

# MINUTES

## TOWN OF LUDLOW BOARD OF SELECTMEN

### PUBLIC HEARING AND REGULAR MEETING

September 17, 2012

#### BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman    Brett Sanderson  
Douglas Ficken                      Bruce Schmidt

#### BOARD MEMBERS ABSENT:

John Neal

#### STAFF PRESENT:

Frank Heald

#### OTHERS PRESENT:

Jeff Billings                              Rose Goings                      Ted Reeves  
Alan Couch                                Logan Nicoll                      KP Whaley (LPC-TV)  
Anne Gardner

### PUBLIC HEARING

1. Howard Barton called the Public Hearing to order at 7:00 p.m. He advised that this hearing is a review of the proposed revisions to the Town Plan. He asked if the Planning Commission had made changes discussed at the last hearing.
2. Rose Goings advised that the Planning Commission did change references to the mountain to Ludlow Mountain (Okemo). She said that the group had also removed numbers regarding wind power rates and electric rates. Any other changes were simple and were made with Frank Heald's assistance. Reference has been made to the GE building under the Local Economy section, figures in the Housing section have been updated and references to Gill Home have been removed from the Transportation section. She noted that in the Glossary Section, Streetscapes has been removed and "subdivider" has been removed. There were no significant changes and any other changes were rewording, typos and formatting.
3. Howard Barton asked about a definition for Ridgeline Development.
4. Rose Goings said that it is in the Glossary.
5. Howard Barton noted the recent problems in Lowell regarding wind turbines and said that he would not like to see our ridgelines ruined. He noted that the Lowell town plan says the town promotes renewable energy and that was the loophole the developers needed.
6. Logan Nicoll said that the Planning Commission is in favor of renewable energy.
7. Howard Barton said that if that is in the town plan, it may be used by developers to put up large wind projects.
8. Alan Couch said that the Planning Commission is currently updating the zoning regulations to make sure they mesh with the town plan. The Planning Commission has been working on the town plan for 2 ½ years and it is pretty comprehensive.
9. Howard Barton asked if it would be strong enough to withstand large wind turbine field development. This is our chance to correct a situation. West Rutland is also looking at their town plan.
10. Rose Goings said that board could expand on the definition. The Public Service Board is responsible for net metered projects. The Planning Commission can put more thought into ridgelines.
11. Howard Barton said that large projects level almost the entire top of a mountain.
12. Rose Goings said the Planning Commission does not want that.
13. Howard Barton said that a small, residential project is okay, but a large one would not be.
14. Glenn Heitsmith asked if anyone has done studies to see if this area is viable for large projects.
15. Logan Nicoll said that when he was in college, they did a study and this area is not as ideal as many other spots. The data showed that the range here is about 12-13 and 14-15 is what is needed for a project.
16. Glenn Heitsmith said that draft of the town plan is excellent, but he would like to see more updated maps and figures.

17. Rose Goings said that the Planning Commission worked extensively with the Regional Planning Commission and they get the charts and data as it becomes available.
18. Bruce Schmidt said that the Select Board is concerned about wind turbines, but note that individuals still be allowed to erect one. That is the only thing the Select Board would like to have the Planning Commission revise.
19. Rose Goings said the Planning Commission would do that and then the Select Board would need to hold another public hearing.
20. Glenn Heitsmith said the reference to Irene was excellent and he asked about the terminology, "exceeded FEMA designated flood plain."
21. Rose Goings said the Planning Commission is applying for a grant to work on the Flood Hazard regulations and they would have updated FEMA information.
22. Frank Heald said that town plans can be used to circumvent or obstruct depending on who is using it. We need to see if there are any places that this may occur.
23. Bruce Schmidt said the Select Board wants to protect the town from large scale wind projects.
24. Rose Goings said she would take this back to the Planning Commission to discuss.
25. Frank Heald said they would warn another hearing for the November Select Board meeting.
26. Howard Barton said everything else looks great.
27. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to close the public hearing. Motion passed unanimously.**
28. Hearing closed at 7:17 p.m.

## SELECT BOARD REGULAR MEETING

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

- A. Chairman Howard Barton called the meeting to order at 7:18 p.m. All members present, except John Neal.

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

- A. Howard Barton advised that the minutes to be approved are from the regular meeting of August 6, 2012.
- B. Doug Ficken noted that on page 3, item 7H, Bruce Schmidt made the motion.
- C. Bruce Schmidt noted that Markowski is spelled with an "i" at the end, not a "y."
- D. **MOTION by Doug Ficken and seconded by Bruce Schmidt to approve the minutes of August 6, 2012 as corrected. Motion passed unanimously.**

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

- A. Glenn Heitsmith advised that the Rotary Club is holding its Annual Chili Cook-off on Saturday, October 6th.

### 4. **Award Police Cruiser Bid**

- A. Frank Heald noted that this is the first bid under the new procedure. He prepared a matrix, detailing the various bids. It is his recommendation, along with that of Chief Billings to purchase the Ford Interceptor from Durand Toyota Ford. It is a 4WD as opposed to AWD.
- B. Bruce Schmidt asked about the Road Ready Package.
- C. Frank Heald noted that Durand's bid response included items in our bid document. Other bidders offered these items as options. Their bid was the most complete.
- D. **MOTION by Bruce Schmidt and seconded by Doug Ficken to award the bid for the 2013 Police Cruiser to Durand Toyota Ford for \$15,409.00. Motion passed unanimously.**
- E. Howard Barton asked how Frank Heald if the new bid procedure made things easier.
- F. Frank Heald said yes. It gave them the opportunity to review and compare the bids and have the ability to answer questions the board may have.

### 5. **Consider and Approve Board of Listers Errors & Omissions**

- A. Howard Barton noted that five properties were listed on the report.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to approve the changes listed in the Errors and Omissions Report for changes to the Grand List. Motion passed unanimously.**

**6. Approve & Sign Municipal Planning Grant**

- A. Rose Goings advised that the paperwork is due by September 28, 2012. The Planning Commission is requesting \$7980. This is less than the \$8,000 that would necessitate matching funds from the town. The Planning Commission would use this to continue working on the Zoning Regulations and the Flood Hazard Regulations that would be separated out from the zoning regulations
- B. **MOTION by Brett Sanderson and seconded by Doug Ficken to approve and sign the Municipal Planning Grant application. Motion passed unanimously.**
- C. Bruce Schmidt thanked Rose Goings for working on the grant requests.

**7. VLCT Town Fair & Annual Business Meeting**

- A. Frank Heald advised that they need to appoint a delegate to the meeting.
- B. **MOTION by Bruce Schmidt and seconded by Brett Sanderson to appoint Frank Heald as delegate. Motion passed unanimously.**

**8. Consider VMERS "D" Designation for Ambulance Full-Time Staff Member**

- A. Frank Heald advised that the Ambulance Service is requesting their approval for Carl Matteson and his successors to be considered VMERS "D" instead of "B." This provides an earlier retirement date and larger contributions for the service and the individual. The costs would be covered under the Ambulance budget and would not cost the town any additional monies.
- B. Howard Barton asked if they are matched dollar for dollar.
- C. Frank Heald said he was not sure. State Chapter 125 allows this change prior to September 30<sup>th</sup>. We did the police before and they wanted the voters to approve it, which they did. In this case, this board may approve the change.
- D. Bruce Schmidt asked if this is the last group of employees that are eligible.
- E. Frank Heald said yes.
- F. Bruce Schmidt said it is a good thing and we should do it.
- G. **MOTION by Bruce Schmidt and seconded by Doug Ficken to designate that EMS position eligible for group "D" in the VMERS. Motion passed unanimously.**

**9. Consider & Sign Okemo Stearns Pit Memorandum of Understanding**

- A. Frank said this is the same as in prior years, except for the increase based on the CPI. The new fee would be \$63,990.00
- B. Bruce Schmidt recused himself from the vote.
- C. **MOTION by Doug Ficken and seconded by Brett Sanderson for the board to approve and sign Memo of Understanding for the lease of the Stearns Pit. Motion passed unanimously.**

**10. Discuss North Hill Associates Land on Bixby Road**

- A. Frank Heald advised that a letter was received from North Hill requesting to donate .28 acres of land to the town. It is vertical and of virtually no value. Taxes are \$40 per year.
- B. Bruce Schmidt asked if we have a protocol for this. Has the owner tried to sell or give it to an abutting property owner?
- C. Frank Heald said the owner came to the town because the property is next to our road. We can ask him to offer it to abutters.
- D. Bruce Schmidt said we should try to keep properties on the books.
- E. Doug Ficken asked if there was any past precedent.
- F. Bruce Schmidt said the heirs to a piece of property donated 20 acres to the town last year up by Dam #5.
- G. Frank Heald said the heirs did that because the previous owner had given land to the town for the dam project and it made sense because of the forest land we own up there. He added

that he may look into doing some logging up there. He noted that in this case, the land is of no value to anyone. He said he would talk to the owner and try to get him to sell or give it to an adjacent owner.

- H. Doug Ficken said he would not like to see us set a precedent.

#### **11. Consider Road Name Request**

- A. Howard Barton advised that a letter has been received from Richard Williams to name the road of his subdivision up off of South Hill Road Southern Pines Lane.
- B. **MOTION by Bruce Schmidt and seconded by Doug Ficken to approve the name Southern Pines Lane for the Williams subdivision road off of South Hill Road. Motion passed unanimously.**

#### **12. Department Head Reports**

- A. Howard Barton advised that all reports are in.
- B. Fire Department
- i. Bruce Schmidt asked how much longer the truck would be out.
  - ii. Brett Sanderson said it should be back within the next 2 weeks. They are repainting it under warranty and putting it back together with newer technology.
  - iii. Howard Barton asked how the department made out with the auction.
  - iv. Brett Sanderson said \$55,800 and money is still coming in.
  - v. Frank Heald said there was a stellar crowd there at 8:30 a.m. and it was a great day.

#### **13. Other Business**

- A. VTEL
- i. Frank Heald said that he has been working on an agreement with VTEL for this building and should have more information for the next meeting.
- B. Taxes
- i. Frank Heald said that Ulla Cook reported that 90% of the 1<sup>st</sup> quarter taxes have come in. On the delinquent side, 1.6% is still out and most of that is made up of 5 or 6 properties.
- C. Irene Projects
- i. Frank Heald said that they have repaid \$1,000,000 of the \$1,500,000 borrowed from Mascoma. He met with the auditor a week ago and they will be in on October 9 or 10<sup>th</sup>. They have to decide how to account for Irene. The projects on the flood control dams were completed on Friday.
- D. Municipal Transit System
- i. Brett Sanderson asked if the busses have set routes or can they go out of their way for pickups.
  - ii. Frank Heald said there have been issues, but they have set spoke routes and are arranged around school schedules.
  - iii. Brett Sanderson said that the bus has been waiting at the Tech Center in Springfield and go off the main route. Parents go in and pick up kids. This has happened on more than one occasion.
  - iv. Frank Heald said he would check into it. He said that going back and forth between Ludlow and Springfield it is okay to pick up along the route in designated locations.

#### **14. Sign Warrant Orders**

- A. Warrant orders have been signed.

#### **15. Set Date for Next Meeting**

- A. Howard Barton advised that the next regular meeting would be October 1, 2012 at 7:00 p.m.

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

- A. Frank Heald advised that an Executive session is needed.

- B. **MOTION by Brett Sanderson and seconded by Bruce Schmidt to enter into Executive Session. Motion passed unanimously.**
- C. Board entered into Executive Session at 7:51 p.m.
- D. No action taken.

**17. Adjourn**

- A. **MOTION by Doug Ficken and seconded by Bruce Schmidt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Lisha Klaiber

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Howard Barton, Jr., Chairman

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Brett Sanderson

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Doug Ficken

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Bruce Schmidt

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John Neal