let Frank Heald handle the actual numbers.
- II. Ted Reeves said he is happy to negotiate with Frank Heald, but is concerned that if they come to an agreement, and come back to the board, the board may not approve it.
- JJ. Frank Heald said he has a reasonable understanding of what might get approved.
- KK. **MOTION by Logan Nicoll and seconded by Brett Sanderson to table this discussion until December 5, 2016. Motion passed unanimously.**

6. **Consider Ludlow Garden Club's Request RE: Mini Park Christmas Tree**

- A. Howard Barton advised that this is the same as last year.
- B. **MOTION by John Neal and seconded by Brett Sanderson to approve the Garden Club request as presented. Motion passed unanimously.**

7. **Discuss Christmas Party**

- A. Howard Barton asked if Frank Heald would get bids as done in the past.
- B. Frank Heald said yes.
- C. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to authorize Frank Heald to get bids for the Christmas party. Motion passed unanimously.**

8. **Review FY 2018 Appropriations Budget RE: Request Letters**

- A. Bruce Schmidt asked if there are any changes.
- B. Frank Heald said there was no letter from the American Red Cross. He said that last year HCRS and ARC did not get letters in, but did this year. He said that VNA has requested an increase of \$240.
- C. Howard Barton asked if the letters had been received by the cut-off date.
- D. Frank Heald said yes.

- E. **MOTION by Bruce Schmidt and seconded by John Neal to accept the request letters for appropriations and to include them in the budget. Motion passed unanimously.**

9. **FY2018 Budget Workshops**

- A. Administration  
i. Frank Heald advised that for collections from delinquent tax interest is down because delinquent taxes are down.
- B. Buildings and Grounds  
i. Frank Heald advised this is flat.
- C. Community Center  
i. Frank Heald advised that this is also flat.
- D. Debt Management  
i. Frank Heald advised this is also flat
- E. Fire Department  
i. Frank Heald advised that Workmen's Comp. is up and also Protective Gear is up \$2,000. He said that they do not have insurance numbers at this time.  
ii. Bruce Schmidt noted that it is actually Equipment and Trucks that is up \$2,000, not Protective Gear.
- F. Highway Department  
i. Frank Heald said it is flat.  
ii. Howard Barton asked about salt.  
iii. Frank Heald said almost the same as last year. He added that fuel prices were locked in at \$1.68 for Heating Oil, \$1.18 for Propane and \$1.78 for diesel.
- G. Listers  
i. Frank Heald noted that these are elected officials.
- H. Municipal Transit  
i. Frank Heald said we have also been able to maintain a flat line there.
- I. Planning Services  
i. Frank Heald said this is still in progress.  
ii. Logan Nicoll said the Planning Commission has applied for and hopes to get a grant.
- J. Police Department  
i. Frank Heald said that this is interesting because of the issues in the community. There are ongoing investigations regarding the recent burglaries. A letter was received from Paul Faenza, a retired law enforcement person, with cautions and suggestions for the community. (Copy of letter attached.) Frank Heald said that even if we had 25 officers, we would probably not catch these people in the act. The Police are following leads, but he will not comment on the investigations.  
ii. Bruce Schmidt asked how we assure the community that something is being done.  
iii. Frank Heald said he does not know. The persons in the coffee shops don't know everything that is going on. We saw the video from the Brewfest break-in on Facebook and maybe that should be on the town website. He said that he does not know how to get things out to the public.  
iv. Bruce Schmidt suggested a press release. People are nervous and concerned and it seems like names are going around.  
v. Jeff Billings said he can only release so much information to the general public and releasing more may affect the investigations.

- vi. Frank Heald said that he cannot assure the capture of the people doing the break-ins. He said we should tell people to do defensive things on their own. He said that Paul Faenza's letter described some, like leaving cash registers empty and open and installing alarm systems. He said we will catch these guys, but someone else may start up again in 6 to 8 months. The rumor that no one is on duty from 12 AM to 6AM is not true. We have round the clock coverage, and are by-and large 24/7. Occasionally, if someone is out sick, we may not have full coverage. The Police Department is stretched. He said that he and Jeff Billings have discussed some things like street cameras and drones (both of which are double-edged swords.). He would like the Chamber of Commerce to start a SEE SOMETHING...SAY SOMETHING program. People can talk to the dispatchers. We also discussed a dog officer, but that is very expensive. Another possibility is to create a detective position to handle investigations to take that off the patrol officers. We will need to add to the Police Department budget. He added that the opiate issue is not going away. He conferred with a consultant. However, unless we are proactive about deficit spending, nothing can be done until July 1, 2017. To hire an investigator, we would have personnel costs of about \$75,000 to \$80,000 plus training, uniforms and a car. He would like to get Paul Faenza's letter on Front Porch Forum.
- vii. Logan Nicoll suggested the town website.
- viii. Frank Heald said it is also in the minutes.
- ix. Logan Nicoll said people are talking about this and sounding like vigilantes. People need to know we are doing something. This person just runs through town.
- x. Frank Heald said that in one instance, the person was in and out in 20 seconds. He said that street cameras may help.
- xi. Jeff Billings said the police have followed up on every lead. We are also combining our efforts with Springfield. He did add that house burglaries have not increased and it is not an issue of individual safety. He said that weapons have not been used and in the one instance, it appears that it was a plastic gun. Every officer is working overtime and writing up so many reports that it is hard to get on the road. The town has given us all of the technological resources, but we need to look at more manpower. He said that he does monthly reports that can be posted so people know what we have done.
- xii. Bruce Schmidt asked if Jeff Billings could do a report comparing months.
- xiii. Jeff Billings said he does an annual report that compares the last 3 years.
- xiv. Bruce Schmidt said he would like to see a comparison of last year, this month compared to this year. This board needs to give Jeff Billings and Frank Heald direction and let them know what we will support. He said that he is in favor of an investigator position. We can also look at OT.
- xv. Jeff Billings said the drug trade is driving these burglaries. He added that he can no longer hire part time personnel (the state did away with that.) We do have one PT person, but that person may be going to another department. We need to hire a full time person.
- xvi. Bruce Schmidt asked about fingerprinting.
- xvii. Jeff Billings said the surface needs to be like glass, smooth. It takes our labs 6 to 8 months for get results and if there were no injuries in the crime, testing will take a back seat to ones where there were injuries. Also, the person has to already be in the system or the fingerprints will not be on file. The State Police rarely fingerprint

- anyone. The persons doing these burglaries are fully clothed, wear gloves and masks. We do get their height, approximate weight and their mannerisms from the videos.
- xviii. Frank Heald said the cost for a detective would be about a \$90,000 to \$100,000 increase to the budget. He thinks the money would be well spent and that the taxpayers would go for it.
  - xix. Howard Barton asked Frank Heald to put a plan together.
  - xx. Bruce Schmidt asked if the officers wear body cameras while on shifts.
  - xxi. Jeff Billings said yes. He added that the officers want to wear them and the cameras are good quality.
  - xxii. Howard Barton asked Jeff Billings if the department has the tools it needs.
  - xxiii. Jeff Billings said yes.
  - xxiv. Howard Barton asked Frank Heald to work on press releases.
  - xxv. Frank Heald said he would.
- K. Solid Waste
- i. Frank Heald said that Solid Waste continues to be a weight around our necks. As of July, 2017, we will have to start accepting organics (food waste.) As of 2020, consumers will also have to start separating organics. We may be able to get an exemption for haulers in July. It will cost about \$5000 for disposal. The current plan is through Casella. People will have 5 gallon buckets to tote their organics. He noted that in the winters, it will be harder, because it will freeze. The town can charge for organics. He said that he left the revenue line for organics blank. He does not know what to charge for a 5 gallon can.
  - ii. Bruce Schmidt asked what other states charge. He said he is not sure we should make money on this.
  - iii. Frank Heald said that Solid Waste costs the town \$200,000. He said that until 2020, organics can be put in trash, and we have to accept it.
  - iv. Bruce Schmidt asked who would check the trash.
  - v. Frank Heald said in Italy, they do organics and don't charge for it, but it is included in their taxes.
  - vi. Logan Nicoll said we are a residential transfer station. We don't want to take organics from Okemo or the restaurants. He asked if we have to be a certified facility.
  - vii. Frank Heald said residential transfer stations do.
  - viii. Bruce Schmidt asked about the cardboard processing fee increased.
  - ix. Frank Heald said we changed the numbers. He will check them. He added that had they purchased a new compactor, it would have amortized in 2 to 3 years and would also have reduced transportation fees.
- L. Town Clerk/Treasurer
- i. Frank Heald advised that Ulla Cook has run out of vault preservation money, so there is an uptick there.
- M. Ambulance
- i. Frank Heald said he is working with the Ambulance Service on their budget and they have reached the point where they could use more paid personnel to cover calls. Volunteers are down in number and some longtime members don't want to go out on as many calls. He said that he asked Carl Mattson and the volunteer coordinator to look at the capital budget over the next 10 years and see what will be needed. Then to put that money away over the next 3 to 5 years. They will need to ask the Select Board to use the fund balance to soften the blow. They will need to increase the

- Cavendish/Plymouth contributions. It was suggested that by early 2017, they may want to start a membership campaign for the Ambulance Service.
- ii. Frank Heald said they would get one free trip for membership and will bill the insurance company and accept what the insurance company will pay. They would hope to generate 300 to 400 members.
  - iii. Brett Sanderson said they should also send out letters to the other towns about the membership campaign.
  - iv. Frank Heald said yes.
  - v. Bruce Schmidt asked if they need to add more staff.
  - vi. Frank Heald said that at this point they are covering well from 6:00 a.m. to 6:00 p.m. not as well between 6:00 p.m. to 12 a.m., but it is okay. The hours between 12:00 a.m. to 6:00 a.m. not as well and Chester picks up some during those hours. We mirror Chester. During the day, we have coverage and they don't. At night, we have less staff and they have more. The problem is staff from 6 to 12, but it is not in the budget this year. We are doing an analysis of time of day and day of week. The volunteers are not there as much.
- N. Frank Heald said the budget should be complete for the December meeting.

10. **Department Head Reports**

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

11. **Other Business**

- A. Walker Bridge
- i. Frank Heald advised that at 9:00 tomorrow morning, there will be a pre-construction meeting for Walker Bridge.
- B. Commonwealth Avenue
- i. Frank Heald advised that on December 15<sup>th</sup>, there will be a meeting for the engineer's first draft for the Commonwealth Avenue project.
- C. Red Bridge
- i. Frank Heald advised that there are allegations that the gate is jammed open and parts and pieces need to be replaced. Rodney Hunt is retired and may still have parts. The hoist is about \$300. The gate valve is not leaking. There appears to be seepage to the left of the valve station, and water is going under the wing well, flowing into the culvert. Ed Floyd is a certified dam engineer and we will work with him on it. We may have to make an emergency repair on the wing well.

12. **Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting will be on Monday, December 5, 2016 at 7:00 p.m.

13. **Sign Warrant Orders**

- A. Warrant orders have been signed.

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

- A. Frank Heald advised that an Executive Session is not needed.

15. **Adjourn**

- A. **MOTION by Brett Sanderson and seconded by John Neal to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Lisha Klaiber

\_\_\_\_\_  
Howard Barton, Jr., Chairman

\_\_\_\_\_  
Brett Sanderson

\_\_\_\_\_  
John Neal

\_\_\_\_\_  
Bruce Schmidt

\_\_\_\_\_  
Logan Nicoll

**To: Okemo Valley Chamber of Commerce Members**

**From: Paul Faenza, Big Eyes Bakery (retired law enforcement)**

**Subject: Recent Burglaries**

As a business owner and retired police officer, I am concerned about the recent rash of burglaries in Ludlow and the surrounding communities.

The Ludlow Police Department is working diligently to explore every lead and apprehend the person or persons responsible for these crimes. However they cannot do it alone, they need our help.

If you see someone suspicious in your place of business or hanging around outside when you leave for the day call the police. Ludlow Police are a 24 hour department, and their number is 228-4411. Provide a detailed description if possible, including a vehicle if one is seen. Be vigilant, watch out for your neighbors, especially at this time of year when many businesses close for stick season. Identify yourself, so the police officer can follow up with you if necessary.

The following are some Neighborhood Watch tips:

- Make sure all outside entrances and inside security doors have deadbolt locks.
- Windows should have secure locks, and gates if necessary.
- Make sure you can see easily into your business after closing.
- Light the inside and outside of your business, especially around doors, windows, skylights, or other entry points.
- Check the parking lot for good lighting and unobstructed views.
- Keep your cash register open and empty after closing.
- Be sure your safe is fireproof **and securely anchored**. Leave it open when it's empty.
- Before you invest in an alarm system, check with several companies and decide what level of security fits your needs. Contact your local law enforcement agency to recommend established companies. Learn how to use your system properly. Check the system daily, and run a test when closing.
- If you decide on purchasing a system, make sure it has an audible alarm that will alert the police and neighbors while deterring theft from your business.

If you have any questions please contact me, Paul Faenza, at 802-353-8347.