



was standing room only. Rosemary said she hopes there is good attendance and the Planning Commission will bring their comments to the Select Board for a Public Hearing.

7. Earl Washburn said this is a band aide with major surgery to follow.
8. Alan Couch said the town voted on this issue five years ago so this will allow for new comments.
9. Scott Murphy said he just wanted a clarification of the process, which is to close the hearing and approve or deny, but no decision tonight means the interim zoning is still in place.
10. Rosemary Goings said yes.
11. David Rose asked if there were any additional comments.
12. David Rose closed the public hearing at 6:08 pm.

**PUBLIC HEARING**  
**TOWN & VILLAGE OF LUDLOW**  
**SMOKING & TOBACCO POLICY AMENDMENT**

1. Vice Chairman David Rose opened the Public Hearing to hear comments on the proposed changes to the Town & Village of Ludlow's Smoking & Tobacco Policy at 6:09 pm.
2. David Rose said this policy was adopted in 2012 and prohibits smoking and the use of smokeless tobacco within 20 feet of all Town & Village buildings and vehicles. He said the amendments would also include electronic cigarettes, vaping devices, juuls, hookahs and marijuana or the use smokeless tobacco products.
3. Pam O'Neil said she is attending this public hearing on behalf of BRACC. She said a juul is another name for a vape. She said there is an intense amount of tobacco in the vapes and they are very addictive.
4. Pam O'Neil said she appreciates that they are identifying other public parks to include.
5. David Rose wanted to clarify that Dorsey Park, Little League Field, Fletcher Farm Field, West Hill Recreation, Veteran's Memorial Park and Kesman Memorial Park are all Town parks.
6. Alan Couch said it makes perfect sense and is a good policy to have but wondered how it would be enforced.
7. Pam O'Neil asked if there is a way to specify other places when new properties are added in the Village and Town so they will not be left out.
8. David Rose said they can deal with that when new property is acquired.
9. Phil Stratman asked if this means the use of devices are only prohibited from Town & Village property?
10. David Rose said yes.
11. Earl Washburn said the changes further clarify the types of devices.
12. David Rose asked if there were any additional comments.
13. David Rose closed the public hearing at 6:15 pm.

Respectfully submitted,

Pam Cruickshank

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Robert Gilmore, Chairman

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David Rose

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Earl Washburn



6. **Consider Amending Smoking & Tobacco Policy**

- A. **MOTION by Earl Washburn and seconded by David Rose to amend the Smoking & Tobacco policy as amended. Motion passed unanimously.**

7. **Possibly Approve State Contract with Aldrich & Elliott for Wastewater Treatment Facility Upgrade**

- A. Scott Murphy advised that this project is eligible for funding from the State Clean Revolving Fund for which we must submit an application tonight. It covers up a 50% loan subsidy for up to \$100,000. This part is \$95,000 and the entire project is over \$2.8 million. To recap what we are doing:

- New influent pump with WAS and RAS pumps
- Refurbish 3 clarifiers
- Electrical upgrades
- Flood mitigation.

The portion that we are talking about tonight is the Planning Portion and we need to sign a new contract with Aldrich & Elliott and the state has to approve. We have already been approved by the state.

- B. Wayne Elliot passed around a schedule and said that meeting dates listed are a gauge for where we want to be along the project. The objective is to get this out to bid early next year and be sure to get some good, competitive bids. We will meet again in the early fall to discuss when they want to do a bond vote. The first piece of the process is for the village to use its own funds for the engineering side, but moving forward, we will use the state planning funds. There is a copy of the application in the packets and we try to complete as much as possible. We have listed Scott Murphy as representative ad contact person and Bob Gilmore as secondary/alternate. On page 2, it shows the requested loan amount of \$190,200. Page 3 gives a description of the project as it relates to this loan:

This Step II planning loan of \$190,200 includes a budget of \$167,200 for pre-design and final design engineering, \$5,000 for legal fees, \$15,000 for permitting fees, \$3,000 for asbestos/lead paint inspection. The upgrade includes: new influent pump station with RAS/WAS pumps, refurbishment of 3 secondary clarifiers, electrical upgrades and flood mitigation.

Wayne Elliot continued describing successive pages of the application including fees, town and village financial information including responsible staff members. Page 12 is the signature page to be signed by the majority of the board members, the Municipal Manager and the town clerk.

- C. **MOTION by Earl Washburn and seconded by David Rose to authorize Scott Murphy to sign documents for this project. Motion passed unanimously.**
- D. Wayne Elliot said that they sent a copy of the Engineering Agreement to the state on last Thursday, received comments back and responded to those comments by 1:00 p.m. Thursday afternoon. The state said the agreement was good for approval and to get it executed. He listed and Special Provisions – Scope of Services section of the agreement:
- i. PREDESIGN SERVICES
    - a) Field Survey
    - b) Existing Conditions Survey
    - c) Subsurface Investigation
    - d) Environmental Review – this is required by the state because the facility is in the floodway
  - ii. FINAL DESIGN SERVICES (STEP II)
    - a) Design Criteria

- b) Preparation of Final Design Plans and Specifications
  - Final design, detailed drawings, specifications and contract forms, construction bid packages.
  - New influent pump station including new 400 square foot building including all electrical equipment, controls, VFDs, including WAS and RAS pumps
  - Secondary clarifier improvements
  - Electrical Upgrades: remove 800A electrical disconnect
- c) Design shall include
  - Utilization of existing designs, maps, soil borings, to the maximum extent possible
  - Technical specifications will be supplemented with “front-end” documents to make a set of construction contract documents suitable for public bidding, which may include: 1. Advertisement for Bids, 2. Information for Bidders, 3. Bid form, 4. Contract form, 5. General and Supplemental General Conditions, 6. Special Conditions, 7. Technical Specifications
  - For the 30%, 60% and 90% design review, a draft set of blueprints of the drawings, specifications and contract documents shall be provided, including: 2 copies and PDF copy for the owner; 1 copy and PDF copy for review agencies.
  - For final design plans, additional 2 copies and PDF to FED.
- d) Engineer’s Opinion of Probable Construction Costs to owner and agencies
- e) Preparation of Construction Phase Schedule
  - Execution of Notice to proceed
  - Field work commencement
  - Field work seasonal stoppage/start-up (if applicable)
  - Substantial and/or Final Completion of work
- f) Design Meetings
  - 30% review meeting
  - 60% review meeting
  - 90% review meeting
- iii. Special Services
  - a) Permitting Assistance
  - b) Vermont Act 250 Permit
  - c) Department of Public Safety
  - d) Vermont General Storm water Runoff Permit for small construction sites assistance
  - e) Asbestos/Lead Paint Coordination
  - f) Village Site Plan Approval
  - g) Meetings and Public Hearings
- iv. Additional Services will be provided only when agreed upon by owner and engineer for compensation and time
  - a) Permitting beyond that specified above
  - b) Permit fees
  - c) Property and/or boundary disputes
  - d) Asbestos and lead paint inspections
  - e) Redesigns ordered by the owner or regulatory agencies after final design plans have been reviewed and accepted

- f) Assistance to the owner on matters of land acquisition, litigation or arbitration in regard to this project.
- E. Wayne Elliot said that basically, from now to February we will be working on getting permits and documents for the bid packages. There will be 3 formal meetings with the village and state and progress meetings. We have 7 to 8 engineers plus consultants working on this.
- F. Rose Goings asked if they had met with ANR regarding Flood Hazard permits.
- G. Wayne Elliot said that will be covered at local permitting. New structures must be designed to maintain operation at the 25 year flood level and have flood protection at the 100 year flood level. They will also try to do some mitigation of the existing control building because the finished floor is below the 100 year flood level. They may put in flood gates.
- H. David Rose asked about Act 250.
- I. Wayne Elliot said he is not sure yet. They have requested a list of the determinators, but haven't received a response. He doesn't know about pre-existing amendments.
- J. Rose Goings said she hasn't seen any.
- K. Wayne Elliot said if there is one, they are usually pretty straightforward and we are not increasing the capacity.
- L. David Rose asked if they should do the bond vote in the fall.
- M. Wayne Elliot said yes. The trustees don't need to decide that now and can wait until after Labor Day. Doing it in October or November will not delay anything. The board should start to consider if they want to contribute from their capital funds and how much.

**NOTE: David Rose suggested that Item #11 be addressed next. Board agreed. Minutes are in order of the agenda.**

8. **Consider Cost Sharing for the Drain Pipe Replacement at High Street/Cemetery**

- A. Scott Murphy noted that there was no representative from the Cemetery Commission present. He said that there was a problem with the drain pipe and it had flooded the house next door, from a blockage coming from the cemetery. They did file claims with VLCT. Frank Heald had received bids to pipe-burst the line (expand the pipe without digging everything up.) The Cemetery Commissioners thought the bids were too high. The second thought is to dig a trench and lay new pipe, running across the Cemetery Road down to the road and tie in. There is a failed DI at the bottom. This would help us re-do that failed drainage system down at the bottom and alleviate any future problems with the neighbors' property because we would then fill that former pipe down there and end our responsibility. The neighbor will still have a problem in the future because the whole topography of the land funnels down that way. The lowest bid was from Adams with \$24,800 to dig the trench and lay the pipe, tie in and fix the drainage inlet at the bottom. The Cemetery Commission has asked for a contribution from the Trustees to financially support the project because it would help the Village drainage system problem at the bottom.
- B. David Rose asked if the estimate from Prescott is for the parts and pieces for the catch basin.
- C. Scott Murphy said yes. The items have already been purchased.
- D. Chuck Craig said they are for 2 of the 3.
- E. David Rose asked if these are the parts and pieces that the Village would be buying. He asked the Cemetery Commission would pay for the above catch basin. He asked where the \$24,800 gets the pipe to.
- F. Scott Murphy said it is the whole project.
- G. David Rose asked – all the way across High Street. He asked if they have a breakout of the cost to go across the street and put in the catch basin. He added that the Cemetery Commission has a pretty good budget.

- H. Scott Murphy said he believes that it is understood that the project would go across the street to replace the catch basin over there.
- I. Chuck Craig said there's a catch basin there with a large grate, but it's an old brick structure that is due to fail.
- J. David Rose asked what size the pipe will be crossing the street.
- K. Chuck Craig said 12".
- L. David Rose asked if that is enough to hold the water.
- M. Chuck Craig said he's not sure, but the existing one is 8".
- N. Scott Murphy said that they didn't break out the costs, but did list what the project covers:
- Cut asphalt in roadway and remove
  - Install catch basins
  - Take backfill and compact
  - Install new drain line
  - Dig, backfill and compact around pipe and trench
  - Haul away excess material
  - Haul in gravel for around pipe
  - Install new drain-line across High Street
  - Connect new catch basin into existing basin across High Street
  - Pave, patch High Street and pave over new drain line
  - Fill in old drain line with flow-able fill
- O. David Rose said from what Chuck Craig says, we want to replace the catch basin that they are going to tie into across the street and that's not in the quote.
- P. Scott Murphy said apparently not.
- Q. David Rose said that his thought is that he doesn't mind putting in money to fix the failed catch basin across the street, but not toward the cemetery pipe up the hill. He doesn't know what the break out would be.
- R. Scott Murphy said he would take a percentage of the cost of the project – about 1/8<sup>th</sup> - \$3,200.
- S. David Rose said he would be okay with \$3,200.
- T. Earl Washburn said he does not see that either and asked where the pipe would be.
- U. David Rose explained.
- V. **MOTION by Earl Washburn and seconded by David Rose to pay up to \$3,200 for the Cemetery Drain Pipe project. Motion passed unanimously.**

9. **Consider Pond Street Manhole & Sewer Replacement**

- A. Scott Murphy advised that there was an issue on Pond Street in front of Killarney's. He said that Chuck Craig did a great job, working with Ron Tarbell to dig it up and fix it.
- B. David Rose asked if it was a water break.
- C. Scott Murphy said it was. He said that while they had the street open, Chuck Craig suggested that they replace the manhole because of the condition that it is in. He said that a lot of force (water) comes down off Okemo Access Road, especially during peak season. It has failed at least once in the past. He said there's a jog down below that goes from one manhole to the other, so that doesn't help the flow off the mountain. Chuck Craig thought that, while the street was open, it would be a great time to replace the manhole and line to eliminate the jog and put in a new manhole.
- D. Chuck Craig said, basically, there's a misalignment and when they brought the new 15" sewer line up to Pond Street, they went a little too far and created a dog-leg effect to the 8" line coming down the access road and the upper manhole surcharges at high flows, like a whirlpool. It doesn't get

- down through quick enough. He said he thinks it will fail again at some point with all the new development on the mountain.
- E. David Rose said that last winter, they flow tested at peak time and he thought we proved that the line had the hydraulic capacity to do that. Then we did a capital improvement plan and that project was part of a large project scheduled for 2025.
- F. Chuck Craig said he does not remember 2025.
- G. David Rose said it's in the Capital Improvement Plan. He asked if it has gotten worse since last winter.
- H. Chuck Craig said no. He said what brought it to his attention was the paving project that's going to go on shortly. He said he thought we could sneak this in before the newly paved road.
- I. David Rose questioned \$30,000 to move one manhole backward?
- J. Chuck Craig said 2 manhole and 60 feet of pipe.
- K. David Rose said that there was some engineering done for the bottom of the access road and does this do what they wanted to do.
- L. Chuck Craig said yes.
- M. David Rose said he thought we were going to change the alignment and go up the access road and not go across the parking lot. He said he hasn't seen the plans in a few years.
- N. Chuck Craig said no. What they had proposed was basically that short 60 foot section. They would move the one manhole down about 60 feet and replace it to straighten out that crook.
- O. Earl Washburn asked if it comes to an "L".
- P. Chuck Craig said it has some sharp angles. Right now it comes across Killarney's parking lot to the manhole, then takes an awful left for about 20 feet, then takes an awful right going down Pond Street. He added that the size of the pipe changes in between from 8" to 15".
- Q. Scott Murphy said with the paving project coming, we thought this was an opportunity to fix this problem. He said that Chuck Craig feels that it is okay for now. We asked M&M for a quick estimate for that work and asked how quickly they could get it done before the pavers come. At first, the pavers said they would be here Thursday, but now they say Monday, July 9<sup>th</sup>. Regardless of where they are in the paving process, we would be able to ask them to leave a gap of 100 yards undone and when they return to do the streets in the town and village, they could finish this. It would be the same paving crew.
- R. David Rose said \$30,000 estimate says that actual costs may vary. Could it get to \$60,000 or \$70,000?
- S. Scott Murphy said that usually when they say price; it will be within percentage points of that. They didn't want to lock in to \$30,000, have it come out to \$31,500 and have to eat the \$1,500. We were under the gun at that point and asked them to provide an estimate as soon as possible. He thanked David Rose for reminding us that we had a file on the High Street project that we were able to give them to help prepare the estimate.
- T. David Rose said he does not like open-ended cost because it may vary.
- U. Earl Washburn said he understands that it was a quick estimate.
- V. Scott Murphy said the board could set a limit not to exceed – say \$35,000.
- W. Earl Washburn said he likes the philosophy to get it done before the paving.
- X. **MOTION by Earl Washburn and seconded by David Rose to approve the Pond Street Manhole & Sewer Replacement not to exceed \$34,000. Motion passed unanimously.**

10. **Consider Moving 1st Quarter Tax Payment Due Date to September 15th**

- A. Scott Murphy advised that this is needed because the state did provide the new tax rates. He said that he and Ulla Cook will meet on Thursday to discuss the year-end financials. The Select Board will meet on Friday, July 06, 2018 at 8:00 A.M. to set the town rate. He asked if the board would be able to meet at 8:30 A.M. to set the village rate.
- B. David Rose asked the state rates.

- C. Scott Murphy said the Residential rate went from 1.7424 last year down to 1.6741 for this coming fiscal year. He said the Non-Residential rate went from 1.5710 last year up to 1.6353 for this coming year.
- D. Trustees will meet at 8:30 A.M. on Friday, July 06, 2018 to set the Village tax rate.

11. **Possibly Approve Changes for Zoning Fees**

- A. Rose Goings explained that she has proposed 2 changes to the Village zoning fees.
  - The permit fee for Residences be changed from \$150.00 per unit, plus \$0.05/square foot to \$150.00 per unit, plus \$0.10/per square foot. This will make it the same as the town rate.
  - Increase the public hearing fee for Appeals of Zoning Administrator from \$150 to \$300. This would make those hearing fees the same as other hearing fees (\$300) and would help cover the hearing costs that include: advertisement costs of \$156, certified mailing to abutters and interested party fees of \$6.70 each, DRB members fees, and office fees.
- B. David Rose asked if a house came down or burned down, would the property owner get credit if they wanted to rebuild.
- C. Rose Goings said yes, for the square footage. We compare the square footage of the new house with what is on the listers' cards (including decks.) They pay only for the square footage they add.
- D. **MOTION by Earl Washburn and seconded by David Rose to approve the proposed increases in zoning fees for the Village. Motion passed unanimously.**

12. **Update on Bridge Street Project**

- A. Scott Murphy advised that the project has not moved forward and we had hoped that it would have been done by now. The bids were awarded on May 1, 2018 and Gurney was the low bidder. They have been non-responsive and failed to meet the deadlines. They are over-extended. He said that he spoke to them yesterday and was told that the crew that will do our project will be in Cavendish next week and should be here by August 1<sup>st</sup>. Our issue is the paving. Fuller is scheduled to pave in late August/early September. The Water Commissioners have asked him to tell Gurney to start the project by August 1<sup>st</sup> or forfeit the contract. There was a \$61,000 difference from the low bid to the next bid.
- B. David Rose said there is \$32,000 difference in the sewer cost and that will make up for the work on Pond Street. He asked Scott Murphy to call Gurney and give them the ultimatum.
- C. Scott Murphy said he will keep the board advised.

13. **Possibly Award Village Paving Contract**

- A. Scott Murphy advised that Fuller was the low bidder for both the Town and Village. The Select Board approved them last night. The Village project includes work on Bridge Street and Andover Street at \$66/ton. We have worked with them before and are very comfortable with them.
- B. **MOTION by David Rose and seconded by Earl Washburn to award the Village paving bid to Fuller for \$66/ton. Motion passed unanimously.**

14. **Municipal Manager Updates**

- A. Coolidge Solar EMS Meeting
  - i. Scott Murphy advised that our EMS personnel had met with Coolidge Solar personnel to walk through the procedure if there were a problem. The meeting went well and we got some good information. They told us that they expect to reach peak staffing – 180 people – by mid to late August through September. They expect to finish by December 1, 2018 and are aware that winter comes early here. They generously allowed us to use Stearn’s Pit for parking for the 4<sup>th</sup>.
- B. Fourth of July
  - i. Scott Murphy advised that 4<sup>th</sup> of July activities at West Hill would include games, a band, food vendors and fireworks. There will be buses from Stearn’s Pit to West Hill.
- C. AEDs at Town Hall
  - i. Scott Murphy advised that 2 AEDs were installed at Town Hall, one on the first and one on the second floors.
- D. Paving on Main Street will begin on July 9<sup>th</sup>.
- E. VLCT Ergonomics Representative
  - i. Scott Murphy advised that a representative from VLCT who specializes in Ergonomics came to town hall and reviewed staff practices. He gave a lot of helpful suggestions on how to improve posture and working habits.

15. **Other Business**

- A. Sewer Abatement Update
  - i. David Rose said that at their June meeting, a request had been made for sewer abatement by John Wheaton. He asked if the bill had been paid.
  - ii. Scott Murphy said that Mr. Wheaton had been notified the decision, but he does not know if the bill had been paid.
- B. Treatment Plant
  - i. David Rose asked how things are going at the treatment plant.
  - ii. Chuck Craig said the clarifier has been fixed and everything is going on summer schedule.
- C. Whistle-Blower/Conflict of Interest Policy
  - i. Earl Washburn asked if there are Whistle-Blower or Conflict of Interest policies.
  - ii. Scott Murphy advised that there is a Conflict of Interest policy, and he believes there is also a Whistle Blower policy, but he is not sure. He will check and get back to the board.

16. **Possibly Approve Main Street Sidewalk Replacement Contract**

- A. Scott Murphy advised that pavers by the Mill have failed and walking there is treacherous. He contacted DeGrasse Cement and they will start the sidewalk on July 9<sup>th</sup>. The cost is \$9,000. He added that the Legion has started its project and we asked DeGrasse for a quote to do the sidewalk by the Legion. It was \$1,580. He said that they will split the costs with the \$1,580 and \$4,500 for the FY 2019. He said that he also noted that there is a spot on the sidewalk by Cumberland Farms that is also not good. The area is larger than the area by the legion and Scott Murphy said that he estimates the cost for that would be about \$1,800. He would like to have that stretch done.
- B. David Rose said they would approve the \$9,000 and \$1,580, but would wait on the quote for the area by Cumberland Farms.
- C. Scott Murphy said if the board approves the \$9,000 for the Mill sidewalk, and have the other two are done separately, he is authorized to sign on purchases up to \$3,000 and can do the Legion and Cumberland Farms on separate purchase orders.
- D. **MOTION by Earl Washburn and seconded by David Rose to approve the \$9,000 for the repair of the sidewalk by the Mill. Motion passed unanimously.**

- E. David Rose asked how the Village is doing, financially for the end of FY 2018.
- F. Scott Murphy said they are in good shape.
- G. David Rose asked if they may have more money for sidewalks.
- H. Scott Murphy said the fiscal year has ended.

17. **Set Date for Next Meeting**

- A. Next regular meeting is scheduled for August 7, 2018 at 6:00 p.m.

18. **Possible Agenda Items for Next Meeting**

- A. **Consider Adopting Public Records Policy & Request Form**
  - i. Scott Murphy said that the Select Board approved this last night and the information will be in the Trustees' packets for next month.
- B. **Approve Wage Increases for Union & Non-Union Employees**
  - i. Scott Murphy said there will be an Executive Session next month to discuss and approve wage increases.

19. **Sign Warrant Orders**

- A. Warrant Orders were signed.

20. **Possible Executive Session/Personnel/Contracts**

- A. Scott Murphy advised that this is not needed.

21. **Adjourn**

- A. **MOTION by Earl Washburn and seconded by David Rose to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:05 p.m.

Respectfully submitted,

Lisha Klaiber

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Robert Gilmore, Chairman

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David Rose

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Earl Washburn