

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

September 4, 2017

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Logan Nicoll

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Abby Lechthaler Carl Matteson Ron Tarbell
Rogan Lechthaler Ralph Pace Ed McEneaney (LPC-TV)
Jessica Liberty Ted Reeves

PUBLIC HEARING

The Town of Ludlow Board of Health

- A. Chairman Howard Barton called the Public Hearing to order at 7:00 p.m.
- B. Frank Heald advised this is a revised Health Order. On Soapstone Road there are 2 mobile homes and a house. Originally, the sewer ran from the house to a T under a trailer, then to about 10 feet above the manhole where it entered the Village line. There have been issues with clogs over the years between the T and the house. The blockage has been cleared. There is a tank between the mobile homes and the house. Ralph Pace, the Wastewater people and I are of the opinion that it should be cleared. There are two actions. First, the board should discontinue the first, Emergency order. This order tonight, states that *the old sewage lines and any tanks or like containers associated with the replaced sewer lines will be removed and properly disposed of by the property owner by September 29, 2017 to ensure that no harm or injury befalls anyone from contact with such materials. Second, all future work involving the existing or new sewer line used by 32 and 54 Soapstone Road will be performed by persons or organizations with recognized skills in installing and repairing sewer lines. Additionally, all such work must be done in compliance with applicable state laws and regulations ad Ludlow ordinances. Failure to comply with these regulations may result in fines defined in them.*
- C. Frank Heald continued and said that Ralph Pace has been working on this for several weeks.
- D. Howard Barton asked if the order has been issued.
- E. said the previous Emergency Order was issued prior to the lines being snaked. We suggest that order be replaced with this one. The property owners do have the right to appeal.
- F. **MOTION by John Neal and seconded by Bruce Schmidt to rescind the Emergency Order and replace it with the order as presented tonight. Motion passed unanimously.**

- G. **MOTION by Bruce Schmidt and seconded by John Neal to close this hearing. Motion passed unanimously.**
- H. Public hearing closed at 7:07 p.m.

PUBLIC HEARING

The Select Board of the Town of Ludlow will conduct a final public hearing for the residents, taxpayers and interested persons in the Town of Ludlow on the fourth day of September, 2017 at 7:00 PM in the Town Hall Conference Room to obtain the views of citizens on community development and to furnish information concerning the range of community development activities that have been undertaken with the use of the VCDP funds.

- A. Chairman Howard Barton called the Public Hearing to order at 7:08 p.m.
- B. Frank Heald advised that this is the final hearing required to close out the grant for Ludlow Economic Development Corp.(LEDC) and VCDP funds for activities at the Industrial sites behind JELD-WEN. No monies from the town were involved. The funds were from the State and LEDC. The hearing is also for public input. The report is in the packet.
- C. **MOTION by John Neal and seconded by Brett Sanderson to close this hearing. Motion passed unanimously.**
- D. Public hearing closed at 7:09 p.m.

REGULAR MEETING OF THE SELECT BOARD

1. **Call to Order**

- A. Howard Barton called the regular meeting to order at 7:10 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 meetings on August 7, 2017.
- B. MOTION by Brett Sanderson and seconded by John Neal to approve the minutes from August 7, 2017 as presented. Motion passed unanimously.

4. **Comments from Citizens**

- A. There were none

5. **Award Bid for FY2018 Winter Screened Sand**

- A. Frank Heald advised that 6 RFPs were sent out and we received 3 bids. The bid opening was on August 30th and was attended by Frank Heald, Ulla Cook, Ron Tarbell and Diane Knight. The low bidder is Eastman Sand and Gravel. We used them last year. The committee recommends awarding the bid to them.
- B. **MOTION by John Neal and seconded by Brett Sanderson to award the bid for Screened Sand to Eastman Sand and Gravel as recommended . Motion passed unanimously.**

6. **Award Bid for Highway Small Garage Roof**

- A. Frank Heald advised that 4 RFPs were sent out and we received 2 bids. The bid opening was on August 30th and was attended by Frank Heald, Ulla Cook, Ron Tarbell and Diane Knight. The money to do this project was decided at Town Meeting. Voters voted to re-fund the money in the bike path fund and to use it for other projects, including this one.
- B. Ron Tarbell said that the low bidder was Vermont Roofing. They proposed to use standing seam roofing, along with sheathing and snow guards.
- C. Frank Heald said there will be one layer of CDX plywood and 1 layer underneath. This brings the price to \$23,569.
- D. John Neal asked the both bidders were bidding on the same thing.
- E. Ron Tarbell said the other bidder did not quote standing seam or sheathing. They were made aware that there was another bidder.
- F. Brett Sanderson said this needs to be rebid.
- G. John Neal agreed, saying the bidders were not bidding on the same thing.
- H. Bruce Schmidt asked why there would be an \$8,000 change order. Were we aware of the conditions.
- I. Ron Tarbell said he did not crawl up there.
- J. Bruce Schmidt said a few thousand dollar difference might be okay, but not this amount.
- K. Brett Sanderson said the roof is already insulated and a corrugated roof would be okay. We don't need plywood.
- L. Bruce Schmidt said to ask the low bidder if they can do corrugated roofs.
- M. There was general consensus among board members to send the bids back and do them over

7. **Review Ludlow Ambulance Service Building Proposal**

- A. Frank Heald advised that they currently have the paramedics on 24 hour shifts and there is no place for them to bunk during the night. Other towns, such as Woodstock Fair Haven and Rutland do have such places. We need a bunk room on site. The Ambulance Service would like to repurpose the existing office into a bunk room and change the currently unused third bay into an office. Wright Construction said the project would be less than \$25,000. They would have to enlarge the windows in the existing office for egress. They would also have to put in Smoke and CO detectors. The new office would have limited storage overhead and an 8 foot ceiling. There is an existing man-door.
- B. John Neal asked if there are other options.
- C. Brett Sanderson asked why not just use the 3rd bay for the bunk room. He said this way you wouldn't have to move the wires, computers, phones and furniture.
- D. Frank Heald said we will go back and look at it.
- E. Bruce Schmidt asked what they are using for bunks now.

- F. Frank Heald said the either bunk out in the back of the rigs or one of the ski patrol persons has a house they have been using for the summer.
- G. Bruce Schmidt asked how we are going to pay for this. He suggested a special assessment for Cavendish, Mount Holly and Plymouth. It is an important add-on for the service. He also asked if there are policies and procedures for the paramedics when they are on duty.
- H. Carl Matteson said there is a list of tasks to be completed, including paperwork, daily checks of the ambulances, decontamination and building upkeep.
- I. Bruce Schmidt asked about meals.
- J. Carl Matteson said they get their own meals.
- K. Howard Barton asked how many full time staff are there.
- L. Frank Heald said there are 3 paramedics and 1 part time paramedic. He advised that they had increased Cavendish's fees by \$7,500 and Mount Holly by \$3,500 this year. His suggestion is to increase everyone in next year's budget.
- M. Bruce Schmidt said that the \$25,000 is coming out of the Ludlow Ambulance budget.
- N. Frank Heald said you can increase fees at budget time if you want to. He added that over the years, Cavendish, Plymouth and Mount Holly have also contributed to the fund.
- O. Bruce Schmidt suggested doing a special assessment just for this project and talk about increase at budget time.
- P. Frank Heald said that call volume is still a big issue. He said he would go back and price out leaving the office where it is and making the 3rd bay into the bunk room. They would like this done by the end of October.

8. **Review Late Homestead Filing Penalty**

- A. Frank Heald advised that in the past, the policy has been to charge repeat offenders and absolve new ones. This year there are 12 new late filers and 2 repeat. The 2 repeats have fines of \$278 and \$329.
- B. Howard Barton suggested staying with the policy.
- C. **MOTION by Brett Sanderson and seconded by John Neal to stay with the policy of charging repeat late filers and not new late filers. Motion passed unanimously.**

9. **Continue Discussion of Driveway Between Kesman Memorial Park and Momma's**

- A. Frank Heald advised that they had discussed this at their last meeting and he has since had a survey done and the town does own the property. He suggested not discussing this any further in open session.
- B. Bruce Schmidt said it would be similar to other leases. He said that he is not in favor of selling the property, nor contributing it to the Garden Club. They could consider a lease.
- C. Howard Barton said they would still need to meet with the DRB.
- D. Rogan Lechthaler said they are going to the DRB next week, but if the alley does belong to the town, they can't apply for outside seating on town property. He said they want to keep pushing forward. They would like to do it this year.
- E. Howard Barton asked if he had brought drawings of the front sidewalk area as requested at the last meeting.
- F. Rogan Lechthaler showed the drawings and said they changed the diameter of the tables to 24 inches.
- G. John Neal said that Frank Heald would work on a lease for the next meeting.

10. Liquor Control Board

- A. Rogan Lechthaler said that from the wall to the edge of the sidewalk is 11'4". With 2 tables, the rope would be 39.5" and leaves plenty of room. They want to showcase lunch and take-away meals. He thinks it would get people to stop and get out of their cars. There would only be 2 tables.
- B. John Neal confirmed 2 tables, 4 chairs.
- C. Rogan Lechthaler said yes.
- D. Howard Barton asked about servers.
- E. Rogan Lechthaler said they would have from the rope to the park edge.
- F. John Neal asked about kids riding bikes on the sidewalk.
- G. Bruce Schmidt said that Aubuchon's has items out front.
- H. Frank Heald said they have been doing that as long as he's been here. He added that Chief Billings signed off on this.
- I. Rogan Lechthaler said he thinks it is good for Ludlow to have things out front, it will make people stop.
- J. Bruce Schmidt said the picture looks wider than he thought.
- K. John Neal said that the permit says no more than 20 tables that is still to be determined.
- L. Howard Barton said the permits should be separate.
- M. John Neal said, at this point, they can only have 2 outdoor tables.
- N. Frank Heald said he would have Ulla Cook amend the permit

11. Execute SWCRPC Contract for Hazard Mitigation Grant Program to Create a Multi-Jurisdictional Local Hazard Mitigation Plan for Ludlow

- A. **MOTION by John Neal and seconded by Brett Sanderson to authorize Howard Barton to sign the grant. Motion passed unanimously.**

12. Approve & Sign Municipal Planning Grant RE: Municipal Plan

- A. Frank Heald advised that this is a grant with a local share, which is within the budget.
- B. **MOTION by John Neal and seconded by Bruce Schmidt to sign the grant as presented. Motion passed unanimously.**

13. DRB Appointment

- A. Frank Heald advised Dana Wilson was inadvertently appointed as an Alternate at their July meeting and should have been a regular appointee with a one-year term.
- B. **MOTION by John Neal and seconded by Bruce Schmidt to appoint Dana Wilson as a regular appointee with a one year term. Motion passed unanimously.**
- C. Bruce Schmidt asked if there is an alternate.
- D. Frank Heald said there have not been any applicants, but he will advertise.

14. Update on Ranger Solar

- A. Frank Heald advised that the company has been sold. The Certificate of Public good has been issued. The power contract with Connecticut Utilities is in place. They will begin clearing the field this fall

and anticipate construction to begin in 2018. They will be doing a road crossing at Barker Road and agree to pay \$5,000. It is suggested to be an aerial crossing

- B. Frank Heald said we require a bond, but we don't typically charge for road crossings.
- C. Bruce Schmidt asked if this would be setting a legal precedent.
- D. Brett Sanderson said it may be what they generally do.
- E. Howard Barton said that IMERYYS has a line across East Hill.
- F. John Neal said it sounds like found money on the table.
- G. Bruce Schmidt suggested \$1000/per year for life of the project. He said he doesn't like setting precedents. He said we can set up a permit structure.
- H. Frank Heald said if we set up a crossing fee, we have no expense. It also means that any time anyone crosses the road, we have to collect a fee. He said he doesn't know about Green Mountain Power or Ludlow Electric would react. He also does not know if the PSB would approve it.
- I. Howard Barton said GMP has to pay for railroad crossings.
- J. Bruce Schmidt said we should either accept it or put something together.
- K. Howard Barton asked Frank Heald to look into it and tabled this until the next meeting.

15. Update on Commonwealth Avenue Culvert

- A. Frank Heald said he met with the state, Regional Planning Commission and the engineer and they are continuing discussions about Commonwealth. There is an alternate path that the engineer identified and they will have to go back to the landowners. We can access the money under the original grant. The original share for Ludlow is 25% and the taxpayers approved \$300,000. We will have to go back to the taxpayers for additional funds. He hopes to bid it out in March 2018, with construction next summer. He added that a couple of the landowners are not happy with the alternate route.
- B. Howard Barton asked if they can stop the project.
- C. Frank Heald said they can delay it, but you have eminent domain.

16. Department Heads Reports

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

17. Other Business

- A. Appoint Annual Designee to VLCT
 - i. **MOTION by Bruce Schmidt and seconded by John Neal to appoint Frank Heald as representative to VLCT. Motion passed unanimously.**
- B. Deputy Health Officer
 - i. Frank Heald advised that Ludlow's Deputy Health Officer has moved to Cavendish and the state has sent a letter to us that requires we have a Deputy Health Officer. He will advertise to fill the position.
- C. Fire Department Auction
 - i. Frank Heald complimented the Fire Department on the huge success of the auction. He advised that they grossed over \$50,000 and over the past 10 years, have grossed over \$500,000. This money goes to purchase things not in the budget.
- D. Walker Bridge Paving Issues
 - i. Howard Barton asked about the issues with the paving at the Walker Bridge.

- ii. Frank Heald said that the contractor will be required to fix it. He added that someone mentioned to him that one of the light poles is shorter than the rest. He said he will check it out.
- E. Outside Consumption Concerns
 - i. Bruce Schmidt said that he is concerned that while this board had issues with an outside consumption permit, it was still approved by the town clerk.
 - ii. Frank Heald said the Police Chief also signed off on it.
 - iii. Bruce Schmidt asked if the Select Board has any say in the matter. He suggested that there be a dialogue before permits are approved.
 - iv. Howard Barton said he is also off on it. He said he thought the Select Board had to approve them, but we really don't.
 - v. Frank Heald said the bottom line is that this board is ultimately responsible for the town and village. If there are issues, it is incumbent upon you to bring it forward. Outside consumption is generally for you information.
 - vi. Bruce Schmidt asked about it on town property. We need a dialogue before permits are issued. He doesn't agree to it on town property.
 - vii. Frank Heald said the board discussed this about the Community Center and if there is a license involved, it is okay.
 - viii. Bruce Schmidt said use of the sidewalk is different. He said he questioned this at the last meeting and it was still signed off on by Chief Billings.
 - ix. Frank Heald said he would check the statutes.

18. Set Date for Next Meeting

- A. Next regular meeting will be October 2, 2017

19. Sign Warrant Orders

- A. Warrant orders have been signed.

20. Possible Executive Session/Personnel/Contracts

- A. Frank Heald advised that an Executive Session is needed.
- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt 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. **Proposed contract.**
The premature public knowledge of the proposed contract would 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 8:20 p.m.
- D. Executive session ended at 8:25.
- E. **MOTION by John Neal and seconded by Bruce Schmidt to approve the new union contract for town employees. Motion passed unanimously.**

21. **Adjourn**

- A. **MOTION by John Neal and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

John Neal

Bruce Schmidt

Logan Nicoll