

***PRELIMINARY MINUTES***

**VILLAGE OF LUDLOW  
BOARD OF TRUSTEES**

**REGULAR MEETING**

**6:00 PM**

**HOWARD BARTON, JR. CONFERENCE ROOM**

Tuesday November 5, 2019

**BOARD MEMBERS PRESENT:**

Bob Gilmore, Chairman      David Rose      Earl Washburn

**STAFF:**

Scott Murphy

**OTHERS PRESENT:**

Francis Dwyer      Barbara Ruiss  
Margaret Ann Palmieri      Eric Chattergee – Okemo Valley TV

1. **Call to Order**

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

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

A. Scott Murphy advised that no changes are needed.

3. **Approve Minutes from Previous Meetings**

- A. David Rose advised the minutes to be approved are from the regular meeting of October 8, 2019. He noted that the date on the minutes was October 1, 2019 and should have been October 8, 2019.
- B. **MOTION by David Rose and seconded by Earl Washburn to approve minutes from the regular meeting of October 8, 2019 as corrected. Motion passed unanimously.**

4. **Comments From Citizens**

A. Barbara Ruiss thanked the board for getting the trucks off Pleasant Street.

5. **Sewer Allocation Requests**

- A. James & Cathy Kubec  
i. Property address is 86 Main Street

- ii. David Rose advised that this is a request for a change of use back to a Bed & Breakfast with 9 bedrooms with 18 guests.
  - a) Total Requirement 1,440 GPD
  - b) Current Allocation 1,080
  - c) Allocation Requested 360 GPD
  - d) 360 GPD X \$4.55) \$1,638
- iii. **MOTION by David Rose and seconded by Earl Washburn to approve this application to for additional sewer allocation fees of \$1,638.00. Motion passed unanimously.**

B. Francis & Donna Brzoza

- i. Property address is 6 Parker Avenue
- ii. David Rose advised that this is a request to add one bedroom
  - a) Allocation fee – 1 bedrooms @ \$546.00/bedroom \$546.00
- iii. **MOTION by David Rose and seconded by Earl Washburn to approve this application to add a bedroom to an existing dwelling unit with an allocation fee of \$546.00 per bedroom for a total of \$546.00. Motion passed unanimously.**

C. Jeffrey Lathrop

- i. Property address is Preedom Hill Road South – Lots 5 & 6
- ii. David Rose advised that this is a request to add a single family residence with 4 bedrooms.
  - a) Allocation fee - 4 bedrooms @ \$780.00/bedroom \$3,120.00
  - b) Hook-on fee of \$4,500.00 \$4,500.00
- iii. **MOTION by David Rose and seconded by Earl Washburn to approve this application to add a single family dwelling with 4 bedrooms @ \$780/bedroom and \$4,500 hook n fee for a total of \$7,620.00. Motion passed unanimously.**

6. **Sewer Abatement Request**

A. Frank & Donna Dwyer

- i. Property address is 18 Mill Street
- ii. Francis Dwyer advised that he purchased the property as is abutted his single family home on Main Street. He had Rockingham Land Trust look at the property and they suggested that the large building might be converted into 10 units and 5 to 6 2-family duplexes. Irene totally flooded the building. He received information from Rebecca Pfeiffer (ANS) and Morris Root (Engineer.) The land trust made a very low offer for the property. He shut down the water and sewer through this date.
- iii. Bob Gilmore asked if he kept being billed.
- iv. Frank Dwyer said yes and that he has paid the bill. He appealed to Frank Heald and they settled a repayment plan in 2010 and he paid.
- v. Bob Gilmore said that the amount in arrears for water and sewer is \$1,432.23.
- vi. Scott Murphy said that interest and penalties amounts to \$1,142.82. He said that the total owed, adding the services, penalties and interest is \$2,255.33
- vii. Frank Dwyer said he is not abandoning the property.
- viii. David Rose said that at their meeting, the Water Commissioners decided to drop the interest and penalties if he paid the \$1,238.05 for the back water charges. He added that Mr. Dwyer could drop the sewer allocation if he wanted to. If, at some later date, he wanted to, he could come back and request new allocation.
- ix. Frank Dwyer said he is considering organic farming on the property and would need water for the plants.

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- x. Scott Murphy said that if Mr. Dwyer pays the \$1,432.23 now, they will make the penalties and interest fees, totaling \$1,142.85. This will make him current.
  - xi. Frank Dwyer asked what his responsibility would then be.
  - xii. David Rose said he would be current. He said he can't do housing and not sure if he can develop the property.
  - xiii. Bob Gilmore said he can't speak for what the FEMA regulations are.
  - xiv. Frank Dwyer said that he spoke to Rose Goings and thought she said that the barn is considered to be abandoned and that they should knock down the mill building.
  - xv. Bob Gilmore said that Mr. Dwyer has to decide to either agree to the terms or have to pay the interest and penalties.
  - xvi. David Rose said that there are other properties that have sewer allocations with no houses. The water is off at the building on Mill Street, but the sewer allocation is still there. Mr. Dwyer can drop the sewer allocation, but would still have to pay what he owes.
  - xvii. Scott Murphy said it doesn't make sense to lose the allocation now.
  - xviii. Bob Gilmore recommended dropping the sewer allocation now and if, in 2 or 3 years, needs it, the plant will still have the capacity to serve.
  - xix. David Rose said that this board has offered to drop the penalties and interest.
  - xx. Earl Washburn said this board has been consistent with how it handles these situations.
  - xxi. Frank Dwyer said he would like to speak to his wife and asked if he could let the board know his decision on Monday.
  - xxii. David Rose said Frank Dwyer could speak to Scott Murphy.
  - xxiii. **MOTION by David Rose and seconded by Earl Washburn to drop the penalties and interest if Frank Dwyer pays the current sewer bill. Motion passed unanimously.**
  - xxiv. Scott Murphy said that if Frank Dwyer wants to drop the sewer allocation, to please send him a note.

7. **Possibly Approve Christmas Party**

- A. Bob Gilmore said that the Select Board received 3 bids: Sam's, La Tavola and Mangiamo's. Mangiamo's was the low bidder and the Select Board voted to accept their quote.
- B. **MOTION by David Rose and seconded by Earl Washburn to accept the quote from Mangiamo's for the town Christmas Party. Motion passed unanimously.**

8. **Discuss Possible Amendment to "Vacant & Dangerous Buildings" Ordinance to Include Demo Removal**

- A. Scott Murphy advised that the existing ordinance does not address demolition. The rubble is still at the Stone House. A member suggested adding a demolition piece to the ordinance. If the board would like to add this, he will come back to you with a draft.
- B. Earl Washburn asked if it would include penalties.
- C. David Rose said that we need more than what we currently have in the ordinance.
- D. There was a consensus among board members to include demolition in the ordinance.
- E. Scott Murphy said he will bring back a draft for the board.

9. **Auditor's Determination RE: Electric Light Department**

- A. Scott Murphy advised that the auditors prepared a preliminary draft and will finalize it soon. In the process of doing the Village audit, they looked back at the Electric Department. They are considered whether it should be regarded as a Component Unit or Enterprise Fund. We have always looked at it as an Enterprise Fund. If it is a Component Unit, where is the management responsibility. The Trustees may be liable for the management of the Electric Department. We will talk more about this next month. We may need to talk to the town attorney and have him look at the Articles of Incorporation. If something happens, are the trustees liable.
- B. Earl Washburn agreed that they should have the town attorney look at the charter and the Articles of Incorporation. He said that in 1986, they did look into this when they were discussing a merger of the town and village. The trustees may be liable.
- C. David Rose agreed that the attorney should look into this.
- D. Scott Murphy asked who appoints the board.
- E. Earl Washburn said they make recommendations and we appoint them

10. **Set FY 2021 Budget Workshop Dates**

- A. Scott Murphy said the Select Board will hold its first budget workshop on November 18<sup>th</sup>.
- B. David Rose said the trustees are 3 weeks behind the Select Board.

11. **Municipal Manager Updates**

- A. **Tractor Trailer Ordinance**
  - i. Scott Murphy said that the ordinance goes into effect tomorrow. He said that the bollard had been knocked down and the Jersey barrier had been dragged 2 miles down Route 103. They will post signs and start enforcement. He will also try to contact the GPS services for the truckers to advise them of the route change.
  - ii. Bob Gilmore asked about police coverage.
  - iii. Scott Murphy said they are very much involved.

12. **Other Business**

- A. **Stone House Rubble**
  - i. David Rose asked about the rubble.
  - ii. Scott Murphy said that they have not heard anything more from the state. He said that the neighbors made an offer, but nothing has come of it.
- B. **Commonwealth Avenue Sewer**
  - i. David Rose asked about the project.
  - ii. Scott Murphy said that it's done and they will pave tomorrow. They will start Main Street next.
- C. **Waste Water Treatment Facility Project**
  - i. David Rose asked about the project.
  - ii. Scott Murphy said that the project is moving well. They have poured the walls.
- D. **West Hill Dam**
  - i. David Rose asked about the coring at the dam.

- ii. Scott Murphy said they will be doing all of the dams and the state is paying. He said that at some point it will be the town's responsibility for up to \$300,000. This part is at no cost to the town.

13. **Set Date for Next Meeting**

- A. Reminder: November 8 at 1:00 p.m. – Dedication of Substation to Howard Barton, Jr.
- B. Meeting set for Tuesday, December 3, 2019 at 6:00 p.m.

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

- A. Scott Murphy advised that they will have the public hearing for the Municipal Plan.

15. **Sign Warrant Orders**

- A. Warrant orders were signed.

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

- A. David Rose said a brief executive session for personnel is needed.
- B. **MOTION by Earl Washburn and seconded by David Rose to enter into executive session. Motion passed unanimously.**
- C. Board entered into executive session at 6:45 pm.
- D. The Trustees exited executive session at 6:50 pm.
- E. No action was taken

17. **Adjourn**

- A. Meeting adjourned at 7:00 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