

**VILLAGE OF LUDLOW
BOARD OF TRUSTEES**

REGULAR MEETING

6:00 PM

Tuesday May 1, 2012

BOARD MEMBERS PRESENT:

Bob Gilmore, Chairman

Jim Fuller

David Rose

STAFF:

Frank Heald

OTHERS PRESENT:

Andy Becker

Richard King

Michelle Stinson – LPCTV

Phil Dunwoody

Brigit Sullivan

1. **Call to Order**

A. Chairman, Bob Gilmore, called the meeting to order at 6:00 p.m., all members present.

2. **Approve Minutes from Previous Meetings**

A. Bob Gilmore advised the minutes to be approved are from the regular meeting of April 3, 2012.

B. **MOTION by David Rose and seconded by Jim Fuller to approve minutes from the meeting of April 3, 2012 as submitted. Motion passed unanimously.**

3. **Comments From Citizens**

A. **Traffic on High Street**

- i. Phil Dunwoody recalled that at their last meeting, he had asked the board to have Police Chief Billings look into the traffic and speeds on High Street.
- ii. Frank Heald advised that a speed recorder had been put by Phil Dunwoody's house.
- iii. Phil Dunwoody said that the recorder was placed only 2 pole sections away from the stop sign and people were already slowing down. He suggested that they move it further up the road for better data.

B. **Possible "Head Shop" Ordinance**

- i. Bob Gilmore introduced Police Sergeant Rick King.
- ii. Rick King advised that there have been disturbing trends in Vermont with new head shops locating in Springfield, Rutland and Ascutney. These "tobacco" shops sell drug related paraphernalia and he is recommending a preemptive ordinance prohibiting such establishments within 500 feet of public parks and schools. He would like to see this to prevent this exposure to children. He urges the board to act quickly.
- iii. Phil Dunwoody asked Rick King if he had a sample ordinance.
- iv. Rick King said he has already given one to Frank Heald.
- v. Bob Gilmore said that the Village Commercial district bans adult book stores but does not address tobacco or paraphernalia.
- vi. Bob Gilmore said that this board would need to warn a public hearing for such an ordinance.
- vii. Frank Heald suggested that he discuss this with the town attorney, Sergeant King and Ms. Sullivan. He is not sure at this point whether this should be a Zoning Regulation or General Ordinance. There is more ability for penalties with an ordinance. He will move rapidly on this.

- viii. Bob Gilmore advised that there is consensus among board members to move quickly and be proactive on this.

4. **Sewer Allocation Request**

A. **Jeffrey and Laura Mazurek**

- i. Property address is 74 Ponus Road
ii. David Rose advised that this is a request for a sewer allocation for one additional bedroom to a single family dwelling with 3 existing bedrooms. Loran Greenslet has approved this request.
(1) Allocation fee – 1 bedroom @ \$780.00/bedroom = \$780.00
iii. **MOTION by David Rose and seconded by Jim Fuller to approve this application for 1 additional bedroom @ \$780 per bedroom for a total of \$780.00. Motion passed unanimously.**

B. **Black Cherry Realty Trust**

- i. Property address is 75 Black Cherry Lane (Solitude Lot S-3)
ii. David Rose advised that this is a request for a sewer allocation for one additional bedroom to a single family dwelling with 6 existing bedrooms. Loran Greenslet has approved this request.
(1) Allocation fee – 1 bedroom @ \$780.00/bedroom = \$780.00
iii. **MOTION by Jim Fuller and seconded by David Rose to approve this application for 1 additional bedroom @ \$780 per bedroom for a total of \$780.00. Motion passed unanimously.**

C. **Frances D'Agostino**

- i. Property address is 845 Solitude Road (Day Lodge #8)
ii. David Rose advised that this is a request for a sewer allocation for one additional bedroom to a single family dwelling with 2 existing bedrooms. Loran Greenslet has approved this request.
(1) Allocation fee – 1 bedroom @ \$780.00/bedroom = \$780.00
iii. **MOTION by Jim Fuller and seconded by David Rose to approve this application for 1 additional bedroom @ \$780 per bedroom for a total of \$780.00. Motion passed unanimously.**

5. **Open Waste Sludge Disposal Contractor RFP**

- A. Bob Gilmore advised that bids were sent out, but there was only one response from Casella. Casella has been our contractor in the past.
The bid is for \$.139/gallon based on a minimum 500,000 gallons, and not including sludge tax of \$.02.
B. Jim Fuller asked what the current rates are.
C. **MOTION by David Rose and seconded by Jim Fuller to accept the bid and award the contract to Casella.**
D. Frank Heald said probably the same.
E. Phil Dunwoody said he would like to know the current rate.
F. Frank Heald said he would get it to Phil Dunwoody in the morning.
G. Bob Gilmore said that the board had contemplated purchasing expensive equipment, but decided to have the sludge hauled.
H. Phil Dunwoody asked how much sludge there is.
I. Frank Heald said 500,000 to 550,000 gallons per year.
J. **Motion passed unanimously.**

6. **Consider and Approve Policies**

A. **Fraud Prevention**

- i. Frank Heald advised that the board had discussed this at previous meetings. He said that the State and VLCT are interested in having towns adopt these policies because of the recent events in the state. This policy has been discussed at an open meeting session with the employees. It describes what constitutes fraud and provides for a reporting process for suspected fraud. The first report of a fraudulent situation will go to the Municipal Manager. If it is the Manager that is suspect, the report will go directly to the chair of the appropriate board. The Select Board and the Water Commissioners have signed off on this policy. The policy is in place and he recommends that this board also adopt the policy.
ii. **MOTION by David Rose and seconded by Jim Fuller to approve and adopt this policy. Motion passed unanimously.**

B. Smoking & Tobacco

- i. Frank Heald advised that this policy was prompted by the fire at the Senior Center that was due to people smoking outside the building and using an improper disposal container. We have created a fairly simple policy that prohibits smoking or use of smokeless tobacco products within 20 of all town and village buildings and also prohibited within Dorsey Park, the Little League Field and the Athletic Fields at the Fletcher Farm Complex. The Select Board and Water Commissioners have signed off on this policy and the policy is in place. He recommends that this board also execute this policy.
- ii. Jim Fuller asked about the High School property.
- iii. Frank Heald said that the town does not control school properties.
- iv. **MOTION by David Rose and seconded by Jim Fuller to approve and adopt this policy. Motion passed unanimously.**

7. Discuss Junkyard Ordinance Enforcement

- A. Bob Gilmore advised that the Village currently has a good ordinance whereby a resident of the Village must send a complaint in writing to the Municipal Manager to start the process. The Municipal Manager will contact the owner of the property in question and try to come to an equitable agreement for cleaning up the property. If the property owner fails to comply, then a letter is sent giving that person 30 days to comply before penalties are issued.
- B. Phil Dunwoody asked what the penalties are.
- C. Frank Heald said \$500 per day.
- D. Jim Fuller asked Frank Heald if they have ever collected.
- E. Frank Heald said no. They have always settled the issues before the penalties are imposed. He said that it is not the Municipal Manager's responsibility to ride around and look at properties. When people call, he asks them to send in a written, signed complaint. He then writes a letter to the property owner. He has only taken on to court, but it was settled before it was adjudicated. There is one property on Andover Street that has not provided a plan for correcting the issues. It is time to take that property to the next phase. If a complaint is lodge tonight, he will attempt to resolve it informally by the next meeting. If he does not have success in resolving the issues by the next meeting, he will send a 30-day warning to clean up the property.
- F. Bob Gilmore said that he is formally lodging a complaint against the Rogers property on Mill Street.
- G. Phil Dunwoody mentioned the property across from LaValleys.
- H. Frank Heald said that property is not in the Village.
- I. Bob Gilmore said Phil Dunwoody would have to go to the Select Board for that property.
- J. Phil Dunwoody said that if we have an ordinance, why it takes a letter from a resident to make a complaint to ask that the ordinance be enforced.
- K. Frank Heald said that "beauty is in the eye of the beholder."
- L. Phil Dunwoody asked if the ordinance has set standards and does the parcel create a public hazard.
- M. Bob Gilmore said that he agrees with Frank Heald and the ordinance allows some leeway. It is subjective and a complaint needs to be registered by a resident. Frank Heald is not out there to be a policeman.
- N. Phil Dunwoody said they are asking a resident to be a policeman and it is not right. If we have an ordinance, we should enforce it. We as a community have established an ordinance with standards and to ask a resident to make a complaint in writing is unreasonable.
- O. Bob Gilmore said that he is making a complaint. We try to resolve the issue first without a letter from the Municipal manager. It has worked in the past. We give some leeway to work it out.
- P. Phil Dunwoody said that it should not fall upon an individual resident to make a complaint.
- Q. Bob Gilmore said that people have come to him about this particular property.
- R. David Rose said that if he has a problem with a property, he would try to talk to the owner, but if that did not work, he would send in a complaint.
- S. Phil Dunwoody said that some people may not want to go on record as making a complaint. We should enforce our ordinance without having to have a resident write and sign a letter.
- T. Bob Gilmore said we will continue to handle the problems this way. As an elected official, he is often called on to bring issues like this to the floor.
- U. Jim Fuller asked Frank Heald how we monitor properties that have been cleaned up to make sure they don't revert.
- V. Frank Heald said that typically we do make progress, but sometimes we don't.

8. **Discuss Village Sweeper**

- A. Frank Heald indicated that we were at the end of the useful life of the sweeper and it required either significant rehabilitation or replacement. We decided to rehabilitate it and the bill was \$21,000. We need to pay that bill and currently have 3 unused funds in the budget: Equipment, Zoning Fees and Act 200. We have not used these in the past 10 years. He recommends that we take \$5,000 from each of those 3 funds and take the balance of \$6,000 from the regular budget Equipment Repair fund to pay this bill.
- B. Bob Gilmore asked if there would still be funds in those accounts.
- C. Frank Heald said yes.
- D. **MOTION by David Rose and seconded by Jim Fuller to apply \$5,000 from each of the 3 funds to payment of the bill for the rehabilitation of the sweeper. Motion passed unanimously.**

9. **Other Business**

- A. Footbridge to LaMere Square
 - i. Bob Gilmore said that he was glad to see the repairs to the footbridge to La Mere Square.
 - ii. David Rose asked who owns the bridge.
 - iii. Frank Heald said we do.

10. **Set Date for May Meeting**

- A. Meeting set for Tuesday, May 1, 2012 at 6:00 p.m.

11. **Sign Warrant Orders**

- A. Warrant orders were signed.

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

- A. Frank Heald said an Executive session is needed.
- B. **MOTION by Jim Fuller and seconded by David Rose to enter into Executive Session and invite Andy Becker to join them. Motion passed unanimously.**
- C. Board entered into Executive Session at 6:39 p.m.
- D. Out of Executive Session at 7:01 p.m.
- E. **MOTION by Jim Fuller and seconded by David Rose to authorize the chairman to sign the Manager's Employment Contract. Motion passed unanimously.**
- F.

13. **Adjourn**

- A. **MOTION to adjourn by Jim Fuller and seconded by David Rose. Motion passed unanimously.**
- B. Meeting adjourned at 7:04 p.m. p.m.

Respectfully submitted,

Lisha Klaiber

Robert Gilmore, Chairman

David Rose

Jim Fuller

