

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

October 2, 2017

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

James Bianchi	Carl Matteson	Ted Reeves
Laurie Bianchi	Mary Jane O'Hara	Jeannette Ricciardo
Robert Forguites	Ralph Pace	Ron Tarbell
Pamela Hamel	Julia Purdy	Ed McEneaney (LPC-TV)

1. Call to Order

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

2. Consideration of any Changes, Additions or Removals to the Agenda

A. Frank Heald said there were none to be made.

3. Approve Minutes of Previous Meetings

A. Howard Barton advised that the minutes to be reviewed are from the three meetings on September 4, 2017; two public hearings and the regular meeting.

B. MOTION by John Neal and seconded by Logan Nicoll to approve the minutes from all three September 4, 2017 items as presented. Motion passed unanimously.

4. Comments from Citizens

A. Frank Heald advised that many of the people present tonight are here regarding Brooks Road. He said the he and Ron Tarbell had made a mistake with regard to the materials used and the road did not come out with the expected results. They propose to reallocate funds from the Buttermilk Falls Road paving and to repave Brooks Road. He apologized to the Brooks Road residents for the problems they have had.

B. Mary Jane O'Hara noted that House Car #22 is parked in front of a NO PARKING sign.

5. Award Bid for Highway Small Garage Roof

- A. Frank Heald advised that we received one bid, with 2 versions from Tyrrell. The versions are for standing seam and corrugated. The bids are the same price. He said that Tyrrell recommends going with the standing seam roof. He has done a number of them and it works well.
- B. Ron Tarbell said Mr. Tyrrell said the 24 gauge is stronger than the screw down corrugated.
- C. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to award the bid for Tyrrell Enterprises for the standing seam roof as presented. Motion passed unanimously.**

6. Award Bid for Ambulance Bunk Bay

- A. Frank Heald advised that RFPs were sent out to the same list as the previous version and we received 1 bid. The bid is for \$23,695 and is as per specifications.
- B. Brett Sanderson asked where the bunk room would be located.
- C. Frank Heald said in the bay.
- D. **MOTION by John Neal and seconded by Bruce Schmidt to award the bid to Wright Construction for \$23,695. Motion passed unanimously.**

7. Authorize Acceptance of the SWWSWD (Solid Waste District) Reserve Fund Final Distribution of Excess Funds

- A. Frank Heald introduced Bob Forguites, the treasurer of the Solid Waste District. He has a check for Ludlow resulting from the 2007 dissolution of the VT/NH Solid Waste District. The SWD hopes that the towns will use the money for transfer station improvements.
- B. Robert Forguites said that the monies are from the Capital Reserve Fund as is being distributed back to the towns that were in that district. The Vermont share was \$404,193 and the board of the SWWSWD voted to allocate \$25,000 of that to its Reserve Account. The balance, \$379,193 is being distributed to the VT towns based on each town's 11 year average Solid Waste from 1997 to 2007. Ludlow's share is \$72,435. There are no strings attached as to usage, but the district would like to see it used for transfer station needs. The only other stipulation is that the board would need to authorize Howard Barton to sign a receipt for the money that indicates full and final payment of Ludlow's share.
- C. Bruce Schmidt confirmed that there is nothing to say that the funds must be used for the transfer station.
- D. Robert Forguites said that is correct.
- E. **MOTION by John Neal and seconded by Brett Sanderson to authorize Howard Barton to sign the receipt to accept the funds from the SWWSWD for \$72,435. Motion passed unanimously.**
- F. Robert Forguites noted that a copy of individual town breakdowns is included.
- G. Howard Barton asked Frank Heald if he has any plans yet for the funds.
- H. Frank Heald said the extra compactor for the 0-Sort. He also noted that there are other towns that are not using the funds for solid waste.

8. Liquor Control Board

- A. Frank Heald advised that this was discussed at the last meeting and the board should only vote on the 2 tables which will be located on Momma's portion of the sidewalk.
- B. Bruce Schmidt asked if this permit will come back to the board next year. He would like to be able to see how it works out for a year.
- C. Frank Heald said he thinks it's annual.
- D. Bruce Schmidt said that the Pot Belly also has outdoor seating and he does not recall seeing their permit for renewal.
- E. Logan Nicoll said Ulla Cook signs off on them.
- F. Frank Heald said that the state requires that the Select Board sign off on outdoor consumption permits. Ulla Cook may sign off on 1 to 2 day events.
- G. Bruce Schmidt confirmed that the tables would be on Momma's property.
- H. Frank Heald said yes, the property line is the seam of the sidewalk. He said that if the property is public, they can lease the property for \$1.00 per year. The survey shows that ½ of the sidewalk is theirs.
- I. Bruce Schmidt asked if that is true all the way down Main Street.
- J. Frank Heald said he doesn't know. They would need to survey the rest to find out.
- K. Mary Jane O'Hara said it is not true for all the way. The ROW is 25 feet from the center line. Aubuchon's has 13.35 feet from the sidewalk. She measured where the tables would be for Momma's property and it is 10.03 feet.
- L. **MOTION by John Neal and seconded by Bruce Schmidt to approve the permit for outdoor consumption for the front sidewalk area of Momma's. Motion passed unanimously.**

9. Consider & Authorize the Select Board Chair to Execute a Reciprocal Lease Agreement for Town Hall Parking & the Driveway Between Kesman Memorial Park and Momma's

- A. Howard Barton advised that the board has a copy of the draft for the lease agreements.
- B. Mary Jane O'Hara distributed a letter voicing her concerns "Can an owner of a property that owns no land for parking and has the opportunity to lease what is called a driveway and is used as a driveway enter into a lease for the driveway for the purpose of a change of use to outside dining."
- C. Howard Barton said he does not agree with a 20-year lease. He does not think this board should leave that for future boards.
- D. Bruce Schmidt asked how long Howard Barton would suggest.
- E. Brett Sanderson suggested 5 years.
- F. Howard Barton said the changes in the dynamics of the town may later see a different use for that property.
- G. Bruce Schmidt agreed with 5 years.
- H. Frank Heald said there are 2, quid pro quo leases; the use of the driveway for a part of the parking lot out back for our combined use.
- I. Mary Jane O'Hara asked if it is legal as they have no parking.
- J. Logan Nicoll suggested that may be a question for the DRB. He said that personally it does not matter whether or not we lease the property to them. He understands that parking is a concern for all of us. He added that there is ample parking behind Brewfest.
- K. Mary Jane O'Hara said it is not signed and not everybody knows about it. There used to be a sign there. She said they should also consider time limits for parking there because some

- people park there for skiing and catch the bus up to Okemo. They should ask the town attorney about this situation.
- L. Frank Heald said the RB says this is an existing use for the property and the restaurant used street parking in the past.
 - M. Howard Barton said that it wasn't for parking, it was a driveway and the town only recently found out that we own it by the survey.
 - N. Bruce Schmidt said that back years ago, there was a building where the park is and the alley was for deliveries. It is also not an easy turn onto Main Street. We don't want people backing out onto Main Street. He said was have space and he does not view that as a parking area. It is a good opportunity to use unused space. He prefers a shorter lease.
 - O. John Neal said that part of the permit is for 20 tables.
 - P. Mary Jane O'Hara reiterated her concerns about parking, saying the town keeps taking spaces away.
 - Q. Howard Barton said the town had to make spaces longer to comply with new state regulations.
 - R. Logan Nicoll said he has never seen the lot over by Brewfest full.
 - S. Howard Barton said that is leased by the Trustees.
 - T. **MOTION by Bruce Schmidt and seconded by Logan Nicoll to accept the reciprocal lease for 5 years.**
 - U. Howard Barton asked about Section 8 of the draft regarding maintenance and repairs being the town's responsibility.
 - V. Frank Heald said that is in the lease to the town for the parking lot out back.
 - W. Mary Jane O'Hara asked about the subordination part.
 - X. Frank Heald said that is standard boiler plate.
 - Y. **Motion passed unanimously.**

10. Consider & Execute Okemo "Stearns Pit" MOU of 12/1/17 to 3/31/18

- A. Frank Heald said this is the basic contract we have had for several years, including the changes made last year.
- B. **MOTION by Logan Nicoll and seconded by Brett Sanderson to authorize Howard Barton to execute the MOU for the Stearns Pit with Okemo.**
- C. John Neal and Bruce Schmidt recused themselves.
- D. **Motion passed unanimously.**

11. Authorize the Select Board Chair to Sign NextEra Energy Resources, LLC Road Crossing Agreement

- A. Howard Barton advised that this was tabled from last month's meeting. It is a road crossing agreement.
- B. Frank Heald noted that Exhibit B on page 7 of 7 indicates an increase to a \$7500 one time compensation from NextEra to the town.
- C. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to authorize Howard Barton to sign the grant. Motion passed unanimously.**

12. Authorize the Select Board Chair to Complete Transaction RE: Osmond Family Trust Driveway/Cemetery Boundary

- A. Frank Heald advised that this is in reference to the right to repair a culvert in front of the Osmond driveway. The Cemetery Commission requested that he contact the family. This is a situation where the culvert is under the driveway and we are trying to resolve it. He said if the Cemetery Commission signs off on the agreement, we will have a deed for you to sign at the next meeting. The town owns the property. You will need to authorize Howard Barton to sign the deed.

13. Authorize the Select Board Chair to Sign the Verizon Wireless Lease Agreements

- A. Building & Rooftop Lease Agreement
 - i. Frank Heald said this is a long term lease for communications equipment to be installed at town hall. The deal is for a \$2,045 per month lease and \$400 for electricity. There is also a one-time \$3,000 signing bonus. Escalations are built into the contract.
 - ii. **MOTION by John Neal and seconded by Logan Nicoll to authorize Howard Barton to sign the agreements. Motion passed unanimously.**
- B. Right of Entry Agreement
 - i. Frank Heald said the Right of Entry was for scoping.

14. Appoint Deputy Health Officer

- A. Frank Heald advised that he recently found out that the Health Officer and Deputy Health Officers do not have to live in town. We had to appoint a new deputy by September 30, 2017. He recommends the board appoint Doris Eddy as deputy. He added that Ralph Pace would like to abdicate his position as Health Officer and then Doris Eddy would be able to replace him and he could become deputy. Doris Eddy is the Health Officer for Cavendish.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to appoint Doris Eddy as Deputy Health Officer. Motion passed unanimously.**

15. Review Late Homestead Filing Penalty

- A. Frank Heald said that there are 4 new late first time filers and asked if the board wants to continue with its policy for first time late filers.
- B. There was consensus among board members to continue the policy.

16. Consider Ludlow Garden Club's Request RE: Christmas Tree

- A. **MOTION by Brett Sanderson and seconded by John Neal to grant permission to the Garden Club to place a Christmas tree in Kesman Park beginning Thanksgiving week and remaining there the week after New Year 2018. Motion passed unanimously.**

17. Schedule FY2019 Budget Workshops

- A. Frank Heald said he expects to have a partial first draft for the November meeting. The auditors are finished and their numbers should be in by the end of this month. The appropriations letters have been sent out.

18. Department Heads Reports

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

19. Other Business

- A. Planning Commission Update
 - i. Logan Nicoll advised that a draft of the town plan had been made available to board members via drop box. There is a very tight schedule for adopting the plan. The Planning Commission would like any input from board members as soon as possible. The Planning Commission is holding its Public Hearing on Monday, October 30, 2017 at 6:00 p.m. He said that most of the changes are to the Energy Chapter which were necessitated by changes to state statutes. All changes have been highlighted.
 - ii. Frank Heald said if needed, the office would be able to print out copies.
 - iii. Logan Nicoll said that the town plan will lapse before the new plan is adopted, so time is of the essence.
- B. Brooks Road
 - i. Bruce Schmidt suggested that it would be a nice gesture to send letters to the Brooks Road residents addressing the mistake in paving.
 - ii. Frank Heald said that the paving will be done before they would receive the letters, but he will take care of it.
- C. Signs in Back Parking Lot
 - i. Mary Jane O'Hara said that every year, the signs in the back get knocked down when the lot is plowed. She would like to see them put back up by the town.
 - ii. Frank Heald said he would look into it.
 - iii. Bruce Schmidt asked Mary Jane O'Hara if she ever considered selling that property.
 - iv. Mary Jane O'Hara said no. She wants to keep it so the people who use her building have a place to park.

20. Set Date for Next Meeting

- A. Next regular meeting will be November 6, 2017

21. Sign Warrant Orders

- A. Warrant orders have been signed.

22. Possible Executive Session/Personnel/Contracts

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

23. Adjourn

- A. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:59 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll